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

Thursday, May 8, 2025 | **6:00 PM** | **2nd Floor, City Hall**

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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**

   25-00339 ROSS KOLDITZ, CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

3. **ROLL CALL**
4. **WORKSHOP**
5. **APPROVAL OF MINUTES**

25-001188 APRIL 24, 2025 REGULAR MEETING

6. CHANGES TO THE AGENDA

7. PRESENTATIONS & AWARDS

25-00403 PROCLAMATION - NATIONAL POPPY DAY - MAY 17, 2025; RECIPIENTS NOELLE HAMILTON & SANDIE ST. ONGE, LONGVIEW AMERICAN LEGION AUXILIARY UNIT 155

25-00413 PROCLAMATION - MENTAL HEALTH AWARENESS MONTH - MAY 2025; RECIPIENT DREW MCDANIEL, CEO, COLUMBIA WELLNESS

25-00427 PROCLAMATION - NATIONAL POLICE WEEK MAY 11 - 17, 2025; RECIPIENT COWLITZ CHAPLAINCY

25-00369 POST 2025 LEGISLATIVE SESSION UPDATE FROM AMINA ABDALLA AND BRIAHNA MURRAY, STATE LOBBYISTS, GORDON THOMAS HONEYWELL GOVERNMENT RELATIONS

8. CONSTITUENTS' COMMENTS (Thirty Minutes)

9. PUBLIC HEARINGS

25-00407 ORDINANCE NO. 3555 - AMENDMENTS TO MULTIPLE SECTIONS WITHIN CHAPTERS 16, 17, 18, AND 19 OF LMC REMOVING SPECIFIC FEE REFERENCES AND RESOLUTION NO. 2548 - TRANSFERRING FEE REFERENCES TO COMMUNITY DEVELOPMENT MASTER FEE SCHEDULE

RECOMMENDED ACTION:
HOLD PUBLIC HEARING AND MOTION TO ADOPT ORDINANCE NO. 3555 AND RESOLUTION NO. 2548.

10. BOARD & COMMISSION RECOMMENDATIONS

11. ORDINANCES & RESOLUTIONS

12. MAYOR'S REPORT

13. COUNCILMEMBERS' REPORTS

14. CONSENT CALENDAR

25-001189 APPROVAL OF CLAIMS

25-00416 PROJECT COMPLETION – DOWNTOWN TRAFFIC SIGNAL UPGRADES

RECOMMENDED ACTION:
MOTION TO ACCEPT AS COMPLETE THE DOWNTOWN TRAFFIC SIGNAL UPGRADES

25-00417 PROJECT COMPLETION – MINT VALLEY RACQUET COMPLEX ROOF INSULATION AND VENTING

RECOMMENDED ACTION:
MOTION TO ACCEPT AS COMPLETE THE MINT VALLEY RACQUET COMPLEX ROOF INSULATION AND VENTING PROJECT

25-00414 SET PUBLIC HEARING – 2026-2031 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP)

RECOMMENDED ACTION:
MOTION TO SET THE CITY COUNCIL MEETING ON JUNE 12, 2025, AS THE DATE AND TIME FOR A PUBLIC HEARING ON THE 2026-2031 SIX-YEAR TIP/POP

25-00421 SET PUBLIC HEARING FOR AMENDMENTS TO LONGVIEW MUNICIPAL CODE CHAPTERS 19.67 SHORT SUBDIVISION AND 19.80 LONGVIEW SUBDIVISION CODES

RECOMMENDED ACTION:
MOTION TO SET A PUBLIC HEARING JUNE 12th, 2025

25-00422 SET PUBLIC HEARING FOR THE ADOPTION OF A NEW CHAPTER TO THE LONGVIEW MUNICPAL CODE, TO BE KNOWN AS CHAPTER 19.25 MULTI-UNIT OVERLAY ZONE; AMENDING THE COMPREHENSIVE PLAN MAP FOR A PORTION OF HIGHLANDS NEIGHBORHOOD FROM HIGH DENSITY TO MEDIUM DENSITY RESIDENTIAL, AND ESTABLISHING THE R-1 ZONING DESIGNATION AS THE PERMANENT UNDERLYING ZONING DESIGNATION

RECOMMENDED ACTION:
MOTION TO SET A PUBLIC HEARING JUNE 12th, 2025

25-00418 RESOLUTION NO. 2555 - INTERLOCAL AGREEMENT FOR COLUMBIA THEATRE PARKING LOT IMPROVEMENTS

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2555 APPROVING INTERLOCAL AGREEMENT FOR THE COLUMBIA THEATRE PARKING LOT IMPROVEMENTS PROJECT.

25-00384 RESOLUTION NO. 2556 - INTERLOCAL AGREEMENT WITH COWLITZ COUNTY FOR ON-CALL BUILDING INSPECTION AND CODE REVIEW SERVICES

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION 2556, INTERLOCAL AGREEMENT WITH COWLITZ COUNTY FOR ON-CALL BUILDING INSPECTION AND PLAN REVIEW SERVICES

25-00385 RESOLUTION NO. 2557 - AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT FOR LOWER COLUMBIA SWAT AND FOR LAW ENFORCEMENT MUTUAL AID BETWEEN CITY OF LONGVIEW, CITY OF KELSO, CITY OF CASTLE ROCK AND COWLITZ COUNTY

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2557 AND AUTHORIZE THE CITY MANAGER TO SIGN THE AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT

25-00426 RESOLUTION NO. 2558 - ADOPTING THE CWCOG REGIONAL COMPREHENSIVE SAFETY ACTION PLAN FOR THE METROPOLITAN PLANNING AREA

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2558 APPROVING ADOPTION OF CWCOG REGIONAL COMPREHENSIVE SAFETY ACTION PLAN FOR THE METROPOLITAN PLANNING AREA

15. CITY MANAGER'S REPORT

25-00430 COWLITZ TRIBE ACTIVE TRANSPORTATION PROJECT PLANNING CONCEPTS

RECOMMENDED ACTION:
COUNCIL CONCURRENCE ON THE BIKE LANE DESIGN AND LOCATION

25-00432 INTRODUCTION AND DISCUSSION OF SOLID WASTE AND RECYCLING RATE CHANGES FOR SECOND HALF 2025 AND 2026

RECOMMENDED ACTION:
PROVIDE FEEDBACK AND DIRECTION; IDENTIFY AREAS WHERE ADDITIONAL INFORMATION MAY BE DESIRED

25-00445 POLICE GRANT OPPORTUNITY DISCUSSION

16. MISCELLANEOUS

17. ADJOURNMENT

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

NEXT REGULAR COUNCIL MEETINGS:

THURSDAY, MAY 22, 2025 – 6:00 P.M.
THURSDAY, JUNE 12, 2025 – 6:00 P.M.

COUNCIL SUMMIT:

FRIDAY, JUNE 13, 2025 -
SATURDAY, JUNE 14, 2025 -

City of Longview

1525 Broadway
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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

Thursday, April 24, 2025 | **6:00 PM** | **2nd Floor, City Hall**

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Webinar ID: ***823 9413 2374***

1. CALL TO ORDER

Mayor Boudreau called the meeting to order at 6:01 p.m.

2. INVOCATION*/FLAG SALUTE

25-00336 COLE PRUITT, VALLEY VIEW CHURCH

After the invocation provided by Cole Pruitt of Valley View Church, the flag salute was recited.

3. ROLL CALL

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

***Staff Present**: City Manager Jennifer Wills, Interim City Attorney Maili Barber, City Clerk Tiffany Ostreim, Public Works Director/Assistant City Manager Chris Collins, Community & Economic Development Director Nick Little, Urban Forestry Manager Joanna Martin, Police Chief Robert Huhta, Human Resources Director Sabrina Fraidenburg, Fire Chief Brad Hannig, Information Technology Director Mike Sullivan, Finance Director Lisa Wolff*

4. WORKSHOP

5. APPROVAL OF MINUTES

25-001186 APRIL 10, 2024 REGULAR MEETING

A motion was made by Councilmember Kendall, seconded by Councilmember LaFave, to approve the April 10, 2024 Regular Meeting Minutes. The motion carried unanimously.

6. CHANGES TO THE AGENDA

Mayor Boudreau requested an Executive Session regarding legal risk of a current or proposed action after constituent comments.
Council concurred.

7. CONSTITUENTS' COMMENTS (Thirty Minutes)

Bill Kasch provided public comment.
Jason Still provided public comment.
Kadon Lawson provided public comment.
Curtis Hart provided public comment.
Anthony Guido provided public comment.
Tammy Loveless provided public comment.
Randy Knox provided public comment.
Kassie Katie provided public comment.
Derek Fine provided public comment.
A citizen, name unstated, provided public comment.
Mike Pederson provided public comment.
Clint Hash provided public comment.
Victoria Reeves, provided public comment.

8. EXECUTIVE SESSION

The City Council, City Manager Jennifer Wills, Interim City Attorney Maili Barber, and Public Works Director/Ast. City Manager Chris Collins entered Executive Session at 6:49 p.m. pursuant to RCW 42.30.110(1)(iii) Legal Risk of a Current or Proposed Action for a period of 10 minutes. At 7:00 p.m. all parties came out of Executive Session. No action was taken.

9. PRESENTATIONS & AWARDS

25-00408 HIGHLANDS ALLEY ADDRESS SIGNS

Community Development Program Coordination Specialist Kenny Robinson presented.
Council discussed the presentation.
Urban Forestry Manager Joanna Martin explained anti-graffiti paint.
Community Development Director Nick Little explained the posts.
City Manager Jennifer Wills explained markers on the Highlands Trail.
Karen Jones provided public comment.
Jason Still provided public comment.
Steve Ferrell provided public comment.
Council further discussed.
Public Works Director/Ast.City Manager Chris Collins commented on the posts.

Council discussed education of signage on the back of homes.
Community Development Director Nick Little explained funding was from a grant for a project in the HIghlands area that came in under budget.
Council was supportive of the pilot project.

10. PUBLIC HEARINGS

25-00379 FISCAL YEAR 2024 & 25 HOME INVESTMENT PARTNERSHIP PROGRAM ALLOCATIONS

RECOMMENDED ACTION:
1). HOLD A PUBLIC HEARING FOR FY 2024 & 2025 HOME PROGRAM GRANT ALLOCATIONS.
2). MOTION TO ALLOCATE HOME GRANT FUNDING AS FOLLOWS:

- **FROM FISCAL YEAR 2024 ALLOCATE $41,935 TO COMMUNITY HOUSE ON BROADWAY FOR TENANT BASED RENTAL ASSISTANCE. $150,000 TO FOUNDATION FOR THE CHALLENGED XIV SUPPORTIVE HOUSING.**
- **FROM FISCAL YEAR 2025: 5% OF ENTITLEMENT TO LOWER COLUMBIA CAP FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING FUNDS. THE REMAINING BALANCE TO HOSWWA FOR 5317 OCEAN BEACH HIGHWAY AFFORDABLE HOUSING PROJECT.**

Community Development Program Coordination Specialist Kenny Robinson presented.
Council discussed the presentation.
Lower Columbia CAP Housing Project Manager Gregg Bournival spoke of their shortage of funding and needing to keep staff on projects to keep moving forward.
Housing Opportunities of Southwest Washington (HOSWWA) CEO Jennifer Westerman spoke on funding requirements and the need for continued funding.

The public hearing was opened at 7:39 p.m.
Jason Still spoke in support of rental assistance.
HOSWWA CEO Jennifer Westerman spoke in support of TBRA funds.
The public hearing was closed at 7:45 p.m.

A motion was made by Councilmember Wean, seconded by Councilmember Kendall, to allocate Home Grant funding as follows: from Fiscal Year 2024 allocate $41,935 to Community House on Broadway for Tenant Based Rental Assistance. $150,000 to Foundation for the Challenged XIV Supportive Housing. From Fiscal Year 2025: 5% of entitlement to Lower Columbia CAP for Community Housing Development Organization Operating Funds. The remaining balance to HOSWWA for 5317 Ocean Beach Highway Affordable Housing project. The motion carried unanimously.

25-00388 FISCAL YEAR 2025 COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATIONS

RECOMMENDED ACTION:
1). HOLD A PUBLIC HEARING FOR FY 2025 CDBG PROGRAM GRANT ALLOCATIONS.
2). MOTION TO ALLOCATE CDBG GRANT FUNDING AS FOLLOWS:

- **$115,000 TO LOWER COLUMBIA CAP TO REPLACE WINDOWS AT SOUNDVIEW APARTMENTS.**
- **$60,000 TO COMMUNITY HOUSE ON BROADWAY RESTROOM REMODEL.**

- **$35,000 TO LONGVIEW PARKS AND RECREATION FOR SUPER SUMMERS PROGRAM.**

Community Development Program Coordination Specialist Kenny Robinson presented.
Council discussed the presentation.

The public hearing was opened at 7:51 p.m.
Michael O'Neill commented on the administrative fee.
Jason Still commented on the process.
Council discussed the time and cost of administering grant funds.
The public hearing was closed at 8:00 p.m.

A motion was made by Councilmember Kendall, seconded by Councilmember Young, to allocate CDBG Grant Funding as follows: $115,000 to Lower Columbia CAP to replace windows at Soundview Apartments. $60,000 to Community House on Broadway restroom remodel. $35,000 to Longview Parks and Recreation for Super Summers Program. The motion carried unanimously.

11. BOARD & COMMISSION RECOMMENDATIONS

12. ORDINANCES & RESOLUTIONS

13. MAYOR'S REPORT

Mayor Boudreau provided a verbal report.

14. COUNCILMEMBERS' REPORTS

Councilmember Halvorson provided a verbal report.
Councilmember Kendall provided a verbal report.
Councilmember Wean provided a verbal report.
Councilmember LaFave provided a verbal report.
Councilmember Young provided a verbal report.

15. CONSENT CALENDAR

Councilmember Kendall requested additional information on the agreements with the PFD for the Columbia Theatre and the agreement with the Port of Longview for the waterline relocation.
Public Works Director/Ast. City Manager Chris Collins explained the agreements for the Columbia Threatre are correcting legal descriptions. Once legal descriptions are corrected, the city can move forward with the parking lot improvements. The Agreement with the Port of Longview is for the Industrial Rail Corridor Expansion Project. Three waterline segments the city owns must be moved outside the rail corridor. The Port will design and manage the project; the city will pay for the locations that need to be moved.

A motion was made by Council Kendall, seconded by Councilmember LaFave to adopt the Consent Calendar as presented. The motion carried unanimously.

25-001187 APPROVAL OF CLAIMS

25-00381 RESOLUTION NO. 2554 - ACCEPTING THE 2024 ANNUAL REPORT FROM THE PDA TO COUNCIL

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2554

25-00383 RESOLUTION NO. 2552 - FIFTH AMENDMENT TO INTERLOCAL AGREEMENT WITH COWLITZ COUNTY PUBLIC FACILITIES DISTRICT REGARDING COLUMBIA THEATRE

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2552

25-00392 SECOND AMENDMENT OF LEASE WITH COWLITZ COUNTY PUBLIC FACILITIES DISTRICT REGARDING COLUMBIA THEATRE

RECOMMENDED ACTION:
MOTION TO APPROVE THE SECOND AMENDMENT OF LEASE

25-00391 AMENDMENT TO REVISED AND RESTATED AGREEMENT FOR OPERATION AND MANAGEMENT OF THE COLUMBIA THEATRE FOR THE PERFORMING ARTS

RECOMMENDED ACTION:
MOTION TO APPROVE THE AMENDMENT TO CTPA OPERATING AGREEMENT

25-00382 ORDINANCE NO. 3558 - UPDATES TO LMC 19.12 - APPEAL BOARD OF ADJUSTMENT

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3558

25-00371 RESOLUTION NO. 2551 - SURPLUS CITY PROPERTY/EQUIPMENT

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2551

25-00397 RESOLUTION NO. 2553 - INTERLOCAL AGREEMENT WITH THE PORT OF LONGVIEW FOR WATERLINE RELOCATION ASSOCIATED WITH THE INDUSTRIAL RAIL CORRIDOR EXPANSION (IRCE) PROJECT

RECOMMENDED ACTION:
MOTION TO APPROVE RESOLUTION NO. 2553

25-00389 BID REVIEW – CLONEY PARK STORM PIPE REPLACEMENT

RECOMMENDED ACTION:
MOTION TO ACCEPT THE LOW BID AND AWARD TO SWOFFORD EXCAVATING IN THE AMOUNT OF $1,288,665.51

25-00390 BID REVIEW – FISHER'S LANE 12" DISCHARGE PIPE ABANDONMENT

RECOMMENDED ACTION:
MOTION TO ACCEPT THE LOW BID AND AWARD TO HALME EXCAVATING, INC IN THE AMOUNT OF $93,722.70

16. CITY MANAGER'S REPORT

City Manager Jennifer Wills gave a verbal report.

25-00370 APPOINTMENT OF CHRISTOPHER ORTIZ TO THE APPEAL BOARD OF ADJUSTMENT

City Manager Jennifer Wills stated there was one application received.
Council concurred.

25-00386 REVIEW - REQUEST FOR PROPOSALS - OPERATION OF HOPE VILLAGE MICRO HOME COMMUNITY

RECOMMENDED ACTION:
MOTION TO DIRECT STAFF TO PUBLISH THE REQUEST FOR PROPOSALS FOR THE OPERATION OF HOPE VILLAGE

Public Works Director/Ast. City Manager Chris Collins presented. Page 9 should state the proposer will be responsible for ongoing utility costs currently $47,731 annually. The current contract expires November 15, 2025.
Council discussed the proposal.

A motion was made by Councilmember Halvorson, seconded by Mayor Boudreau, to direct staff to publish the request for proposals for the operation of Hope Village with an amendment to strike language of 1 resident per house.
Jason Still provided public comment.
Jennifer Leach provided public comment.
Randy Knox provided public comment.
Trisha Johnston provided public comment.
Michael O'Neill provided public comment.
Mayor Boudreau explained why a BHA is essential.
Trisha Rodman provided comment.
Anne Bennett provided public comment.
Chuck Hendrickson provided public comment.
Rayleen Aguirre provided public comment.
Courtney Russell provided public comment.
Council further discussed leaving it up to the experts to determine the number of residents per house.
The motion carried unanimously.

25-00387 COUNCIL RETREAT DISCUSSION

City Manager Jennifer Wills gathered input from the Council for an upcoming City Council Summit.
Council discussed the format and environment.
Council concurred Friday night, June 13 and 1/2 day or 3/4 day Saturday, June 14, 2025. Manager Wills will look at options for a facilitator and city-owned locations or locations without a cost. Department heads will be included as part of the city's leadership team.

17. MISCELLANEOUS

18. ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

Tiffany Ostreim
City Clerk

Approved:_____
Mayor

NEXT REGULAR COUNCIL MEETINGS:

THURSDAY, MAY 8, 2025 – 6:00 P.M.
THURSDAY, MAY 22, 2025 – 6:00 P.M.

Proclamation

City of Longview, Washington

National Poppy Day ~ May 17, 2025

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

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

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

NOW, THEREFORE, *I, Spencer Boudreau, Mayor of the City of Longview, do hereby proclaim May 17th, 2025 as* ***"National Poppy Day"*** *in the City of Longview, and I urge the citizens of this community to recognize the merits of this cause by contributing to its support through the donation of funds for poppies in appreciation for the sacrifices of our honored dead.*

I further urge all patriotic citizens to wear a poppy on May 17th and 23th 2025, as just evidence of our gratitude for the men and women of this country who have risked their lives in fulfilling their obligations as American citizens.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Longview to be affixed this 8th day of May 2025.

_____

Spencer Boudreau, Mayor

Proclamation

City of Longview, Washington

Mental Health Awareness Month May 2025

WHEREAS, Mental Health Awareness Month was first celebrated in 1949 by an organization founded by Clifford Whittingham Beers, currently known as Mental Health America; and

WHEREAS, it is important to differentiate that mental health is how a person functions in daily activities, and mental illness is the collective term for all diagnosable mental disorders; and

WHEREAS, each year one in five adults will experience mental illness regardless of age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, according to National Institutes of Health (NIH), 57.8 million adults live with some form of mental illness, with 50% of individuals starting to have symptoms by the age of 14, and 75% experiencing symptoms by age 24; and

WHEREAS, 21% of the estimated 580,000 unhoused people in the United States have a serious mental health condition; and

WHEREAS, nearly 50,000 American lives are lost to suicide each year; and

WHEREAS, all Americans from combat veterans, victims of natural disaster to the recent pandemic are vulnerable to chronic mental health problems associated with trauma, and all can benefit greatly from early identification and treatment; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen has experienced the effects of mental health issues and has a responsibility to promote mental wellness.

NOW, THEREFORE, I, Spencer Boudreau, Mayor of the City of Longview, do hereby proclaim the month of May to be **"Mental Health Month"** in the City of Longview, and call upon the citizens of Longview, government agencies, public and private institutions, businesses, and schools to promote increased awareness and accessible services for all people with mental health disorders.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Longview to be affixed this 8th day of May 2025.

_____

Spencer Boudreau. Mayor

Proclamation

City of Longview, Washington

National Police Week 2025

May 11th to May 17th

***WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States; and*

***WHEREAS**, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and*

***WHEREAS**, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and*

***WHEREAS,** since the first recorded death in 1791, more than 25,000 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and*

***WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial in Washington, D.C.;*

***NOW, THEREFORE,** I, Spencer Boudreau, Mayor of the City of Longview, do hereby proclaim May 11-17th , 2024 as **National Police Week** in Longview, Washington and publicly salute the service of law enforcement officers in our community and in communities across the nation. I further direct that all flags be flown at half-staff on Friday, May 15, 2025 to commemorate **National Peace Officer's Memorial Day**, in honor of the fallen officers and their families.*

In witness whereof, I have hereunto set my hand and caused the seal of the City of Longview to be affixed this 8th day of May 2025.

_____

Spencer Boudreau, Mayor

CITY OF LONGVIEW

2025 LEGISLATIVE SESSION

May 8 , 2025

Amina Abdalla
&
Briahna Murray

GORDON THOMAS HONEYWELL
GOVERNMENT RELATIONS

PURPOSE

OVERVIEW OF THE 2025 LEGISLATIVE SESSION

OUTCOME OF 2025 CITY'S LEGISLATIVE PRIORITIES

NEXT STEPS

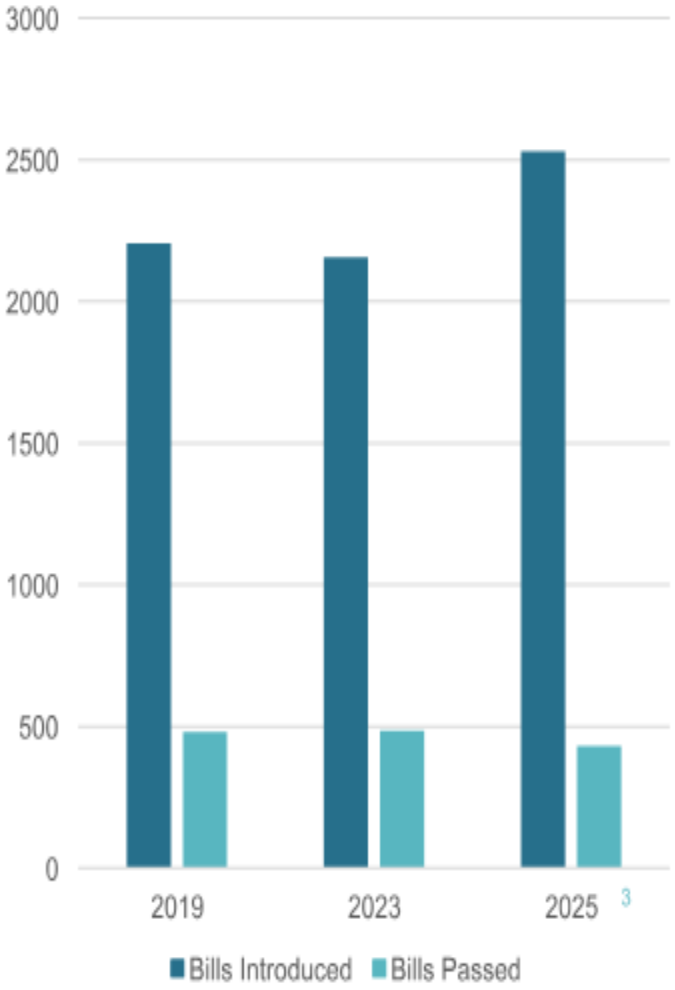
OVERVIEW OF 2025 LEGISLATIVE SESSION

General Context

- First year of the biennium,105-day session
- Adopted 2025-27 operating, capital, and transportation budgets
- Over 2,300 bills introduced, 485 passed into law
- Any legislation that did not pass, will be reconsidered next

Political Context

- Democrats held the majority in House and Senate
- 24 “freshman” legislators
- New Governor in leadership



OVERVIEW OF 2025 LEGISLATIVE SESSION: BUDGETS

Operating

- Funds all state agency operations
- Revenue growth has slowed – 2022-24 revenues grew at 5.2% annually, starting in 2025 reduced to 3.5% $77.8 billion budget for 2025-27, $2.3 billion in reserves
- $4.3 billion in new taxes

Capital

- Funds public and nonprofit construction projects (excluding transportation)
- $7.5 billion total budget
- $201.3 million allocated for local community projects ($231.8 million in 2023)
  - *Average local community project award: $604,000*

Transportation

- Expected $1 billion shortfall in 2025-27
- Some projects delayed due to reduced revenues
- No new project investments
- Taxes, fees and transfer from operating resulting in $3.2 billion over the next 6 years
- $15.5 billion budget for 25-27

2025 LEGISLATIVE PRIORITIES

Hope Village Operational Funding

- **Request:** $1.5 million to continue operating a 50-unit housing readiness micro community called HOPE Village
- **The legislature allocated $118 million in grants for local governments to support homeless housing programs and services including emergency shelters.**

Longview Library Elevator Repairs

- **Request:** $300,000 to replace the elevator in the Longview Public Library
- **$300,000 appropriated in the final capital budget for the elevator repairs.**

Emergency Generator for Fire Station 82

- **Request:** $340,000 to install a new generator capable of powering the station during critical times
- **Due to the challenging budget climate and limited funds, this project was not funded**

Fire Department Security and Response Efficiency Project

- **Request:** $397,000 to replace the bay doors, install security fencing, gates and cameras, and secure the public foyer at Fire Station 81 and 82
- **Due to the challenging budget climate and limited funds, this project was not funded**

WWRP RCO Cloney Park Inclusive Playground

- **Request:** $500,000 for the Cloney Park Inclusive Playground
- **$500,000 appropriated in the final capital budget for Cloney Park**

ADDITIONAL LEGISLATIVE ISSUES

General Government

- Recycling Reform Act
- AI Collective Bargaining

Land Use

- Parking minimums
- Lot splitting
- GMA Extensions

Public Safety

- HB 2015 – Local public safety tax for local law enforcement recruitment, retention and training funding.

NEXT STEPS

- Thank the legislative delegation
- Implement new policies/projects implemented/funded with state awards
- Interim Action Plan & steps to prepare for the 2026 session
- 2026 Legislative Session begins January 12th

QUESTIONS?

Briahna Murray
State Lobbyist, Partner
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bmurray@gth-gov.com

Amina Abdalla
State Lobbyist
253-293-2848
aabdalla@gth-gov.com

City of Longview

Agenda Summary

ORDINANCE NO. 3555 - AMENDMENTS TO MULTIPLE SECTIONS WITHIN CHAPTERS 16, 17, 18, AND 19 OF LMC REMOVING SPECIFIC FEE REFERENCES AND RESOLUTION NO. 2548 - TRANSFERRING FEE REFERENCES TO COMMUNITY DEVELOPMENT MASTER FEE SCHEDULE

RECOMMENDED ACTION:
HOLD PUBLIC HEARING AND MOTION TO ADOPT ORDINANCE NO. 3555 AND RESOLUTION NO. 2548.

COUNCIL INITIATIVE ADDRESSED:
Continue effective financial management
Strengthen economic conditions and create new opportunities

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:
The purpose of this proposed code update package is to remove specific fee amounts from individual sections within the LMC to a master fee schedule, which would contain all the building, land use, environmental, and fire review fees in one location. This approach allows fees to more easily be amended in the future via resolution rather than updating individual ordinances. It also makes for a more transparent, user-friendly approach to locating applicable CED fees and reduces the chances for fees to be changed inappropriately, inconsistently, or fees to be missed in application.

Moving all the fees out of ordinance and into resolution will require minor amendments to 20 Chapters of Longview Municipal Code. It will also require adoption of the Community and Economic Development Master Fee Schedule via Resolution. Several fees have been restructured and/or updated to better reflect staff effort, the review process, facilitate ease of use, and increase transparency.

STAFF CONTACT:
Nick Little, Community Development Director
Nick.little@ci.longview.wa.us

Attachments:
1. Memorandum
2. Exhibit A - Code Update Matrix
3. Exhibit B - Targeted Code SectionText Changes
4. Exhibit C - Updated Community Development Master Fee Schedule
5. Exhibit D - Preapplication Cost Breakdown and Comparisons
6. Exhibit E - Fee Changes-Quick Reference Guide
7. Exhibit F - LMC 16.02 Updates - Strikeout
8. Exhibit G - LMC 16.13 Updates - Strikeout
9. Exhibit H - LMC 16.30 Updates - Strikeout
10. Exhibit I - LMC 16.48 Updates - Strikeout
11. Exhibit J - LMC 16.75 Updates - Strikeout
12. Exhibit K - LMC 17.02 Updates - Strikeout
13. Exhibit L - LMC 17.10 Updates - Strikeout
14. Exhibit M - LMC 17.20 Updates - Strikeout
15. Exhibit N - LMC 17.60 Updates - Strikeout
16. Exhibit O - LMC 18.10 Updates - Strikeout
17. Exhibit P - LMC 19.06 Updates - Strikeout
18. Exhibit Q - LMC 19.12 Updates - Strikeout
19. Exhibit R - LMC 19.22 Updates - Strikeout
20. Exhibit S - LMC 19.42 Updates - Strikeout
21. Exhibit T - LMC 19.66 Updates - Strikeout

22. Exhibit U - LMC 19.67 Updates - Strikeout
23. Exhibit V - LMC 19.68 Updates - Strikeout
24. Exhibit W - LMC 19.80 Updates Strikeout
25. Exhibit X - LMC 19.81 Updates Strikeout
26. Exhibit Y - LMC 19.90 Updates - Strikeout
27. Exhibit Z - LMC 16.02 Updates - Clean
28. Exhibit AA - LMC 16.13 Updates - Clean
29. Exhibit BB - LMC 16.30 Updates - Clean
30. Exhibit CC - LMC 16.48 Updates - Clean
31. Exhibit DD - LMC 16.75 Updates - Clean
32. Exhibit EE - LMC 17.02 Updates - Clean
33. Exhibit FF - LMC 17.10 Updates - Clean
34. Exhibit GG - LMC 17.20 Updates - Clean
35. Exhibit HH - LMC 17.60 Updates - Clean
36. Exhibit II - LMC 18.10 Updates - Clean
37. Exhibit JJ - LMC 19.06 Updates - Clean
38. Exhibit KK - LMC 19.12 Updates - Clean
39. Exhibit LL - LMC 19.22 Updates - Clean
40. Exhibit MM - LMC 19.42 Updates - Clean
41. Exhibit NN - LMC 19.66 Updates - Clean
42. Exhibit OO - LMC 19.67 Updates - Clean
43. Exhibit PP - LMC 19.68 Updates - Clean
44. Exhibit QQ - LMC 19.80 Updates - Clean
45. Exhibit RR - LMC 19.81 Updates - Clean
46. Exhibit SS - LMC 19.90 Updates - Clean
47. Exhibit TT - Ordinance No. 3555
48. Exhibit UU - Resolution No. 2548

February 13, 2025

Memorandum

TO: Longview City Council

FROM: Nick Little, CED Director

MEETING DATE: March 13, 2025

SUBJECT: **Community Development Master Fee Schedule**

The purpose of this proposed code update package is to remove specific fee amounts from individual sections within the LMC to a master fee schedule, which would contain all the building, land use, environmental, and fire review fees in one location. This approach allows fees to more easily be amended in the future via resolution rather than updating individual ordinances. It also makes for a more transparent, user-friendly approach to locating applicable CED fees and reduces the chances for fees to be changed inappropriately, inconsistently, or fees to be missed in application.

Moving all the fees out of ordinance and into resolution will require minor amendments to 20 Chapters of Longview Municipal Code. A number of fees have been restructured and/or updated to better reflect staff effort, the review process, increase ease of use, and increase transparency. Most fees will remain unchanged for 2024; it is expected that a more holistic review of the CED fee schedule will occur next year, based on a more complete understanding of staff time and the cost-recovery goals of the City.

What follows below is a brief summary of new fees and changes to fee structures proposed as part of this process. A "Code Update Matrix" (Exhibit A) has been provided for a quick guide to code sections being updated, and a "Targeted Code Sections" (Exhibit B) document is also attached which identifies the proposed code changes to each section in strikeout and underline format. Complete code sections are available in both strikeout/underline and clean format.

NEW FEES

- **Major Preapplication**
  - New fee to cover partial cost recovery for staff time spent scheduling, preparing, attending, and follow up for preapplication meetings. The fee proposal also include a partial credit for future applications pertaining to the project reviewed in the preapplication meeting.
  - Fee set at $400, with 50% to be credited towards future application within 1 year of preapplication meeting. See Exhibit D for additional information regarding how this number was arrived at.

- **Minor Preapplication**
  - New fee to cover partial cost recovery for staff time spent scheduling, preparing, attending, and follow up for preapplication meetings. The fee proposal also include a partial credit for future applications pertaining to the project reviewed in the preapplication meeting.
  - Fee set at $100, with 50% to be credited towards future application within 1 year of preapplication meeting. See Exhibit D for additional information regarding how this number was arrived at.

- **Administrative Overhead** (hourly**)**
  - Several sections in LMC refer to the need for an applicant to pay for public notice, including administrative overhead. This fee reflects an approximate cost for administrative overhead on an hourly basis. Typical application notice requirements require about an hour of staff time.
  - Hourly rate to be established at $45/hour. This is lower than the typical hourly rate for other activities within the department ($65+/-) and reflects the lower staff cost.

- **Combined Zoning/Comp Plan Amendment**
  - New fee to be used when a zoning amendment and a comprehensive plan amendment are processed at the same time, rather than individual fees for each process. The two processes frequently occur in tandem, with shared documentation and combined hearing(s).
  - Fee set at $2,896, which is 25% higher than a standalone zoning or Comprehensive Plan amendment. This reflects the additional analysis, exhibits, and research efforts needed to complete the comprehensive staff report. This is $1,738 lower than applying both fees together for combined amendments.

- **Wireless Communication Facilities (WCF)**
  - The ordinance creates three review types for WCF, however it neglects to reference what those three processes are. As such, two of the three fees are placeholders until this issue in resolved through future code updates. For now, the only fee to be applied to Wireless Facilities is the lowest level fee, which is based off the special use review process.
  - Fees for Type 3 (Board of Adjustment review) reviews set at $696, which matches the existing special use fee.
  - Type 1 and 2 permit fees are left as "TBD," since no process for these reviews is identified in LMC. Future updates expected to LMC 16.75 which would establish a tiered review process, which in turn would enable us to identify the appropriate fee.

CHANGES TO FEE STRUCTURE

- **Consolidation of Appeals**
  - Appeals fees were consolidated based on which body hears the appeal. The fees themselves remain unchanged.

- **Public Notice Costs**
  - Pursuant to LMC, public notice costs for certain application are to be paid by the applicant. This includes variances, special uses, and applicant-initiated comp plan

amendments. Costs typically include administrative overhead, postage when needed, and publication of legal ads.
  - This update simply includes this additional cost on the fee sheet to increase transparency.

- **Special Use Permits/Accessory Dwelling Units**
  - This fee has been restructured and reduced to better reflect the review procedures for ADU applications relative to other special land use reviews.
  - Detached ADUs go through a special use process, however they are typically a lower effort review due to the prescriptive nature of the ADU ordinance.
  - Attached ADUs go through an administrative review, with no public hearing required.
  - Detached ADUs review fees were reduced from $696 to $460 to reflect the lower time spent by staff relative to a typical special use.
  - Attached ADUs review fees were set at $230 to reflect the lack of a public process, and nature of the staff review and documentation.

- **Short Plat Review**
  - The Short Subdivision fees were restructured to reflect the two-stage approach to short subdivision as prescribed by LMC. The overall fee is unchanged, and is now split into two separate fees, paid at separate times, to better reflect the process, staff effort, and reduce the potential for refunds should a project be withdrawn prior to completion.
  - Preliminary Approval Short Plat fees set at $959 and is paid at time of initial application.
  - Final Short Plat Review is paid at the time of final plat submittal, at the end of the process.

- **Subdivision Alteration/Vacation**
  - Fees were restructured to create separate fee items for subdivision alterations, vacations, and modification.
  - The proposed fees for these actions are the same as the original subdivision fee, minus the additional per-lot cost.
  - Reflects an overall reduction in cost to reflect the reduced staff time required to process the application.

- **SEPA DNS**
  - Code updated to reflect the City's application fee for SEPA threshold determinations that has been in effect since at least 2017. The established fee amount remains unchanged. Fee structure largely remains unchanged.

<u>Attachments:</u>

Exhibit A:	*Code Update Matrix*
Exhibit B:	*Targeted Code Section Text Changes*
Exhibit C:	*Updated Community and Economic Development Master Fee Schedule (Combined)*
Exhibit D:	*Preapplication Cost Breakdown and Comparisons*
Exhibit E:	*Fee Changes – Quick Reference Guide*
Exhibits F through Y:	*Updated Ordinances, Strikeout Versions*
Exhibits Z through SS:	*Updated Ordinances, Clean Versions*
Exhibit TT:	*Ordinance # 3555*
Exhibit UU:	*Resolution #2548 Adopting Master Fee Schedule*

Exhibit A: 2025 Fee Conversion: Code Update Matrix

This table is intended to be a quick reference guide for each code section being updated. The applicable code section is listed in the left column, the fee being arelocated or adjusted is in the center column, and a brief description of the text change is in the right column. Changes to the fee structure and specific dollar amount changes are reflected in Exhibit E.

Chapter 16.02 BUILDING CODE

Code Section	Fee	Description
109.2.1 Building Permit Fees	Establishes fees for building permits	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule
109.2.1.3 Plan Review Fees	Establishes fees for building plan review as % of building permit fee	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule
109.2.1.1 Manufactured Home Permit Fees	Establishes fees for manufactured home placement	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule
109.2.1.2 Wood Stove Permit Fees	Establishes fee for wood stove installation permits	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule
109.2.2 Mechanical Permit Fees	Establishes fees for mechanical permits	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule
109.2.3 Plumbing Permit Fees	Establishes fees for plumbing permits	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule

CHAPTER 16.13 UNIFORM SIGN CODE

Code Section	Fee	Description
16.13.015 Uniform Sign Code - Section 304 Amended - Permit Fees	Establishes fees for sign permits and sign plan review	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule. Also removes incorrect code citation.
16.13.020 Amendments to Sign Code	Establishes fees for sign permits	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule. Also removes incorrect code citation.

CHAPTER 16.30 PROPERTY MAINTENANCE CODE

Code Section	Fee	Description
16.30.140 Amendments to International Property Maintenance Code	Establishes hourly rate requested site inspections of properties for compliance	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule.

CHAPTER 16.48 FENCES

Code Section	Fee	Description
16.48.040 Waiver or Reduction of Requirements	Establishes fee for fence variances separately from general variances	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule

CHAPTER 16.75 WIRELESS COMMUNICATION FACILITIES

Code Section	Fee	Description
16.75.030 - Applicability, Review, and Permits Required	Establishes ability to charge consultant's cost to applicant; also referes to base fees and application fees	Minor update to reference "Community Development Master Fee Schedule" instead of "city's fee resolution"
16.75.040 - Types of Permits - Priority - References - Restrictions	Establishes application fees	Minor update to reference "Community Development Master Fee Schedule" instead of "city's fee resolution"

CHAPTER 17.02 GENERAL PROVISIONS [Environmental]

Code Section	Fee	Description
17.02.070 - Fees	Establishes fees for SEPA, Critical Areas, Shorelines, and Stormwater Review	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule

CHAPTER 17.10 CRITICAL AREAS

Code Section	Fee	Description
17.10.040 - Relationship to Other Regulations, Interpretation, Authority, and Fees	Establishes authority for critical areas fees; identifies that critical areas assessment costs are borne by the applicant	Minor update to reference "Community Development Master Fee Schedule" instead of referencing back to LMC 17.02.

CHAPTER 17.20 ENVIRONMENTAL PROTECTION - ENACTMENT

Code Section	Fee	Description
17.20.250 - Fees	Establishes fees, if any, for SEPA Threshold Determination	Updated to reference Community Development Master Fee Schedule. Aligns the code language with the previous fee table from 17.02, as well as aligns with ccurrent and past practices.

CHAPTER 17.60 SHORELINES MASTER PROGRAM

Code Section	Fee	Description
17.60.010 - Shorelines Maser Program - Adopted by Reference	Establishes Shorelines Permit Fees	Minor update to reference "Community Development Master Fee Schedule" instead of referencing back to LMC 17.02.

CHAPTER 18.10 INTERNATIONAL FIRE CODE

Code Section	Fee	Description
18.10.060 - Fire Code Permit, Plan Review, and Inspection Fees	Establishes fire code permit, fire code plan review, and fire code inspection fees	Specific Fee amounts removed from code and added references to Community Development Master Fee Schedule. No changes to fee amounts are proposed at this time.
18.10.100 - Additiona, Insertions, Deletions, and Changes to Chapter 51-54A WAC (Fire Code)	Establishes permit fee for retail sales (fireworks stands)	Specific Fee amount removed from code and added references to Community Development Master Fee Schedule. Updated language to remove City Clerk as the recipient of the fee.

CHAPTER 19.06 General Provisions [Zoning]

Code Section	Fee	Description
19.06.060 - Fees	Establishes fee for most planning activities	Removes fee table from ordinance and adds reference to Community Development Master Fee Schedule. Also updated the additional fee for resubmitals from a "shall" to a "may" to allow flexibility and removed reference to Table 19A from LMC 19.06.

CHAPTER 19.12 Appeal Board of Adjustment

Code Section	Fee	Description
19.12.080 - Special Property Uses - Application - Fee	Establishes fee for Special uses and publication of notices	Minor update to reference "Community Development Master Fee Schedule" instead of referencing back to Table 19A from LMC 19.06.
19.12.150 - Variance - Application - Fee - Hearing Decision	Establishes fee for Variances and publication of notices	Minor update to reference "Community Development Master Fee Schedule" instead of referencing back to Table 19A from LMC 19.06.
19.12.190 - Appeal - Transcript - Fees	Establishes fees for preparing and certifying a transcript of the proceedings	Specific Fee amount removed from code and added references to Community Development Master Fee Schedule.

CHAPTER 19.22 SUPPLEMENTAL RESIDENTIAL ZONING STANDARDS

Code Section	Fee	Description
19.22.025 - Accessory Dwelling Units	Establishes fees for Accessory Dwelling Units	Updated to reference "Community Development Master Fee Schedule" instead of referencing back to "the building code." Clarified that ADU this fee was for the building permit, not the special use review, which is covered in LMC 19.12.080

CHAPTER 19.42 FARMER'S MARKETS IN RESIDENTIAL DISTRICTS

Code Section	Fee	Description
19.42.040 - Operating Standards	Establishes application fee for Farmer's Markets	Minor update to reference "Community and Economic Development Department Master Fee Schedule" instead of referencing back to LMC 19.06.

CHAPTER 19.66 PPLANNED UNIT DEVELOPMENT

Code Section	Fee	Description
19.66.080 - Submittal Requirements	Establishes fees for PUD review	Updated to include refrence to Community and Economic Development Master Fee Schedule instead of simply "established fees"
19.66.120 - Final PUD Approval	Final PUD Approval process, refers to LMC 19.80	Updated to include refrence to Community and Economic Development Master Fee Schedule instead of the implied reference to LMC 19.80.

CHAPTER 19.67 SHORT SUBDIVISIONS

Code Section	Fee	Description
19.67.30 - Preliminary Short plat Approval	Establishes fee for preliminary Short Plat Approval	Updated to include refrence to Community and Economic Development Master Fee Schedule instead of simply "applicable fees"
19.67.040 - Final Short plat Approval	Establishes fee for Final Short Plat Approval	Updated to include refrence to Community and Economic Development Master Fee Schedule instead of simply "applicable fees"

CHAPTER 19.68 Boundary Line Adjustments

Code Section	Fee	Description
19.68.050	Establishes fee for BLA review	Updated to include refrence to Community and Economic Development Master Fee Schedule instead of reference to a generic City Council resolution.

CHAPTER 19.80 Longview Subdivision Code

Code Section	Fee	Description
19.80.090 - Fees	Establishes fees for subdivision review	Updated to reflect Community and Economic Development Master Fee Schedule.
19.80.160 - Final Plat Procedure	Establishes application and inspection fees for final plat; refrences payment of Engineering fees	Updated to reflect Community and Economic Development Master Fee Schedule. Second reference updated to refer back to LMC 12.08 and 12.10 for the Engineering fees.
19.80.170 - Final Plat Drawing and Recording	Establishes process for recording and payment of fees to the City	Structure changed - amended to put the act of recording the final plat back on the applicant rather than the City.

CHAPTER 19.81 AMENDMENTS

Code Section	Fee	Description
19.81.040 - Initiation by Property Owner - Fees	Establishes fee for zoning amendments	Updated to reflect Community and Economic Development Master Fee Schedule.

CHAPTER 19.80 Longview Subdivision Code

Code Section	Fee	Description
19.90.040 - Application Requirements	Establishes fee for BSP review	Updated to reflect Community and Economic Development Master Fee Schedule.
19.90.090 - Recording	Establishes process for recording and payment of fees to the City	Structure changed - amended to put the act of recording the final plat back on the applicant rather than the City. Separate fees identified for alteration, vacation, and modifications.

Exhibit B: 2025 Updates to LMC – Transition to Community Development Master Fee Schedule

This document contains the specific code section and language changes to Chapters 16, 17, and 18 of the Longview Municipal Code (LMC) that are proposed with this code update package. Code changes are presented in strikeout/underline format, with new language highlighted for each section. This format is intended to provide an overall look at the updated language in each code section and subsection. To see each section in the larger context of the overall ordinance, it is recommended to review the full Chapter updates, which are provided in both a strikeout/underline and clean format for each LMC Chapter (see Exhibits F through SS).

CHAPTER 16.02 – BUILDING CODE

Section 109.2.1 [Building Permit Fees]

Section 109.2.1 is hereby added, reading as follows:

Section 109.2.1 Building Permit Fee

~~The fee for each building permit shall be as set forth in Table 1-A herein.~~

~~**Table 1-A – Building Permit Fees**~~

~~TOTAL VALUATION~~	~~FEE~~
~~$1.00 to $500.00~~	~~$31.30~~
~~$501.00 to $2,000.00~~	~~$31.30 for the first $500.00 plus $4.25 for each additional $100.00, or fraction thereof, to and including $2,000.00~~
~~$2,001.00 to $25,000.00~~	~~$98.45 for the first $2,000.00 plus $18.80 for each additional $1,000.00, or fraction thereof, to and including $25,000.00~~
~~$25,001.00 to $50,000.00~~	~~$523.00 for the first $25,000.00 plus $13.25 for each additional $1,000.00, or fraction thereof, to and including $50,000.00~~
~~$50,001.00 to $100,000.00~~	~~$848.75 for the first $50,000.00 plus $9.44 for each additional $1,000.00, or fraction thereof, to and including $100,000.00~~
~~$100,001.00 to $500,000.00~~	~~$1,310.00 for the first $100,000.00 plus $7.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00~~
~~$500,001.00 to $1,000,000.00~~	~~$4,263.24 for the first $500,000.00 plus $6.32 for each~~

~~**Table 1-A – Building Permit Fees**~~

~~TOTAL VALUATION~~	~~FEE~~
	~~additional $1,000.00, or fraction thereof, to and including $1,000,000.00~~
~~$1,000,001.00 and up~~	~~$7,394.00 for the first $1,000,000.00 plus $5.20 for each additional $1,000.00, or fraction thereof~~

~~Other Inspections and Fees:~~		
~~1.~~	~~Inspections outside of normal business hours~~	~~$62.00 per hour[1] (minimum charge – two hours)~~
~~2.~~	~~Reinspection fees~~	~~$62.00 per hour[1]~~
~~3.~~	~~Inspections for which no fee is specifically indicated~~	~~$62.00 per hour[1] (minimum charge – one-half hour)~~
~~4.~~	~~Additional plan review required by changes, additions or revisions to plans~~	~~$62.00 per hour[1] (minimum charge – one-half hour)~~
~~5.~~	~~For use of outside consultants for plan checking and inspections, or both~~	~~Actual Costs[2]~~
~~6.~~	~~Investigation fee for work commenced prior to obtaining a permit~~	~~100% of usual permit fee~~

~~1. Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

~~2. Actual costs include administrative and overhead costs.~~

The fee for each building permit shall be as established in the Community and Economic Development Department Master Fee Schedule.

Section 109.2.1.1 [Manufactured Home Permit Fees]

Section 109.2.1.1 is hereby added, reading as follows:

Section 109.2.1.1 Inspection Fee – Manufactured Housing

The fees for inspections of manufactured housing situated in a mobile home park shall be as ~~follows:~~ set forth in the Community and Economic Development Department Master Fee Schedule.

~~(a) Single-wide $132~~

~~(b) Double-wide $165~~

~~(c) Triple-wide $197~~

Section 109.2.1.2 [Wood Stove Permit Fees]

Section 109.2.1.2 is hereby added, reading as follows:

Section 109.2.1.2 Inspection Fee – Wood Stoves

The fees for inspection of free-standing wood stoves shall be as set forth in the Community and Economic Development Department Master Fee Schedule.

Section 109.2.1.3 [Plan Review Fees]

Section 109.2.1.3, Plan Review Fees, is added as follows:

When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee for reviews relating to the provisions of the International Residential Code for One- and Two-Family Dwellings shall be 65 percent of the building permit fee and said plan review fee for all other reviews shall be 70 percent of the building permit fee as shown in the Community and Economic Development Department Master Fee Schedule. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2.1 and are in addition to the permit fees.

A building plan for one and two-family dwellings may be used repetitively upon request of the applicant and approval of the building official. When approved, the "Same As" plan shall be retained on file as a master plan. A building master plan may be used repetitively provided:

1) All "Same As" development shall occur within the code cycle under which the master plan is approved.

2) All "Same As" development shall occur within the same subdivision.

3) The initial application submittal shall include three (3) complete sets of plans, including all supporting documentation, and one (1) limited set of plans consisting of a site plan, floor plan and exterior elevations only.

4) All subsequent "Same As" applications shall not deviate from the approved master plan.

5) Payment of all appropriate fees. The plan review fee for "Same As" plans submitted subsequent to the initial submittal shall be reduced to 30% of the building permit fee.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A.

Section 109.2.2 [Mechanical Permit Fees]

Section 109.2.2 is hereby added, reading as follows:

Section 109.2.2 Mechanical Permit Fee

The fee for each mechanical permit shall be ~~as set forth in Table 2-A herein.~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

~~**Table 2-A Mechanical Permit Fees**~~		
~~**Permit Issuance**~~		
~~1.~~	~~For the issuance of each mechanical permit~~	~~$28.50~~
~~2.~~	~~For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled~~	~~$14.25~~
~~Unit Fee Schedule~~		
~~(Note: The following do not include permit-issuing fee.)~~		
~~**Equipment**~~		
~~1.~~	~~For the installation or relocation of each of the following pieces of equipment:~~	~~$20.50~~
~~•~~	~~Furnace – forced air or gravity (includes ducts and vents)~~	
~~•~~	~~Boiler~~	
~~•~~	~~Compressor and/or Absorption System (includes heat pumps)~~	
~~•~~	~~Evaporative Coolers~~	
~~•~~	~~Air Handler (Not part of an HVAC system)~~	
~~•~~	~~Ventilation system (Not part of an HVAC system)~~	
~~•~~	~~Ventilation hood (includes associated ductwork)~~	
~~•~~	~~Fireplace Insert, Gas fireplace~~	
~~•~~	~~Incinerator~~	
~~•~~	~~Fire damper, smoke damper or combination fire/smoke damper~~	

~~Table 2-A Mechanical Permit Fees~~		
~~•~~	~~Equipment regulated by the mechanical code but not specifically listed~~	
~~2.~~	~~Repairs or addition to each piece of equipment or system~~	~~$18.25~~
~~**Vents**~~		
~~1.~~	~~For the installation of the following:~~	~~$10.25~~
~~•~~	~~Appliance vent (for a piece of equipment not requiring mechanical permit)~~	
~~•~~	~~Ventilation fan connected to single vent~~	
~~**Piping Systems**~~		
~~1.~~	~~For the installation of each of the following piping systems up to four outlets:~~	~~$7.15~~
~~•~~	~~Gas piping~~	
~~•~~	~~Hazardous Process Piping~~	
~~•~~	~~Non-Hazardous Process Piping~~	
~~2.~~	~~For the installation of each outlet exceeding four~~	~~$3.15~~
~~**Other Inspections and Fees**~~		
~~1.~~	~~For any of the following services:~~	~~$62~~
~~•~~	~~Inspections outside of normal business hours, per hour~~	
~~•~~	~~Re-inspection fees assessed under provisions of Section 116.6, per inspection~~	
~~•~~	~~Inspections for which no fee is specifically indicated, per hour~~	
~~•~~	~~Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge – one-half hour)~~	
~~2.~~	~~*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment,~~	

~~**Table 2-A Mechanical Permit Fees**~~		
	~~hourly wages and fringe benefits of the employees involved.~~	
~~3.~~	~~Investigation fee for work commenced prior to obtaining a permit~~	~~100% of usual permit fee~~

Section 109.2.3 [Plumbing Permit Fees]

Section 109.2.3 is hereby added, reading as follows:

Section 109.2.3 Plumbing Permit Fee

The fee for each plumbing permit shall be ~~as set forth in Table 3-A herein~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

~~**Table 3-A Plumbing Permit Fees**~~		
~~Permit Issuance~~		
~~1.~~	~~For issuing each permit~~	~~$28.50~~
~~2.~~	~~For issuing each supplemental permit~~	~~$14.25~~
~~**Unit Fee Schedule** (in addition to items 1 and 2 above)~~		
~~**Fixtures, devices and equipment**~~		
~~1.~~	~~For the installation or relocation of each of the following:~~	~~$9.15~~
~~•~~	~~Each fixture requiring a trap (includes piping and backflow protection for that fixture)~~	
~~•~~	~~Water heater (includes vent)~~	
~~•~~	~~Industrial waste interceptor~~	
~~•~~	~~Grease trap~~	
~~•~~	~~Water treatment equipment~~	
~~•~~	~~Lawn sprinkler system (includes backflow protection)~~	
~~•~~	~~Backflow Preventer~~	
	~~Equipment regulated by the plumbing code but not specifically listed (piping and backflow protection therefor)~~	
~~2.~~	~~Repairs or addition to each fixture, piece~~	~~$9.15~~

~~**Table 3-A Plumbing Permit Fees**~~		
	~~of equipment or system~~	
~~**Building Sewer**~~		
~~1.~~	~~For the installation of each building sewer or trailer park sewer~~	~~$20.50~~
~~**Gas Piping System**~~		
~~1.~~	~~For the installation of each gas piping system up to four outlets~~	~~$7.15~~
~~2.~~	~~For the installation of each outlet exceeding four~~	~~$3.15~~
~~**Other Systems**~~		
~~1.~~	~~Rainwater systems – Per drain (inside building)~~	~~$9.15~~
~~2.~~	~~Private sewage disposal system~~	~~$32.50~~
~~3.~~	~~Graywater system~~	~~$32.50~~
~~4.~~	~~Installation and testing of reclaimed water system~~	~~$38.75*~~
~~5.~~	~~Annual testing of reclaimed water system~~	~~$38.75*~~
~~6.~~	~~For each medical gas piping system for a specific gas – up to five outlets or inlets~~	~~$62~~
~~7.~~	~~For each additional medical gas outlet over five outlets~~	~~$7.15~~
~~**Other Inspections and Fees**~~		
~~1.~~	~~For any of the following services:*~~	~~$62~~
~~•~~	~~Inspections outside of normal business hours, per hour~~	
~~•~~	~~Re-inspection fees assessed under provisions of Section 103.5.6, per inspection~~	
~~•~~	~~Inspections for which no fee is specifically indicated, per hour~~	
~~•~~	~~Additional plan review required by changes, additions or revisions to plans or to plans for which an~~	

~~Table 3-A Plumbing Permit Fees~~		
	~~initial review has been completed (minimum charge – one-half hour)~~	
~~2.~~	~~*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~	
~~3.~~	~~Investigation fee for work commenced prior to obtaining a permit~~	~~100% of usual permit fee~~

~~*Per hour for each hour worked or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of all the employees involved.~~

CHAPTER 16.13 – UNIFORM SIGN CODE

Section 16.13.015 – Uniform Sign Code – Section 304 amended – Permit Fees

Section 304 is amended to read as follows:

Sec. 304 Fees

(1) For the installation, erection, re-erection, construction, alteration or maintenance of a sign, the permit fee shall be ~~based on Table 1-A of the 1997 Uniform Building Code (value) as amended in Longview Municipal Code Section 16.01.060~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

(2) The plan review fee for sign installation, erection, re-erection, construction, or alteration shall be 70% of the permit fee.

Section 16.13.020 – Amendments to Uniform Sign Code

Section 304. Fees.

For the installation, erection, re-erection, construction, alteration or maintenance of a sign, the permit fee shall be ~~based on Table 1-A of the 1997 Uniform Building Code~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

CHAPTER 16.30 – PROPERTY MAINTENANCE CODE

16.30.140 - Amendments to International Property Maintenance Code

Section 103.5, Fees, is amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

The fees for requested site inspections of properties within the city, for compliance as set forth herein, shall be based on the hourly building inspection rates as established in the Community and Economic Development Department Master Fee Schedule. ~~Section 16.02, Table 1-A (hourly cost rates) of the Longview Municipal Code~~.

CHAPTER 16.48 – FENCES

16.48.040 – Waiver or Reduction of Requirements

(1) Recognizing that there may be situations in which the height and location of fences do not affect safety or the public welfare, it is provided that notwithstanding any provisions in this chapter to the contrary, where any of the hereinafter specified conditions exist, the owner or tenant of real property may request the appeal board of adjustment to waive or reduce the requirements of this chapter. Such appeal board of adjustment, upon determining that any provision of this chapter shall be waived or reduced for any such applicant, may impose such restrictions as they deem necessary in view of the particular facts as represented by the owner or tenant, taking into consideration the prevention of fires,

the public health and safety and the surrounding neighborhood. The fee for processing a fence waiver or reduction of requirements shall be ~~$463.00~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

CHAPTER 16.75 – WIRELESS COMMUNICATION FACILITIES

Section 16.75.030 – Applicability, Review, and Permits Required

(6) The city may, at its discretion, contract with independent engineering and/or technical review consultant(s) to review the permit application. The applicant shall be responsible for actual costs charged by the consultant, in addition to any base fees and application fees set forth in the ~~city's fee resolution~~ Community and Economic Development Department Master Fee Schedule. Based on the results of the independent technical review, the city may require changes or request additional information to complete the application review. The independent consultant shall only review and comment on those items within its expertise. For instance, a radio frequency engineer shall not review and comment on the structural integrity of a tower, but shall limit its review to reports prepared by the applicant's radio frequency engineer.

Section 16.75.40 Types of Permits – Priority – Preferences – Restrictions

(5) Application Procedure. The applicant shall submit a completed application in a form established by the director along with the initial application fee as set forth in the ~~city's current fee resolution~~ Community and Economic Development Department Master Fee Schedule. The application shall contain such information as the director may deem necessary or useful, and shall include:

CHAPTER 18.10 – INTERNATIONAL FIRE CODE

Section 18.10.060 – Fire Code Permit, Plan Review, and Inspection Fees

(1) For installation or alteration of any of the required construction permits as listed in the fire code, Section 105.6, a permit fee will be assessed based on value as ~~amended by Chapter 16.02 LMC, Table 1-A~~ established in the Community and Economic Development Department Master Fee Schedule.

(2) Plan review fees for required construction permits shall be 70 percent of the permit fee.

(3) A fee ~~of $62.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all operational permits required by the fire code, Section 105.5. Where more than one operational permit is required at the same premises, the fee for each additional permit shall be one-half of the original fee.

(4) A fee ~~of $62.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all special event reviews and inspections for the purpose of reviewing fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city.

(5) A fee ~~of $20.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected annually for the inspection of certificate of occupancy permits required under International Building Code Chapter 1, Section 111.

(6) Building plan review fees as required by LMC 18.10.050 for calculation of required fire flows, review of fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city shall be ~~five percent of the building permit fee designated by Chapter 16.02 LMC, Table 1-A~~ as established in the Community and Economic Development Department Master Fee Schedule, except for group R-3 and U occupancies.

(7) Reinspections, preliminary inspections and other special inspections required or requested shall be calculated at ~~$62.00 per hour~~ at a rate established in the Community and Economic Development Department Master Fee Schedule.

CHAPTER 17.02 GENERAL PROVISIONS [Environmental]

Section 17.02.070 – Fees

~~The fees to be paid upon the filing of a petition or application relating to environmental protection review and permits shall be as set forth in Table 17-A of the Longview Municipal Code.~~

~~Table 17-A – Longview Fee Schedule for Environmental Review and Permits~~

~~ACTION~~	~~FEE~~
~~PLANNING STAFF REVIEWS~~	
~~State Environmental Policy Act (SEPA) DNS~~	~~$579~~
~~SEPA MDNS~~	~~$879~~
~~SEPA DS/EIS~~	~~$4,634~~
~~SEPA DNS appeal~~	~~$579~~
~~SEPA MDNS appeal~~	~~$879~~
~~SEPA DS/EIS appeal~~	~~$4,634~~
~~SEPA exemption~~	~~$115~~
~~Critical areas review/determination~~	~~$115~~
~~Critical areas appeal~~	~~$115~~
~~Floodplain permit~~	~~$290~~
~~Shoreline substantial development permit (SDP) application~~	~~$1,159~~
~~Shoreline application revision~~	~~$290~~
~~Shoreline exemption~~	~~$115~~
~~Shoreline conditional use~~	~~$579~~
~~Shoreline conditional use with SDP~~	~~$115~~
~~Shoreline variance~~	~~$579~~
~~Shoreline variance with SDP~~	~~$115~~

~~ACTION~~	~~FEE~~
~~Shoreline appeal~~	~~$290~~
~~STORMWATER REVIEW~~	
~~Review of private stormwater retention/detention systems~~	~~Based on valuation and calculated per Chapter 16.02 LMC, Table 1-A and Section 109.2.1~~
~~Review of private stormwater systems where capacity is secured in an approved off-site regional public retention/ detention facility~~	~~$31~~
~~Other Inspections and Fees:~~	
~~1. Additional review required by changes, additions or revisions to submitted documents (minimum charge – one-half hour)~~	~~$62 per hour[1]~~
~~2. For use of outside consultants~~	~~Actual costs[2]~~

~~[1] Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

~~[2] Actual costs include administrative and overhead costs.~~

Upon filing of a petition or application relating to environmental protection review, critical areas reviews, associated permits, or other administrative actions, fees shall be paid according to the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended.

When submittal documents are incomplete or changed so as to require additional review or when the project involves deferred submittal documents, an additional review fee ~~shall~~ may be charged at the rate shown ~~in amended Table 17-A~~. on the Community and Economic Development Department Master Fee Schedule.

CHAPTER 17.10 CRITICAL AREAS

Section 17.10.040 – Relationship to Other Regulations, Interpretation, Authority, and Fees

(4) Fees.

(a) The applicant shall be responsible for the initiation, preparation, submission, and expense of any required reports, assessments, studies, plans, and other work prepared in support of or necessary to review the application.

(b) Fees are ~~set in Chapter 17.02 LMC, General Provisions.~~ as established in the Community and Economic Development Department Fee Schedule.

CHAPTER 17.20 ENVIRONMENTAL PROTECTION - ENACTMENT

Section 17.20.250 – Fees

The city shall require the following fees for its activities in accordance with the provisions of this chapter:

(1) Threshold Determination. ~~The city shall not collect a fee for threshold determinations.~~ Fees for threshold determinations are as established in the Community and Economic Development Department Master Fee Schedule.

CHAPTER 17.60 SHORELINES MASTER PROGRAM

Section 17.60.010 – Shorelines Master Program – Adopted by Reference

The city adopts by reference the 2021 updated shorelines master program for Longview, Washington, and incorporates the same in this chapter as though set forth in detail in this chapter. Not less than three copies thereof have been and are now on file in the office of the clerk of the city and available online at https://www.mylongview.com/159/Shoreline-Master-Program.

Note: Shoreline permit fees are provided ~~in Chapter 17.02 LMC, General Provisions.~~ in the Community and Economic Development Master Fee Schedule established via resolution by City Council or as hereafter amended.

CHAPTER 18.10 INTERNATIONAL FIRE CODE

Section 18.10.060 – Fire Code Permit, Plan Review, and Inspection Fees

(1) For installation or alteration of any of the required construction permits as listed in the fire code, Section 105.6, a permit fee will be assessed based on value as ~~amended by Chapter 16.02 LMC, Table 1-A~~ established in the Community and Economic Development Department Master Fee Schedule.

(2) Plan review fees for required construction permits shall be 70 percent of the permit fee.

(3) A fee ~~of $62.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all operational permits required by the fire code, Section 105.5. Where more than one operational permit is required at the same premises, the fee for each additional permit shall be one-half of the original fee.

(4) A fee ~~of $62.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all special event reviews and inspections for the purpose of reviewing fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city.

(5) A fee ~~of $20.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected annually for the inspection of certificate of occupancy permits required under International Building Code Chapter 1, Section 111.

(6) Building plan review fees as required by LMC 18.10.050 for calculation of required fire flows, review of fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city shall be ~~five percent of the building permit fee designated by Chapter 16.02 LMC, Table 1-A~~ as established in the Community and Economic Development Department Master Fee Schedule, except for group R-3 and U occupancies.

(7) Reinspections, preliminary inspections and other special inspections required or requested shall be calculated at ~~$62.00 per hour~~ at a rate established in the Community and Economic Development Department Master Fee Schedule

Section 18.10.100 – Additions, Insertions, Deletions and Changes to Chapter 51-54A WAC (Fire Code)

5601.1.9 Retail sales permit fee.

The annual retail sales permit fee for each retail sales permit issued hereunder shall ~~be $100.00~~ as established in the Community and Economic Development Department Master Fee Schedule, which shall be paid ~~to the City Clerk~~ at the time such license is issued. All retail sales permits shall expire at the

end of the calendar year in which they are issued. Said fee shall be paid in full regardless of the month during any calendar year that said permit is issued and shall not be refunded.

CHAPTER 19.06 GENERAL PROVISIONS [Zoning]

Section 19.06.060 - Fees.

~~The fees to be paid upon the filing of a petition or application relating to land use decisions, planning commission actions, and appeal board of adjustment actions shall be as set forth in Table 19-A:~~

~~**Table 19-A – Longview Fee Schedule for Planning Actions**~~

~~**ACTION**~~	~~**FEE**~~
~~**PLANNING COMMISSION AND STAFF**~~	
~~Subdivision – Preliminary plat~~	~~$1,738 + $81 per lot~~
~~Subdivision – Preliminary plat extension~~	~~$339~~
~~Subdivision – Final plat~~	~~$1,738 + $81 per lot~~
~~Short plat~~	~~$1,159~~
~~Short plat appeal~~	~~$1,159~~
~~Binding site plan A~~	~~$1,159 + $81 per lot~~
~~Binding site plan B~~	~~$2,317 + $105 per lot~~
~~Planned unit development – Preliminary~~	~~$2,317 + $105 per lot~~
~~Planned unit development – Final~~	~~$2,317 + $105 per lot~~
~~Planned unit development – Amendment~~	~~$696~~
~~Boundary line adjustment~~	~~$349~~
~~Boundary line adjustment appeal~~	~~$349~~
~~Vacation hearing~~	~~$349~~
~~Rezone request~~	~~$2,317~~
~~Zoning text amendment request~~	~~$2,317~~
~~Comprehensive plan amendment request~~	~~$2,317~~

~~ACTION~~	~~FEE~~
~~Special property use hearing for D-C district~~	~~$696~~
~~APPEAL BOARD OF ADJUSTMENT~~	
~~Appeal of administrative decision~~	~~$463~~
~~Review of the building official's interpretation~~	~~$463~~
~~Similar use determination~~	~~$463~~
~~Special property use hearing~~	~~$696~~
~~Variance hearing~~	~~$1,159~~
~~Seasonal sales temporary use permit~~	~~$62~~
~~OTHER INSPECTIONS AND FEES~~	
~~1. Additional review required by changes, additions or revisions to submitted documents (minimum charge – one-half hour)~~	~~$62 per hour[1]~~
~~2. For use of outside consultants~~	~~Actual costs[2]~~
~~[1]Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~ ~~[2]Actual costs include administrative and overhead costs.~~	

Upon filing of a petition or application relating to land use decisions, planning commission actions, appeal board of adjustment, or other administrative actions, fees shall be paid according to the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended.

When submittal documents are incomplete or changed so as to require additional review or when the project involves deferred submittal documents, an additional review fee ~~shall~~ may be charged at the rate shown in ~~amended Table 19-A~~ the Community and Economic Development Department Master Fee Schedule.

CHAPTER 19.12 APPEAL BOARD OF ADJUSTMENT

Section 19.12.080 – Special Property Uses – Application – Fee

All applications for special property uses permitted by this title shall be submitted in writing to the office of the building official. Each such application shall contain the name and mailing address of the applicant or applicants, the legal description of the property for which the special property use is requested, the nature of the special use requested, a concise statement as to the reasons why such property is needed for and suited to such special use, and a statement or document verifying the applicants, ownership of the property or interest in the property through lease, option or other such binding agreement with the owner. The application shall be accompanied by a plot plan, drawn to scale, showing the dimensions of any and all existing structures and all structures to be erected on the property involved and the yard areas thereof. The board or building official may, at any time, require the applicant to furnish such additional information as may be necessary to enable the board to determine whether such application should or should not be granted. With each application filed for a special property use there shall be paid by the applicant, at the time of filing the application with the community and economic development department, a fee in accordance with ~~Table 19-A~~ the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such application, including the publication and mailing of the notices hereinafter required..

Section 19.12.150 – Variances – Application – Fee – Hearing – Decision

(2) With each application filed for a variance there shall be paid by the applicant, at the time of filing the application with the community development department, a fee in accordance with ~~LMC 19.06.060~~ the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such application, including the publication and mailing of the notices required.

Section 19.12.190 – Appeal – Transcript – Fees

Within 20 days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript of all of the proceedings before the board, including the order or decision from which the appeal is taken. The transcript shall be prepared under the supervision of the secretary of the board and shall be certified by the secretary to contain a full, true and correct copy of all matters and proceedings required to be in the transcript. The fee for preparing and certifying the transcript shall be ~~$20.00 for the first legal size page and $10.00 for each additional legal size page,~~ as determined by the Community and Economic Development Department Master Fee Schedule, which fee shall be paid to the office of the city clerk. The secretary of the board shall be under no duty to surrender the transcript to the appellant until the fees are paid. All fees so received shall be surrendered to the city treasurer for deposit in the general fund of the city. Resubmittals

CHAPTER 19.22 SUPPLEMENTAL RESIDENTIAL ZONING STANDARDS

Section 19.22.025 – Accessory Dwelling Units

(h) The following permit and inspection requirements shall be met:

(i) No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;

(ii) All applications for ADU building permits shall be on forms provided by the community development department, and the fee for such permit shall be as provided ~~in the building code~~ in the Community and Economic Development Department Master Fee Schedule;

CHAPTER 19.42 FARMER'S MARKETS IN RESIDENTIAL DISTRICTS

Section 19.42.040 – Operating Standards

(11) Each year, before the market begins, a site plan (application) shall be submitted to the community development department along with a review fee as provided in ~~Chapter 19.06 LMC~~ the Community and Economic Development Department Master Fee Schedule. The site plan shall demonstrate how the above operating standards will be met.

CHAPTER 19.66 PLANNED UNIT DEVELOPMENT

Section 19.66.080 – Submittal Requirements

An application for approval of a PUD shall be submitted to the community development department on forms provided by the department along with payment of fees as established ~~fees~~ in the Community and Economic Development Department Master Fee Schedule. For those PUD developments that include the division of land, a PUD application shall only be accepted as complete if it is submitted concurrent with an application for preliminary plat approval that includes all information required pursuant to Chapter 19.80 LMC and other applicable city regulations. Twenty-five copies of all associated application materials must be submitted in hard copy format. Digital application materials (e.g., CD copies) may fulfill a portion of the required hard copy applications as approved by the city. An applicant for a PUD shall submit the following items to the city, unless the director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

Section 19.66.120 – Final PUD Approval

Final PUD approval shall be granted upon completion of all PUD and preliminary plat conditions in accordance with the procedure set forth for final plat approval in Chapter 19.80 LMC. A final PUD application shall be submitted on forms prepared by the city and include applicable fees as established in the Community and Economic Development Department Master Fee Schedule. A PUD that does not include the division of land shall not be subject to the final PUD approval procedures of this section.

CHAPTER 19.67 SHORT SUBDIVISIONS

Section 19.67.030 – Preliminary Short Plat Approval

(2) Application/Fees. The following items are required, in quantities specified by the city of Longview, for a complete short plat application for preliminary approval. Items may be waived if, in the judgment of the community development director, they are not applicable to the proposal:

(a) Completed preliminary short plat application form as prescribed by the community development director with the applicable application fee as identified in the Community and Economic Development Department Master Fee Schedule;

Section 19.67.040 – Final Short Plat Approval

(1) Application. The following items are required, in quantities specified by the community development director, for a complete application for final plat approval. Items may be waived if in the judgment of the community development director the items are not applicable to the particular proposal:

(a) Completed short plat final approval form and applicable fees as identified in the Community and Economic Development Department Master Fee Schedule;

CHAPTER 19.68 BOUNDARY LINE ADJUSTMENTS

Section 19.68.050 – Application

(9) A fee as established ~~by the city council by resolution.~~ in the Community and Economic Development Department Master Fee Schedule.

CHAPTER 19.80 LONGVIEW SUBDIVISION CODE

Section 19.80.090 – Fees

Fees for applications and permit review associated with actions authorized by this are as ~~prescribed in LMC 19.06.060~~ established in the Community and Economic Development Department Master Fee Schedule and shall be paid to the city with the filing of each application. Such payment shall be made to the department of community development.

Section 19.80.160 – Final Plat Procedure

(i) Payment of any inspection and final application fees as required by this chapter and ~~Chapter 19.06 LMC;~~ as established in the Community and Economic Development Department Master Fee Schedule;

(d) When the city engineer is satisfied with the detail and computations of the plat, determines that the plat conforms to the preliminary plat and conditions and approves the subdivision, he/she shall signify their approval by signing the original and Mylar copies of the final plat. If the city engineer is not satisfied with the detail and computations of the final plat, and finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he/she shall withhold their signature until the matter is corrected or resolved by the applicant to the satisfaction of the engineer. Prior to approval of the final plat by the city engineer, all engineering review fees shall be paid in accordance with ~~Chapter 19.06 LMC~~ Chapter 12.08 and Chapter 12.10 LMC.

Section 19.80.170 – Final Plat Drawing and Recording

2. Filing. After all signatures have been affixed to the final plat ~~T~~ the applicant or their designee shall record the final plat, along with all associated attachments, with the Cowlitz County Auditor and pay the county auditor recording fees for the final plat and associated attachments. ~~to the Community Development Director. Said payment shall be made at the time application for final plat approval is made. Upon approval of the final plat by the city council the director shall file the original drawing of the final plat for recording with the county auditor.~~ One reproduced full copy of mylar material shall be furnished to the city engineer. One reproduced full copy of mylar material shall be furnished to the county engineer's office.

CHAPTER 19.81 AMENDMENTS

Section 19.81.040 – Initiation by Property Owner – Fees

The owner or owners of any property within the city may submit to the planning commission proposed amendments, modifications or supplementations to this title. Proposals for changes in zone classifications shall be signed by the owner or owners of not less than 51 percent of the area of property for which a change in zone classification is sought. All proposals shall be in writing, signed by the property owner or owners submitting such proposal and shall include their mailing addresses, a clear

and concise statement of the nature of the proposed amendment, modification or supplementation and reasons for proposing the same. Simultaneously with the filing of any such proposal or proposals, the property owner or owners submitting the same shall pay to the community and economic development department a fee as ~~established in LMC 19.06.060~~ established in the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such proposal or proposals, including the publication of public hearing notices as required by this chapter.

CHAPTER 19.90 BINDING SITE PLAN

Section 19.90.040 – Application Requirements

(2) Application Contents. The applicant shall submit the following application materials for a preliminary binding site plan:

(a) Completed preliminary binding site plan application on form supplied by the city;

(b) Payment of all required fees as established in the Community and Economic Development Department Master Fee Schedule;

Section 19.90.090 – Recording

The survey and approved developer agreement shall become effective only upon recording with the Cowlitz County auditor. The lots, parcels or tracts created through this procedure are legal lots of record. The face of the survey and the developer agreement shall indicate that the documents are dependent upon one another and together constitute the binding site plan. ~~The applicant shall pay the county auditor recording fee for the final binding site plan to the community development director. Said payment shall be made at the time application for final binding site plan approval is made.~~ Upon approval of the final binding site plan by the planning commission, the ~~community development director~~ applicant or their designee shall file the original drawing of the final binding site plan, along with any associated attachments, for recording with the county auditor. One reproduced full copy of Mylar material shall be furnished to the city engineer. One reproduced 11-inch by 17-inch copy shall be provided to the community development director.

Community and Economic Development Department
Broadway St.|PO Box 128|Longview, WA 98632
360-442-5086|www.mylongview.com

Community & Economic Development Department Master Fee Schedule

Building Fees & Valuation Table 1-A

Total Valuation	Fee
$1.00 to $500.00	$31.30
$501.00 to $2,000.00	$31.30 for the first $500.00, plus $4.25 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	$98.45 for the first $2,000.00, plus $18.80 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$523.00 for the first $25,000.00, plus $13.25 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$848.75 for the first $50,000.00 plus $9.44 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,00.00	$1,310.00 for the first $100,000.00 plus $7.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$4,263.24 for the first $500,000.00 plus $6.32 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$7,394.00 for the first $1,000,000.00 plus $5.20 for each additional $1,000.00, or fraction thereof

Building Plan Review, One- and Two- Family Dwellings: Plan Review fees for One- and Two- Family Dwellings are 65% of the building permit fee as shown in the building valuation table 1-A.

Building Plan Review, All Other Structures: Plan Review fees are 70% of the building permit fee as shown in the building valuation table 1-A.

Commercial Demolition Permit: Based on valuation, see Table 1-A

Residential Demolition Permit: $75

Commercial Fence Permit: Based on valuation, see Table 1-A

Residential Fence Permit: $75

"Same-As" Plan Review: 30% of building permit fee as shown in the building valuation table 1-A

Manufactured Housing, on lot: Based on home valuation, see Table 1-A.

Manufactured Housing, when in Manufactured Home Park:

Single-Wide:	$132
Double Wide:	$165
Triple Wide:	$197

Other Fees:

Wood Stoves	$47
Re-roof/Re-siding	$75
Window Replacement	$75
Sheds (<200sf)	$75

The following values are used to determine standard square-foot valuation for specific structures. This table is to determine a standardized valuation to be used in conjunction with Table 1-A and 1-B to determine permit fees. Valuations are based on ICC's Building Valuation Data Sheet dated February 2020.

Single Family/Duplex	$115/sq ft
Triplex or Multi-family	$100/sq ft
Addition (living area)	$90/sq ft
Garage (attached/detached)	$50/sq ft
Pole Building	$40/sq ft
Pole Building (Roof Only)	$25/sq ft
Carport/Patio Cover	$20/sq ft
Wood Deck	$20/sq ft
Wood Deck w/Roof Cover	$30/sq ft
Flatwork (concrete/asphalt)	$3/sq ft

Community and Economic Development Department
1525 Broadway St.|PO Box 128|Longview, WA 98632
442-5086|www.mylongview.com

Community & Economic Development Department Master Fee Schedule

Mechanical Fees

Description	Fee
Issuance Fee, Each Mechanical Permit	$28
Issuance Fee, Each Supplemental Permit	$14.25
Equipment Installation	
Furnace	$20.50
Boiler	$20.50
Compressor and/or Absorption Systems (heat pump)	$20.50
Evaporative Coolers	$20.50
Air Handler (not part of A/C system)	$20.50
Ventilation System (not part of A/C system)	$20.50
Ventilation Hood (incl. associated ductwork)	$20.50
Fireplace Insert (gas or wood)	$20.50
Incinerator	$20.50
Fire and/or Smoke Damper	$20.50
Other Equipment regulated under Mechanical Code	$20.50
Equipment Repair or Addition	$18.25
Vents	
Appliance Vent	$10.25
Ventilation Fan, Single Unit	10.25
Piping Systems	
Gas Piping	$7.15
Hazardous Process Piping	$7.15
Non-Hazardous Process Piping	$7.15
Additional outlets beyond four	$3.15/unit

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1525 Broadway St.|PO Box 128|Longview, WA 98632
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Community & Economic Development Department Master Fee Schedule

Plumbing Fees

Description	Fee
Issuance Fee, Each Plumbing Permit	$28.50
Issuance Fee, Each Supplemental Permit	$14.25
Fixtures, Devices, & Equipment	
Water Heater (incl. vent)	$9.15
Fixture Requiring a Trap (incl. piping/backflow)	$9.15
Industrial Waste Receptor	$9.15
Grease Trap	$9.15
Water Treatment Equipment	$9.15
Lawn Sprinkler	$9.15
Backflow Preventer	$9.15
Other Equipment regulated under Plumbing Code	$9.15
Equipment/Fixture Repair or Addition	$9.15
Building Sewer	$20.50
Gas Piping Systems	
System Installation, up to Four Outlets	$7.15
Additional outlets beyond four	$3.15/unit
Other Systems	
Rainwater Systems, Per Drain (inside building)	$9.15
Private Sewage System	$32.50
Graywater System	$32.50
Installation/Testing of Reclaimed Water System	$38.75
Annual Testing of Reclaimed Water System	$38.75
Medical Gas Piping, up to Five Outlets (specific gas)	$62
Additional Outlets Over Five	$7.15

Community and Economic Development Department
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Community & Economic Development Department Master Fee Schedule

Fire/Life Safety Fees & Valuation Table 1-B

Total Valuation	Fire Permit Fee
$1.00 to $500.00	$31.30
$501.00 to $2,000.00	$31.30 for the first $500.00, plus $4.25 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	$98.45 for the first $2,000.00, plus $18.80 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$523.00 for the first $25,000.00, plus $13.25 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$848.75 for the first $50,000.00 plus $9.44 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,00.00	$1,310.00 for the first $100,000.00 plus $7.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$4,263.24 for the first $500,000.00 plus $6.32 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$7,394.00 for the first $1,000,000.00 plus $5.20 for each additional $1,000.00, or fraction thereof

Fire Permit Plan Review: Plan Review fees for fire permits are 70% of the fire permit fee as shown in the valuation table 1-B.

Fire Review of Building Permits: Fire Review fees are 5% of the building permit fee as shown in table 1-B. This does not apply to R-3 occupancies (SFD, Duplexes) or U ocupancies. Minimum Permit fee is $62.

Fire Code Operational Permits: $62

Each Additional Operational Permit at same location: $31

Annual Inspection of Certificate of Occupancy (IBC Ch1, Sec.111): $20

Special Event Reviews: $62

Fireworks Retail Sales: $100

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Community & Economic Development Department Master Fee Schedule

Hourly, Reinspection, and Public Notice

Building/Fire Inspections Outside Normal Business Hours	$62/hour (2-hour min)
Building/Fire Reinspection Fees	$62/hr
Additional Building/Fire Plan Review - Changes, Additions, Revisions	$62/hr
Use of Outside Consultants, Plan Checking, and/or Inspections	Actual Cost + Admin OH
Administrative Overhead	$45/hr
Review of Building Offical Determination (BOA)	$463
Investigation Fee - Work Commenced Without a Permit	100% of permit fee
Public Notice - Board of Adjustment, Zoning/CP Amendments	Actual Cost
Other Inspections/Reviews - No Fees Specifically Indicated	$62/hr
Pre-application Reviews	
Minor Pre-application	$100
Major Pre-application	$400

NOTE: Minimum for any hourly charge is one half hour, except for inspections outside normal business hours.

NOTE: 50% of Pre-application Reviews fees may be credited towards a subsequent permit or project review application when an application for said project is submitted within 6 months of the related pre-application meeting. In no instance shall this credit result in a refund or additional credits should the amount credited exceed the cost of the subsequent permit.

NOTE: Public Notice costs shall apply to all project applications requiring Appeals Board of Adjustment review, or applicant-initiated zoning/comprehensive plan amendments. This cost includes the cost for legal ads and mailing(s).

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Community & Economic Development Department Master Fee Schedule

Land Division Fees

Description	Fee
Short Subdivision (Short plat)	
Preliminary Short Subdivision Review	$959
Final Short Plat Review	$200
Subdivision (Long Plat)	
Preliminary Plat Review	$1,738 + $81 per lot
Preliminary Approval Extension	$339
Final Plat Review	$1,738 + $81 per lot
Modification of Preliminary Approval	$1,738
Alteration/Vacation	$1,738
Binding Site Plans (BSP)	
Type A Binding Site Plan	$1,159 + $81 per lot
Type B Binding Site Plan	$2,317 + $105 per lot
Planned Unit Development (PUD)	
Preliminary PUD Review	$2,317 + $105 per lot
Final PUD Review	$2,317 + $105 per lot
PUD Amendment	$696
Boundary Line Adjustment	$349

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Community & Economic Development Department Master Fee Schedule

Environmental Fees

Description	Fee
State Environmental Policy Act (SEPA)	
SEPA DNS	$579
SEPA MDNS	$879
SEPA DS/EIS	$4,634
SEPA Exemption Letter	$115
Critical Areas/Floodplain	
Critical Areas Review/Determination	$115
Floodplain Permit	$290
Shorelines	
Shorelines Exemption	$115
Shorelines Substantial Development Permit (SSDP)	$1,159
Shorelines Conditional Use	$579
Shorelines Conditional Use w/SSDP	$115
Shorelines Variance	$579
Shorelines Variance w/SSDP	$115
Shorelines Application Revision	$290
Stormwater Review	
Private Stormwater Retention/Detention Review	Based on Valuation - Table 1-A
Private Stormwater - Off-Site Regional Facility	$31

Community and Economic Development Department
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Community & Economic Development Department Master Fee Schedule

Other Land Use Fees

Description	Fee
Zoning/Comprehensive Plan Amendments	
Zoning Map/Text Amendment	$2,317
Comprehensive Plan Amendment	$2,317
Combined Zoning and Comprehensive Plan Amendment	$2,896
Variances/Waivers	
Fence Waiver	$463
All Other Variances	$1,159
Special Property Uses	
Accessory Dwelling Unit(s) - Detached	$460
Accessory Dwelling Unit(s) - Attached	$230
Downtown Commercial District Special Property Use	$696
All Other Special Property Uses	$696
Temporary Use: Mobile Vendor/Food Truck/Seasonal Sales	$62
Wireless Communications Facilities	
Type 1	TBD
Type 2	TBD
Type 3	$696
Appeals	
Appeal of Administrative Decision	$463
Appeals to Board of Adjustment (BLA, BSP)	$463
Appeals to Superior Court (Var/SU/Sub/BOA decisions)	$1,159
SEPA DNS Appeal	$579
SEPA MDNS Appeal	$879
SEPA DS/EIS Appeal	$4,634
Transcript Fees	$20 first/$10 each add'l page

*

Exhibit D:
PREAPPLICATION MEETINGS
COST BREAKDOWN AND COMPARISONS

Number of Preapplication Meetings, December 1 through February 12	
December:	5
January:	6
February:	2

Average Staff Time Per Minor Preapplication	
Planner:	1
Building Official:	0.5
Public Works Rep.	0.5
Fire Marshal:	0.5
TOTAL:	**2.5**

Average Staff Time Per Major Preapplication	
Planner:	2
Building Official:	1.5
Fire Marshal:	1.5
City Engineer	1.5
Stormwater:	1.5
Utilities:	1.5
TOTAL:	**9.5**

*Average Staff Cost - Current Fee Schedule	
All Staff:	$62/hour

**Staff hourly rates as on currently adopted fee sheet. Rates last updated in 2016.*

Average Cost Based on Current Rates	
Minor Preapplications:	$155
Major Preapplications:	$589

Preapplication fees, Surrounding Jurisdictions:				
Longview	$0	Kalama	$500	
Cowlitz	$450	Castle Rock	$300	*(plus cost)*
Kelso	$0	Ridgefield	$1,250	*($500 credit)*
Clark	$2,395	Battleground	$450	
Vancouver	$1,269	LaCenter	$460	*(plus cost)*
Woodland	$900			
		Average of all Jurisdictions:		$774
		Average of all Jurisdictions charging fees:		$946

City of Longview Proposed Preapplication fees:	
*Minor Preapplication:	$100
*Major Preapplication:	$400

**50% credit for future application*

New Fees - Quick Reference

Fee Item	Old Fee	New Fee(s)
Preapplication Meetings	$0	$100 (Minor) w/future credit $400 (Major) w/future credit
Administrative Overhead	$62	$45
Combined Zoning/Comp Plan Amend.	$4,634	$2,896
Wireless Commiunications Facility	$696	$696 (Type 1) $TBD (Type 2) $TBD (Type 3)

Fee Structure Changes - Quick Reference

Old Fee Structure		New Fee Structure	
Appeal Fees			
SEPA DNS Appeal	$579	Appeals to Board of Adjustment	$463
SEPA MDNS Appeal	$879	Appeal to Superior Court	$1,159
SEPA DS/EIS Appeal	$4,634	SEPA DNS Appeal	$579
Critical Areas Appeal	$115	SEPA MDNS Appeal	$879
Shoreline Appeal	$290	SEPA DS/EIS Appeal	$4,634
Short Plat Appeal	$1,159		
Boundary Line Adj. Appeal	$349		
Appeal of Admin Decision	$463		
Special Use Permit Fees			
Special Property Use	$696	ADU (Detached)	$460
Special Property Use (D-C District)	$696	ADU (Attached)	$230
		Special Property Use (D-C District)	$696
		Special Property Use	$696

Old Fee Structure		New Fee Structure	
Short Plats			
Short Plat Review	$1,159	Preliminary Short Plat Review	$959
		Final Short Plat Review	$200
Subdivisions (Long Plats)			
Subdivision - Preliminary Plat	$1,738 + $81/lot	Preliminary Plat Review	$1,738 + $81/lot
Subdivision - Preliminary Plat Exten.	$339	Preliminary Approval Extension	$339
Subdivision - Preliminary Plat Exten.	$1,738 + $81/lot	Final Plat Review	$1,738 + $81/lot
Act of Recording Final Plat	City Staff	Modification of Prelim Approv.	$1,738
		Alteration/Vacation	$1,738
		Act of Recording Final Plat	Applicant

Other Changes - Quick Reference

Public notice costs added to fee sheet. They have always been present, just not identified.

Minim fee amount of $62 set for Fire Review of Building Permits.

Minimum hourly charge set for after-hours inspections (2 hours minimim).

Transcript fees for appeals added to fee sheet. They have always been present, just not identified.

SEPA fees always present, but required amendment to LMC (included with these code changes) for consistency.

Chapter 16.02

BUILDING CODE

Sections:

16.02.010 Adoption of International Building Codes.
16.02.020 Administrative provisions.
16.02.030 Additions, insertions, deletions and changes to Chapter 51-51 WAC.
16.02.040 Additions, insertions, deletions and changes to Chapter 51-52 WAC.
16.02.060 Additions, insertions, deletions and changes to Chapter 51-56 WAC.

16.02.010 Adoption of International Building Codes.
Chapters 51-11R and 51-11C WAC (2021 International Energy Conservation Code), Chapter 51-50 WAC (2021 International Building Code), including the Appendix Chapter E, as further amended by Chapter 51-50 WAC, I and J, Chapter 51-51 WAC (2021 International Residential Code), including the Appendix Chapters G and H, Chapter 51-52 WAC (2021 International Mechanical Code), and Chapter 51-56 WAC (2021 Uniform Plumbing Code and Uniform Plumbing Code Standards), together with amendments thereof and additions thereto, one copy of each of which is on file in the office of the city clerk of the city of Longview, shall be and is hereby adopted as the building code of the city of Longview for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the city clerk of the city of Longview are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter. (Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

16.02.020 Administrative provisions.
For the purpose of providing administrative provisions for the building code of Longview, including Chapters 51-11R, 51-11C, 51-50, 51-51, 51-52 and 51-56 WAC, Subchapter 1 of Chapter 51-50 WAC is hereby amended to read as follows:

> Section 101.1 These regulations shall be known as the Building Code of the City of Longview, Washington, sometimes hereinafter referred to in this chapter as “this code.”

Section 101.4.2, Mechanical, is amended to read as follows:

> The provisions of the International Mechanical Code as amended by WAC 51-52 as adopted herein shall apply to the installation, alteration, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Section 101.4.3, Plumbing, is amended to read as follows:

> The provisions of the Uniform Plumbing Code as amended by WAC 51-56 as adopted herein shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. Exception: When requested in writing by the permit applicant, on the permit application, the 2021 International Plumbing Code shall be considered an approved alternate for plumbing installations governed under the Uniform Plumbing Code. When approved Alternate plumbing codes are utilized, the entire plumbing installation shall be installed and governed under the provisions of the alternate code. The provisions of the State of Washington requirements for private sewage disposal shall apply to private sewage disposal systems.

Section 101.4.4, Property Maintenance, is amended to read as follows:

The provisions of the International Property Maintenance Code and Longview Municipal Code Chapter 16.32 (Unfit Dwellings and Structures) shall apply to all structures and premises; all equipment and facilities; all light, ventilation, space heating, sanitation, life and fire safety hazards; the responsibilities of owners, operators and occupants; and the occupancy of existing premises and structures.

Section 101.4.6, Energy, is amended to read as follows:

The provisions of the International Energy Conservation Code as amended in WAC 51-11R and WAC 51-11C as adopted herein shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 101.4.8, Electrical, is deleted.

Section 102.6, Existing Structures, is amended to read:

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the International Fire Code as set forth in LMC Title 18, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section 103.3, Deputies, is deleted.

Section 104.1, General, is amended to read:

The building official is hereby authorized and directed to enforce the provisions of this code, including any requirements or regulations imposed on a project as a condition of a land use approval process, as those conditions relate to permit issuance as required in Section 105.3.1 and issuance of a certificate of occupancy as required in Section 111.2. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Section 105.2, Work Exempt from Permit, is amended as follows:

Subsections 1, 2, 4, 6 and 12 of Section 105.2 are deleted.

Subsection 11 of Section 105.2 is amended to read as follows:

Swings and other playground equipment.

Section 108.3, Temporary Power, is deleted.

Section 109.2, Schedule Permit Fees, is amended as follows:

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be charged and paid in accordance with the established fee schedules as set forth in Sections 109.2.1, 109.2.1.1, 109.2.1.2, 109.2.1.3, 109.2.2, and 109.2.3.

Section 109.2.1 is hereby added, reading as follows:

Section 109.2.1 Building Permit Fee

~~The fee for each building permit shall be as set forth in Table 1-A herein.~~

~~Table 1-A – Building Permit Fees~~

~~TOTAL VALUATION~~	~~FEE~~
~~$1.00 to $500.00~~	~~$31.30~~
~~$501.00 to $2,000.00~~	~~$31.30 for the first $500.00 plus $4.25 for each additional $100.00, or fraction thereof, to and including $2,000.00~~
~~$2,001.00 to $25,000.00~~	~~$98.45 for the first $2,000.00 plus $18.80 for each additional $1,000.00, or fraction thereof, to and including $25,000.00~~
~~$25,001.00 to $50,000.00~~	~~$523.00 for the first $25,000.00 plus $13.25 for each additional $1,000.00, or fraction thereof, to and including $50,000.00~~
~~$50,001.00 to $100,000.00~~	~~$848.75 for the first $50,000.00 plus $9.44 for each additional $1,000.00, or fraction thereof, to and including $100,000.00~~
~~$100,001.00 to $500,000.00~~	~~$1,310.00 for the first $100,000.00 plus $7.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00~~
~~$500,001.00 to $1,000,000.00~~	~~$4,263.24 for the first $500,000.00 plus $6.32 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00~~
~~$1,000,001.00 and up~~	~~$7,394.00 for the first $1,000,000.00 plus $5.20 for each additional $1,000.00, or fraction thereof~~

~~Other Inspections and Fees:~~		
~~1.~~	~~Inspections outside of normal business hours~~	~~$62.00 per hour[1] (minimum charge — two hours)~~
~~2.~~	~~Reinspection fees~~	~~$62.00 per hour[1]~~
~~3.~~	~~Inspections for which no fee is specifically indicated~~	~~$62.00 per hour[1] (minimum charge — one-half hour)~~
~~4.~~	~~Additional plan review required by changes, additions or revisions to plans~~	~~$62.00 per hour[1] (minimum charge — one-half hour)~~
~~5.~~	~~For use of outside consultants for plan checking and inspections, or both~~	~~Actual Costs[2]~~
~~6.~~	~~Investigation fee for work commenced prior to obtaining a~~	~~100% of usual permit fee~~

	~~permit~~	

~~1. Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

~~2. Actual costs include administrative and overhead costs.~~

The fee for each building permit shall be as established in the Community and Economic Development Department Master Fee Schedule.

Section 109.2.1.1 is hereby added, reading as follows:

Section 109.2.1.1 Inspection Fee – Manufactured Housing

The fees for inspections of manufactured housing situated in a mobile home park shall be as ~~follows:~~ set forth in the Community and Economic Development Department Master Fee Schedule.

~~(a) Single-wide $132~~

~~(b) Double-wide $165~~

~~(c) Triple-wide $197~~

Section 109.2.1.2 is hereby added, reading as follows:

Section 109.2.1.2 Inspection Fee – Wood Stoves

The fees for inspection of free-standing wood stoves shall be ~~the sum of $47~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

Section 109.2.1.3, Plan Review Fees, is added as follows:

When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee for reviews relating to the provisions of the International Residential Code for One- and Two-Family Dwellings shall be 65 percent of the building permit fee and said plan review fee for all other reviews shall be 70 percent of the building permit fee as shown in ~~Table 1-A~~ the Community and Economic Development Department Master Fee Schedule. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2.1 and are in addition to the permit fees.

A building plan for one and two-family dwellings may be used repetitively upon request of the applicant and approval of the building official. When approved, the “Same As” plan shall be retained on file as a master plan. A building master plan may be used repetitively provided:

1) All “Same As” development shall occur within the code cycle under which the master plan is approved.

2) All “Same As” development shall occur within the same subdivision.

3) The initial application submittal shall include three (3) complete sets of plans, including all supporting documentation, and one (1) limited set of plans consisting of a site plan, floor plan and exterior elevations only.

4) All subsequent “Same As” applications shall not deviate from the approved master plan.

5) Payment of all appropriate fees. The plan review fee for “Same As” plans submitted subsequent to the initial submittal shall be reduced to 30% of the building permit fee.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A.

Section 109.2.2 is hereby added, reading as follows:

Section 109.2.2 Mechanical Permit Fee

The fee for each mechanical permit shall be ~~as set forth in Table 2-A herein.~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

~~**Table 2-A Mechanical Permit Fees**~~		
~~**Permit Issuance**~~		
~~1.~~	~~For the issuance of each mechanical permit~~	~~$28.50~~
~~2.~~	~~For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled~~	~~$14.25~~
~~Unit Fee Schedule~~		
~~(Note: The following do not include permit-issuing fee.)~~		
~~**Equipment**~~		
~~1.~~	~~For the installation or relocation of each of the following pieces of equipment:~~	~~$20.50~~
~~•~~	~~Furnace – forced air or gravity (includes ducts and vents)~~	~~–~~
~~•~~	~~Boiler~~	~~–~~
~~•~~	~~Compressor and/or Absorption System (includes heat pumps)~~	~~–~~
~~•~~	~~Evaporative Coolers~~	~~–~~
~~•~~	~~Air Handler (Not part of an HVAC system)~~	~~–~~
~~•~~	~~Ventilation system (Not part of an HVAC system)~~	~~–~~
~~•~~	~~Ventilation hood (includes associated ductwork)~~	~~–~~
~~•~~	~~Fireplace Insert, Gas fireplace~~	~~–~~
~~•~~	~~Incinerator~~	~~–~~
~~•~~	~~Fire damper, smoke damper or~~	~~–~~

~~**Table 2-A Mechanical Permit Fees**~~		
	~~combination fire/smoke damper~~	
~~•~~	~~Equipment regulated by the mechanical code but not specifically listed~~	~~–~~
~~2.~~	~~Repairs or addition to each piece of equipment or system~~	~~$18.25~~
~~**Vents**~~		
~~1.~~	~~For the installation of the following:~~	~~$10.25~~
~~•~~	~~Appliance vent (for a piece of equipment not requiring mechanical permit)~~	~~–~~
~~•~~	~~Ventilation fan connected to single vent~~	~~–~~
~~**Piping Systems**~~		
~~1.~~	~~For the installation of each of the following piping systems up to four outlets:~~	~~$7.15~~
~~•~~	~~Gas piping~~	~~–~~
~~•~~	~~Hazardous Process Piping~~	~~–~~
~~•~~	~~Non-Hazardous Process Piping~~	~~–~~
~~2.~~	~~For the installation of each outlet exceeding four~~	~~$3.15~~
~~**Other Inspections and Fees**~~		
~~1.~~	~~For any of the following services:~~	~~$62~~
~~•~~	~~Inspections outside of normal business hours, per hour~~	~~–~~
~~•~~	~~Re-inspection fees assessed under provisions of Section 116.6, per inspection~~	~~–~~
~~•~~	~~Inspections for which no fee is specifically indicated, per hour~~	~~–~~
~~•~~	~~Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge — one-half hour)~~	~~–~~
~~2.~~	~~*Or the total hourly cost to the jurisdiction,~~	

~~**Table 2-A Mechanical Permit Fees**~~		
	~~whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~	
~~3.~~	~~Investigation fee for work commenced prior to obtaining a permit~~	~~100% of usual permit fee~~

Section 109.2.3 is hereby added, reading as follows:

Section 109.2.3 Plumbing Permit Fee

The fee for each plumbing permit shall be ~~as set forth in Table 3-A herein~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

~~**Table 3-A Plumbing Permit Fees**~~		
~~Permit Issuance~~		
~~1.~~	~~For issuing each permit~~	~~$28.50~~
~~2.~~	~~For issuing each supplemental permit~~	~~$14.25~~
~~**Unit Fee Schedule** (in addition to items 1 and 2 above)~~		
~~**Fixtures, devices and equipment**~~		
~~1.~~	~~For the installation or relocation of each of the following:~~	~~$9.15~~
~~•~~	~~Each fixture requiring a trap (includes piping and backflow protection for that fixture)~~	~~–~~
~~•~~	~~Water heater (includes vent)~~	~~–~~
~~•~~	~~Industrial waste interceptor~~	~~–~~
~~•~~	~~Grease trap~~	~~–~~
~~•~~	~~Water treatment equipment~~	~~–~~
~~•~~	~~Lawn sprinkler system (includes backflow protection)~~	~~–~~
~~•~~	~~Backflow Preventer~~	~~–~~
~~–~~	~~Equipment regulated by the plumbing code but not specifically listed (piping and backflow protection therefor)~~	
~~2.~~	~~Repairs or addition to each fixture, piece of equipment or system~~	~~$9.15~~
~~**Building Sewer**~~		

~~**Table 3-A Plumbing Permit Fees**~~		
~~1.~~	~~For the installation of each building sewer or trailer park sewer~~	~~$20.50~~
~~**Gas Piping System**~~		
~~1.~~	~~For the installation of each gas piping system up to four outlets~~	~~$7.15~~
~~2.~~	~~For the installation of each outlet exceeding four~~	~~$3.15~~
~~**Other Systems**~~		
~~1.~~	~~Rainwater systems — Per drain (inside building)~~	~~$9.15~~
~~2.~~	~~Private sewage disposal system~~	~~$32.50~~
~~3.~~	~~Graywater system~~	~~$32.50~~
~~4.~~	~~Installation and testing of reclaimed water system~~	~~$38.75*~~
~~5.~~	~~Annual testing of reclaimed water system~~	~~$38.75*~~
~~6.~~	~~For each medical gas piping system for a specific gas — up to five outlets or inlets~~	~~$62~~
~~7.~~	~~For each additional medical gas outlet over five outlets~~	~~$7.15~~
~~**Other Inspections and Fees**~~		
~~1.~~	~~For any of the following services:*~~	~~$62~~
~~•~~	~~Inspections outside of normal business hours, per hour~~	~~–~~
~~•~~	~~Re-inspection fees assessed under provisions of Section 103.5.6, per inspection~~	~~–~~
~~•~~	~~Inspections for which no fee is specifically indicated, per hour~~	~~–~~
~~•~~	~~Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge — one-half hour)~~	~~–~~

~~**Table 3-A Plumbing Permit Fees**~~		
~~2.~~	~~*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~	~~–~~
~~3.~~	~~Investigation fee for work commenced prior to obtaining a permit~~	~~100% of usual permit fee~~

~~*Per hour for each hour worked or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of all the employees involved.~~

Section 109.6 is amended to read as follows:

Section 109.6 Fee Refunds

The Building Official may authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 113, Board of Appeals, is amended to read as follows:

Section 113.1 General – Appeal Board of Adjustment. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the Appeal Board of Adjustment, as established by LMC chapter 19.12, shall have jurisdiction as provided in said chapter 19.12.

Section 114, Violations, is amended to read as follows:

Section 114.1 Unlawful acts. It shall be a misdemeanor for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

(Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3308 § 1, 2015; Ord. 3247 § 1, 2013; Ord. 3231 § 1, 2012; Ord. 3196 § 1, 2012; Ord. 3187 § 1, 2011; Ord. 3153 § 1, 2010; Ord. 3137 § 1, 2010; Ord. 3067 §§ 1 – 5, 2008; Ord. 3025 §§ 1 – 5, 2007; Ord. 3004 § 1, 2007; Ord. 2969 §§ 1 – 5, 2006; Ord. 2945 §§ 1 – 5, 2005; Ord. 2941 §§ 2, 3, 2005; Ord. 2906 § 1, 2004; Ord. 2894 § 1, 2004).

16.02.030 Additions, insertions, deletions and changes to Chapter 51-51 WAC.
The following sections of the International Residential Code as set forth in Chapter 51-51 WAC are hereby amended to read as follows:

Chapter 1 of Chapter 51-51 WAC is deleted in its entirety.

Table R301.2(1) Climatic, and Geographic Design Criteria established:

Ground Snow Load:	25 psf
Wind Speed (mph):	110 IRC Section 301.2
Seismic Design Category:	D1
Subject to Damage From Weathering:	Moderate
Frost Line Depth:	6 inches
Termite:	Slight to Moderate
Decay:	Slight to Moderate
Winter Design Temp.:	20 Degrees F
Ice Shield Underlayment Req.:	No
Flood Hazards:	FIS December 16, 2015 FIRM December 16, 2015
Air Freezing Index:	N/A
Mean Annual Temperature:	50 Degrees F

(Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3122 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

16.02.040 Additions, insertions, deletions and changes to Chapter 51-52 WAC.
Chapter 1 of Chapter 51-52 WAC is deleted in its entirety. (Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

16.02.060 Additions, insertions, deletions and changes to Chapter 51-56 WAC.
Chapter 1 of Chapter 51-56 WAC is deleted in its entirety.

Section 719.1, Cleanouts, is amended to read as follows:

Cleanouts shall be placed outside the building near the connection between the building drain and the building sewer and extended to grade. Additional building sewer cleanouts shall be

installed at intervals not to exceed one hundred (100) feet (30,480 mm) in straight runs, for each aggregate horizontal change in direction exceeding one hundred thirty-five (135) degrees (2.36 rad), and at the property line. Cleanouts located at the property line shall be provided with an approved cleanout access box.

Sec. 1011.0, Auto Wash Racks, is amended to read as follows:

Minimum Requirements for Auto Wash Racks.

Every private or public wash rack and/or floor or slab used for cleaning machinery or machine parts shall be adequately protected against storm or surface water and shall drain or discharge into an approved oil/water separator (clarifier), acceptable to the jurisdiction, connected to the sanitary sewer system.

(Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

Chapter 16.13

UNIFORM SIGN CODE

Sections:

16.13.010 Uniform Sign Code – Adopted by reference – Amendments and supplements.
16.13.015 Uniform Sign Code – Section 304 amended – Permit fees.
16.13.020 Amendments to Uniform Sign Code.
16.13.030 Additions to Uniform Sign Code.
16.13.040 New chapter added to Uniform Sign Code.

16.13.010 Uniform Sign Code – Adopted by reference – Amendments and supplements.
As authorized by RCW 35A.12.140 and 35A.13.180, the city council of the city of Longview hereby adopts by reference as and for the sign code of the city, as if set forth herein in full, the 1997 Edition of the Uniform Sign Code as prepared and published by the International Conference of Building Officials, as hereafter amended and supplemented in this chapter, together with future amendments thereof and additions thereto. One copy of said Uniform Sign Code, with amendments and additions, shall be filed in the office of the city clerk/director of finance for use and examination by the public. (Ord. 2838 § 1, 2002; Ord. 2762, 2000; Ord. 2701 § 1, 1998; Ord. 2489 § 8, 1992).

16.13.015 Uniform Sign Code – Section 304 amended – Permit fees.
Section 304 is amended to read as follows:

Sec. 304 Fees

(1) For the installation, erection, re-erection, construction, alteration or maintenance of a sign, the permit fee shall be ~~based on Table 1-A of the 1997 Uniform Building Code (value) as amended in Longview Municipal Code Section 16.01.060~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

(2) The plan review fee for sign installation, erection, re-erection, construction, or alteration shall be 70% of the permit fee.

(Ord. 2848 § 1, 2002).

16.13.020 Amendments to Uniform Sign Code.
The Uniform Sign Code is hereby amended as follows:

Section 103.3. Board of Appeals.

In order to provide for reasonable interpretation of the provisions of this Chapter, the Appeal Board of Adjustment shall have the authority and powers provided by LMC Section 19.12.140, in accordance with the provisions of LMC Chapter 19.12.

In order to provide for reasonable interpretation of the provisions of this Chapter, and in order to approve the placement, construction, erection and maintenance of Wayfinding Signs as defined in LMC 16.13.040, the Appeal Board of Adjustment shall have the authority and powers provided by LMC section 19.12.050 to grant Special Property Use permits for the placement, construction, erection and maintenance of Wayfinding Signs in all use districts.

Section 304. Fees.

For the installation, erection, re-erection, construction, alteration or maintenance of a sign, the permit fee shall be ~~based on Table 1-A of the 1997 Uniform Building Code~~ as set forth in the Community and Economic Development Department Master Fee Schedule..

The plan review fee for sign installation, erection, re-erection, construction, or alteration shall be 70% of the permit fee.

Section 402.4. Restrictions on Combustible Materials.

All signs and sign structural members shall be constructed of noncombustible materials.

EXCEPTIONS:

Signs fronting on streets or yards. Regardless of fire resistive requirements for exterior walls, certain elements of signs fronting on streets or yards having a width of 50 feet may be constructed as follows: Wood veneer of boards not less than 1 inch nominal thickness or exterior type plywood panels not less than 3/8 inch nominal thickness may be applied to walls provided the veneer does not exceed 15 feet above the grade, and further provided that such veneer shall be placed either directly against noncombustible surfaces or furred out from such surfaces not to exceed 1-5/8 inches with all concealed spaces firestopped as provided by this Code.

The display surface of a projecting sign may be of wood provided such sign is not more than 42 square feet in area, is constructed of materials not less than 2 inches in nominal thickness, and is not over 15 feet in height, from ground level to the top of such sign.

(Ord. 2967 § 3, 2006; Ord. 2838 § 1, 2002; Ord. 2701 § 2, 1998; Ord. 2489 § 8, 1992).

16.13.030 Additions to Uniform Sign Code.
Chapter 14 of the Uniform Sign Code is amended by the addition of the following provisions:

Section 1403. Temporary Political Signs – Requirements.

(1) As used in this section, “temporary political signs” include those pertaining to nonpartisan elections, bond measures, initiatives, and similar matters as well as to the customary partisan politics. The term “signs”, as used in this section, shall not be deemed to include permanent outdoor advertising structures or billboards, which are regulated by other sections of the Longview Municipal Code, regardless of whether political advertising is carried on such outdoor advertising structures or billboards.

(2) Temporary political signs are subject to the following requirements:

(a) The face of any such sign shall not exceed four feet in height or width and eight feet in length;

(b) It is unlawful to erect any such sign on public property, except within the public right-of-way adjoining a street whereby the person approving the installation of the sign owns the underlying fee of such public right-of-way; however, any such sign within the public right-of-way shall comply with the following:

i.) Have no part of the sign interfering with or hanging over the portion of the right-of-way within four feet of the paved portion of a roadway;

ii.) Have no part of the sign interfering with or hanging over a sidewalk; and

iii.) Shall not block or interfere with the sight distance of any intersection or driveway as set forth in paragraph (4) below;

(c) The person desiring to erect any temporary political signs shall, before doing so, deposit the sum of fifty (50) dollars with the City Clerk to cover all such signs erected, as a guaranty that the same will be removed within ten (10) days after the election for which such signs are displayed and thus will not contribute to visual pollution in the city; provided all such signs

are removed within such time, which determination shall be made by the Police Department of the city, said fifty (50) dollars will be refunded, without interest, to the person presenting to the City Clerk the deposit receipt issued by the City Clerk at the time of the deposit. If such signs are not so removed within said ten (10) days, the fifty (50) dollar deposit shall be deemed forfeited to the city to help defray the cost to the city of removing such signs. At the time of making such deposit, the person making the same shall designate to the City Clerk the signs, by name of the individual or proposition listed on such signs, for which such deposit is being made.

(d) Temporary Political signs that are six (6) feet or more above grade are subject to the design and construction requirements contained in Chapter 4 of the Uniform Sign Code.

(3) For purposes of this section the term “public property” shall mean: (a) all land and buildings owned and/or occupied by the city or any governmental agency; (b) the portion of dedicated rights-of-way between the centerline of the street and the edge of the sidewalk farthest away from such centerline; (c) the portion of the dedicated rights-of-way between the centerline of the street and a point that is four feet from the nearest edge of the improved surface of the street where there are no sidewalks; and (d) all median areas within dedicated rights-of-way.

(4) Sight triangle requirements concerning sight distance at street intersections and driveways shall be as follows:

(a) In all areas of the city where yards or open space are required in front yards or side yards, sight triangles shall be maintained at intersections of streets, and intersections of driveways and other entrances to streets in order that visibility may exist from one to the other, enabling operators of motor vehicles, bicycles, pedestrians, and others using such streets, driveways and sidewalks, to observe other motor vehicles, bicycles, pedestrians and others before entering streets or crossing sidewalks from other streets, or driveways.

(b) Intersections and Entrances.

(i) Driveways from Private Property Emerging onto Streets Where There Are No Sidewalks. At all locations in the city of Longview where front or side yards are required by LMC Title 19, where driveways emerge onto streets, and where, on both sides of such driveway, there are no improved sidewalks existing between the land abutting such street and the paved portion thereof, there shall be maintained a clear field of vision between a point which is 42 inches above the edge of roadway where the driveway intersects or merges, and 96 inches above such point. Such field of vision shall be of such distance as to enable the operator of any motor vehicle, bicycle or other transportation device to clearly see onto the intersecting street from a distance which is 10 feet back from the point where such driveway intersects with such street, and along the intersecting street for a distance of not less than 10 feet, providing for a clear field of visibility. Said field of vision area is described as a triangular-shaped area determined by measuring from the point where the driveway and the paved portion of the street intersect, a distance of 10 feet along the driveway and 10 feet along the nearest edge of the pavement of the street onto which such driveway emerges, in both directions.

Property which adjoins a property with a required sight distance triangle for a driveway shall be required to maintain temporary signs consistent with the requirements of this chapter.

(ii) Driveways and Other Entrances From Private Property Emerging onto Streets Where There Are Sidewalks. At all locations in the city of Longview where front or side yards are required by LMC Title 19, where driveways emerge onto streets, and where on both sides of such driveway there are improved sidewalks, on either side, existing between the land abutting such street and the paved portion thereof, there shall be maintained a clear field of vision between a point which is 42 inches above the edge of roadway where the driveway

intersects or merges, and 96 inches above such point. Such field of vision shall be of such distance as to enable the operator of any motor vehicle, bicycle or other transportation device to clearly see onto the intersecting street from a distance which is 10 feet from the edge of the sidewalk which is nearest the property line and along the intersecting sidewalk for a distance of not less than 10 feet, providing for a clear field of vision. Said field of vision area is described as a triangular-shaped area determined by measuring from the point where the driveway and the paved portion of the sidewalk intersect, a distance of 10 feet from the edge of sidewalk, along the driveway and 10 feet along the nearest edge of the pavement of the sidewalk onto which such driveway emerges, in both directions.

Property which adjoins a property with a required sight distance triangle for a driveway shall be required to maintain temporary signs consistent with the requirements of this chapter.

(iii) Streets Intersecting Other Streets. At all locations in the city of Longview where front or side yards are required by LMC Title 19, where streets intersect with other streets, there shall be maintained a clear field of vision between a point which is 42 inches above the highest level of such streets and 96 inches above such point. Such field of vision shall be of such distance as to enable the operator of any motor vehicle, bicycle or other transportation device to clearly see onto the intersecting street from a distance which is 20 feet along the property line from the point where such street rights-of-way intersect, providing for a clear field of visibility from each of said streets. Said field of vision area is described as a triangular-shaped area determined by measuring from the point where one street right-of-way intersects with another street right-of-way a distance of 20 feet along the right-of-way of one street and 20 feet along the intersecting edge of the intersecting street right-of-way.

Section 1404. Temporary Neighborhood Signs.

As used in this section, the term “Temporary Neighborhood Sign” means a temporary sign advertising a garage sale, rummage sale, estate sale, yard sale, a community event such as an organized “walk”, “run”, “jog”, bicycle activity, that is not scheduled by the proponents for a duration exceeding four (4) successive days. Temporary Neighborhood Signs may advertise off-premises events, and may be located on premises only with the specific permission of the owner or occupant of the real property where such signs are placed; provided, however, that a sign advertising or announcing a garage sale, rummage sale, estate sale or yard sale may not be placed in a location that is more than six (6) city blocks, or 2,400 feet from the location of such sale.

Temporary Neighborhood Signs may be erected and maintained for a period of not to exceed two days before the scheduled event, and must be removed within twenty-four (24) hours after the event has concluded. Temporary Neighborhood Signs may be placed in the locations permitted for Temporary Political Signs in Section 1403 of this Chapter 16.13. Failure to remove a Temporary Neighborhood Sign as required herein or placement of a Temporary Neighborhood Sign in a location other than as specified herein is a class II Civil Infraction.

Section 1405. Temporary Construction Signs.

One temporary sign identifying an engineer, architect, contractor, bank, or other professional service engaged in or used in the construction of a home or a utility within the subdivision may be erected on a lot within the subdivision when construction commences on that lot, provided such sign does not exceed eight (8) square feet in area and thirty-six (36) inches in height. Such sign shall be removed prior to occupancy of the structure or when construction on that lot is substantially complete. Such sign shall not be illuminated, nor located within fifty (50) feet of any property line of an existing residence.

Section 1406. Temporary Real Estate Signs.

Temporary real estate signs shall be permitted on the lot or series of contiguous lots under the same ownership being offered for sale, rent or lease, subject to the provisions contained within the zoning ordinance relative to the district in which the subject property is located. The sign shall be removed not later than seven (7) days after closing of a sale of the real estate, or occupancy thereof by a tenant or lessee.

Section 1407. Temporary Promotion Signs.

(1) As used in this section, the term "Temporary Promotion Sign" means a temporary sign promoting the activities of a legally-sited business/organization, such as, but not limited to, special sales events, membership drives, limited time offerings, new professional services, availability of rental units and the like. Temporary promotion signs shall relate to the business/activities of the occupant of the premises on which the sign(s) is located and for which a current business license exists or is otherwise legally sited.

(2) Temporary promotion signs may be used in all zoning districts except for the R-1, R-2 and TNR zoning districts. Home occupations shall not use temporary promotion signs. In the case of conflict between Section 1407 and requirements for promotion signs in zone-specific chapters of Title 19, Title 19 shall take precedence.

(3) Temporary promotion signs shall comply with the following:

(a) A maximum of two signs per street frontage shall be allowed at any one time;

(b) The maximum total area for these sign(s) shall not exceed 64 square feet per street frontage and 32 square feet per sign;

(c) These signs may remain in place for a period not exceeding 60 days, concurrent or non-concurrent, in any given year, except when temporary promotion signs are utilized during periods of construction, in which case they shall be allowed throughout the period of construction for which a building permit has been issued and shall be removed at the time of project completion or upon expiration of said building permit;

(d) Temporary promotion signs shall not be placed on or encroach over public property or right-of-way unless otherwise allowed per LMC Chapter 12.04, Banners, and LMC Chapter 12.30, Use and Occupancy of Rights-of-Way; and

(e) These signs shall not be illuminated.

Section 1408. Authority of Traffic Engineer.

For all temporary signs (Sections 1403 thru 1407), the city of Longview traffic engineer shall have the authority where, in his/her professional opinion, a hazard to pedestrians or motorists exists due to the placement or height of temporary political signs to require the removal or relocation of said signs.

(Ord. 3283 § 1, 2014; Ord. 3017 § 1, 2007; Ord. 2838 § 1, 2002).

16.13.040 New chapter added to Uniform Sign Code.
The Uniform Sign Code is amended by the addition of a new chapter thereto, to be designated as Chapter 15, reading as follows:

Chapter 15

Additional Provisions

Section 1501. Application of Sign Code to all nonexempt signs throughout city – Specific Zone District provisions.

The provisions of this Chapter 16.13 of the Longview Municipal Code are applicable to all signs in the City of Longview. In addition thereto, in each Zoning District described in and provided for in Title 19 of said code in which provisions are set forth with reference to allowable and permissible signs in such Zoning Districts, the provisions of this Chapter 16.13 and the provisions of said Title 19 are applicable to signs within such Zoning Districts.

Section 1502. Abandoned Signs.

Signs identifying or directing attention to a business, service or profession which has been closed, abandoned or relocated shall be removed or obliterated within thirty (30) days of the business closure, abandonment or relocation. The removal or obliteration of such sign shall be the responsibility of the owners of the property upon which the sign is located.

Any sign which identifies or directs attention to a closed, abandoned or relocated business, service or profession which has not been removed or obliterated shall be considered a public nuisance, and in addition to any other remedies available at law, may be abated in the manner provided in this Longview Municipal Code.

Section 1503. Exempt Signs.

The following signs and/or devices are exempt from the requirement of a sign permit and from the provisions of this Chapter 16.13 except as otherwise provided herein or except as provided in provisions that are set forth with reference to allowable and permissible signs in specific Zoning Districts in Title 19 of the Longview Municipal Code.

(1) Informational signs placed by the City of Longview or by the State of Washington in the publicly owned right-of-way.

(2) Memorial tablets, cornerstones, or similar plaques.

(3) Official national, state, or local government flags.

(4) Religious symbols not exceeding twelve (12) square feet in area.

(5) Historical and landmark signs, subject to review and issuance of a Certificate of Appropriateness by the Historic Preservation Commission, for signs up to thirty (30) square feet in area and less than six (6) feet above grade.

(6) Window displays of merchandise which are not affixed to the window surface, provided that the display is located inside the business and does not involve the use of search lights and laser lights, or revolving or rotating beams of light or stroboscopes.

(7) Building or street address numbers, not exceeding two (2) square feet in area.

(8) Affiliation signs for auto-related uses, motels, and hotels that show notices of service provided or required by law, trade affiliations, credit cards accepted, and the like, provided the signs are attached to an otherwise approved freestanding sign or structure. Signs or notices shall not exceed 1/2 square foot in area per sign, and no more than six (6) such signs are allowed per business.

(9) Names of structures or buildings, commemorative plaques, tables, dates of construction, and the like when carved in stone, concrete or similar materials or made of bronze, aluminum, or other similar permanent material and mounted permanently on a structure. These signs shall not exceed four (4) square feet in area and not mounted higher than six (6) feet in height. Existing building name signs of a historic nature shall be exempt from meeting the specified dimensional requirements.

(10) Billboards as provided in LMC Chapter 16.40.

(11) Temporary Political Signs, subject to the provisions of section 1403 of this Chapter 16.13.

(12) Temporary Neighborhood Signs, subject to the provisions of section 1404 of this Chapter 16.13.

(13) Temporary Construction Signs, subject to the provisions of section 1405 of this Chapter 16.13.

(14) Temporary Real Estate Signs, subject to the provisions of section 1406 of this Chapter 16.13.

(15) Historically significant signs declared exempt by Resolution of the City Council.

(16) Wayfinding signs as approved by the Appeal Board of Adjustment.

Section 1504. Prohibited Signs.

No person shall erect, maintain, alter, repair, remove, use (or cause or allow the same to be done) or continue to use any sign not permitted by this Chapter 16.13, Longview Municipal Code Chapter 16.40, or exempt under section 1503. The following signs are prohibited throughout the city, and the erection, maintenance, use or allowance thereof constitutes a class II Civil Infraction:

(1) Signs which bear or contain statements, words, or pictures in which the dominant theme appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material, that is utterly without redeeming social value.

(2) Signs which resemble any regulatory sign used by the city, county, state or federal government.

(3) Signs or advertising devices located on pedestrian benches containing off-premises advertising or copy.

(4) Signs that are attached to, painted on or otherwise a part of any truck, trailer, semi-trailer, van or other motor vehicle, parked or left standing on private property for more than forty-eight (48) hours (2 days), advertising, promoting or announcing any business, service, activity, belief, or other matter that is not provided upon the premises where such vehicle is parked or left standing; provided, however, that this provision shall not apply to Temporary Political Signs that are attached to, painted on or otherwise a part of any truck, trailer, semi-trailer, van or other motor vehicle.

(5) *Repealed by Ord. 3202.*

(6) Signs that utilize search lights and laser lights, or signs utilizing revolving or rotating beams of light or stroboscopes.

(7) Signs using flame or an open fire as a source of light.

(8) Signs designed or used for the purpose of emitting sound or dispersing smells. No public address system or other sound device shall be used in conjunction with any sign or advertising device.

(9) Awning signs that project over or under the face or valance of the awning.

(10) Signs affixed to a tree, shrub, rock, or any other natural object.

Section 1505. Nonconforming Signs.

(1) Any sign which does not conform to the provisions of this chapter, for which a permit was issued by the City of Longview, and which was constructed, erected, and maintained in compliance with then applicable City of Longview regulations shall be regarded as a legal nonconforming sign; excluding those signs that are prohibited under section 1504.

(2) Any legal nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into conformance with all of the provisions of this title. Normal maintenance shall be permitted on any part of a sign or sign structure without loss of nonconforming status. Sign face changes that do not result in an increase of the nonconformity shall be allowed, except as specifically prohibited in this chapter.

(3) Changes in copy shall be permitted if no structural changes to the sign are necessary, except that no change in copy shall be permitted for nonconforming painted wall signs.

(4) Nonconforming signs shall be removed or brought into conformance under the following conditions:

(a) Within ninety (90) days of damage of the sign by catastrophic events, such as earthquakes, floods and wind, vandalism, fire or other casualty such that the cost of repair and restoration of the sign, to the same or a more conforming design, exceeds twenty-five (25) percent of the cost of placing the sign into conformity, as determined by the Building Official. The Building Official may require that such a sign be removed or repaired in less than ninety (90) days if the sign is deemed to be an immediate danger to the public.

(b) Upon notice by the City that the sign is in a state of disrepair, is unsafe, or may become a danger to the public, providing the costs of repair and restoration of the sign exceeds twenty-five (25) percent of the cost of repairing or restoring the sign and placing the sign into conformity as determined by the Building Official.

(5) Nonconforming signs not subject to removal or conformance to the requirements of subsection (4) above may be repaired or restored to their original design or placed into conformity.

Section 1506. Additional Definitions.

(1) Advertising.
"Advertising" means any display of letters, numerals, characters, words, symbols, emblems, illustrations, objects or registered trademarks which serve to call the attention of the public to products, services, businesses, buildings, premises, events, candidates or ballot propositions.

(2) A-Frame or T-Frame sign.
"A-Frame or T-Frame sign" means a temporary, portable, freestanding, and self-supporting sign which may be either single- or double-faced, forming an "A" shape, or on a pole attached to a flat base.

(3) Alteration.
"Alteration" means any change in size, shape, illumination, position, location, construction, or supporting structure of any sign. A change in copy is not an alteration.

(4) Animated sign.
"Animated sign" means a sign having any visible moving part, flashing or oscillating lights, visible mechanical movement of any description or an intermittent or continuing variation in the illumination or physical position of any part of the sign or device, except such variations necessary for displaying time-of-day information or temperature information.

(5) Architectural projection.
"Architectural projection" means any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including, without limitation, a roof overhang, mansard, unenclosed exterior balcony, marquee, canopy, awning, pilaster, and fascia, but not including a sign.

(6) Assistant Director.
"Assistant Director" means the Assistant Director of the Community Development Department or their designee.

(7) Awning.
"Awning" means a temporary or fixed shelter supported entirely from the exterior wall of a building without other means of support to the ground which is constructed of rigid or nonrigid materials, and that may be retracted, folded, or collapsed against the face of the supporting building.

(8) Awning sign.
"Awning sign" means any sign erected on, painted on or attached to or supported by an awning.

(9) Building frontage.
"Building frontage" means the length of the face or wall of a completely enclosed building which fronts directly upon a public street or right-ofway.

(10) Business identification sign.
"Business identification sign" means a sign which serves to identify only the name, address, and use of the premises upon which it is located and provides no other advertisements or product identification.

(11) Business promotional sign.
"Business promotional sign" means a temporary sign erected or placed on a business to promote the sale of new products, new management, new hours of operation, a new service, or a special sale for that business.

(12) Cabinet sign.
"Cabinet sign" means a one or two-faced sign which contains all the text and/or logo symbols within a single enclosed cabinet, box or can, and may or may not be internally illuminated.

(13) Changeable copy sign.
"Changeable copy sign" means a sign designed to allow for the message it displays to be periodically changed through manual, mechanical, or electrical means. A changeable copy sign does not include time and temperature signs.

(14) Canopy.
"Canopy" means a functional rigid roof-like multi-sided shelter structure which is wholly or partially supported by a building structure and/or columns, braces or poles extending to the ground. For the purpose of these regulations, a canopy shall be considered an extension of the wall to which it is attached.

(15) Canopy sign.
"Canopy sign" means any sign erected on, painted on or attached to or supported by a canopy.

(16) Commemorative plaque.
"Commemorative plaque" means a memorial plaque, sign, plate or tablet which is permanently affixed to or near the structure, object or event it is intended to commemorate and which displays no advertising.

(17) Commercial sign.
"Commercial sign" means a sign which identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any sign naming a brand of good or service and any sign which is not a noncommercial sign.

(18) Community event sign.
"Community event sign" means an informational or directional sign pertaining exclusively to a specific upcoming event sponsored by a governmental entity or nonprofit organization.

(19) Concealed illumination.
"Concealed illumination" means an artificial light source either internal to a sign structure or shielded from public view and from the surrounding properties used to illuminate only the face of the sign and not any area beyond the sign face.

(20) Copy.
"Copy" means the wording, symbols, graphics or numbers on a sign surface in either permanent or removable form.

(21) Cultural, historical or architecturally significant sign.
"Cultural, historical or architecturally significant sign" means a sign with unique local characteristics or a landmark sign that has historical significance, or a sign designed to be an integral part of the building to which it is attached.

(22) Department.
"Department" means the Community Development Department of the City of Longview.

(23) Directional sign.
"Directional sign" means a sign which contains specific directional information and contains no advertising. Also known as an "Informational sign".

(24) Directly illuminated lighting.
"Directly illuminated lighting" means exposed lighting or neon tubing on the sign face.

(25) Directory sign.
"Directory sign" means a sign which displays exclusively the names, logos and locations of occupants or uses of a building or complex; which includes, but may not be limited to, signs for office buildings, church directories and signs for malls, arcades, and similar commercial buildings. No advertising other than the name, logo and locations of occupants or uses is included.

(26) Electronic Message Center.
"Electronic Message Center" means a changeable copy sign that uses a matrix of electronic illumination elements, digital or analog, to display or project copy which can be modified by electronic processes.

(27) Erect.
"Erect" means to build, construct, raise, assemble, create, alter, display, relocate, attach, hang, place, suspend, affix, paint, draw, engrave, carve, cast, or in any other way bring into being or establish any sign, other than to replace changeable copy and other than in the course of normal sign maintenance as described in this chapter.

(28) Externally illuminated lighting.
"Externally illuminated lighting" means a light source which is separate from the sign and is directed so as to shine onto the sign.

(29) Flashing sign.
"Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a repetitive pattern, or uses electrical or mechanical energy to provide motion or the optical illusion of motion, either direct, indirect or internal.

(30) Flat sign.
"Flat sign" see "Wall sign".

(31) Freestanding sign.
"Freestanding sign" means a sign which is supported by uprights or braces connected permanently to the ground and which is not connected to a building or structure. Also referred to as detached, ground or post signs. See "Pole sign" and "Monument sign".

(32) Grade.
"Grade" means the average elevation of the ground surface immediately below the sign after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. See "Height of a sign".

(33) Height of a sign.
"Height of a sign," "high," or "in height" mean the vertical distance measured from the elevation of the nearest sidewalk, or, if there is no sidewalk within twenty-five feet, from the lowest point of the finished grade on the lot upon which the sign is located and within twenty-five feet of the sign, to the uppermost point on the sign or the sign structure, whichever is higher.

(34) Historic Preservation Commission.
"Historic Preservation Commission" means the Historic Preservation Commission of the City of Longview, as established by the City Council.

(35) Identification sign.
"Identification sign" means an on-site sign which indicates the premises, occupants, addresses, neighborhood or entrance location to the premises. Identification signs may be monument or freestanding signs.

(36) Illuminated sign.
"Illuminated sign" means any sign illuminated in any manner by an artificial light source.

(37) Indirect lighting.
"Indirect lighting" means nonflashing illumination which is cast on a sign from a source outside the sign with the source of the light being shielded from direct view or from being projected into residences or onto a public right-of-way.

(38) Informational sign.
"Informational sign" means a noncommercial sign of which the sole purpose is to convey information or directions with respect to the premises or site on which it is maintained. Examples include a sign whose copy is limited to the name and address of a building, home or farm, designating the entrance or exit from a parking area, prohibiting trespassing, indicating danger or giving similar information, caution or directions. See "Directional sign".

(39) Internal lighting.
"Internal lighting" means a concealed light source which is recessed within or contained within any element of a sign.

(40) Legal nonconforming sign.
"Legal nonconforming sign" means any sign that was lawfully erected and maintained under the law governing such sign before adoption of this chapter but which does not conform to the provisions of this chapter, or which was lawfully erected and maintained under the law of the

city, but which does not comply with the provisions of this chapter because of subsequent changes in such law.

(41) Main entry.
"Main entry" means the entrance from outdoors into a primary building through which most customers or other visitors pass or are expected to pass. Each building shall be considered to have no more than one main entry, excepting a multiple tenant building, in which case each physically separate business which has no internal passageway to any other business premises shall be considered to have one main entry.

(42) Maintenance.
"Maintenance" means the replacing, repairing, or repainting of a portion of a sign structure or renewing of copy that has been made unusable by ordinary wear and tear, weather, or accident.

(43) Marquee.
"Marquee" means a permanent roof-like structure which projects beyond the building wall and is attached to and supported by the building and projecting over public or private property.

(44) Marquee sign.
"Marquee sign" means any sign which is attached to or supported by a marquee.

(45) Monument sign.
"Monument sign" means a ground-mounted, freestanding sign which is attached to the ground or to its base on grade by a solid structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face.

(46) Multiple-tenant building.
"Multiple-tenant building" means a building or structure housing at least two separate businesses or agencies.

(47) Mural.
"Mural" means a drawing or graphic which consists exclusively of paint applied to the wall of a building or alternate surface without application of any other material or framing, that depict a scene or scenes that are based on an accurate historical research of a local person or event, or are painted areas on a building wall that are designed and intended as a decorative or ornamental feature. A mural shall not be considered a sign if it contains no advertising, logos, trademarks, or references to any information, products or services whatsoever, either on or off premises.

(48) Neon sign.
"Neon sign" means lettering, numerals, symbols, logos, emblems or illustrations which are directly visible and are constructed of and illuminated solely by glass tubes filled by neon gas, argon gas or equivalent light emitting gaseous elements which are electrified by a current.

(49) Official governmental information sign.
"Official governmental informational sign" means any temporary or permanent sign erected and maintained by the City, County, State or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

(50) Parapet wall.
"Parapet wall" means any portion of the vertical extension of a perimeter wall, constructed of materials similar in appearance to those used on the exterior wall below, and extending above, but not enclosed by a roof.

(51) Permanent sign.
"Permanent sign" means a sign constructed of durable materials and intended to exist for the duration of time for the use or occupancy located on the premises.

(52) Pole sign.
"Pole sign" means any freestanding sign composed of a sign cabinet, backboard, frame or base and the sign pole, or pylon by which it connects to the ground. See "Freestanding sign".

(53) Premises.
"Premises" means the real property on which the business or other entity advertised by the sign or signs mentioned in this chapter is situated.

(54) Projecting sign.
"Projecting sign" means a business identification sign affixed to an exterior wall of a building or structure and extending perpendicularly in whole or part beyond the surface of the wall to which the sign is attached. Projecting signs are best distinguished from flat wall signs by the fact that they are mounted perpendicular rather than parallel to the building face. Also referred to as bracket signs. Hanging bracket signs are projecting signs suspended by chain, link or cable from a projecting architectural feature or support bracket fastened to the primary structure. Projecting signs do not include awning signs, canopy signs, marquee signs, or roof signs and may not be attached to or supported by such signs.

(55) Public entrance.
"Public entrance" means an entrance to a building or premises that is customarily used or intended for use by the general public and excludes a fire exit, an employee entrance or exit, and a loading dock entrance, in each case if not used by the public.

(56) Public right-of-way.
"Public right-of-way" means the entire area between property boundaries: which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes, without limitation, the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, and any public way including an alley.

(57) Reader board.
"Reader board" or "Changeable message sign" means a sign or that portion of a sign on which copy may be easily changed by manual/mechanical means or by lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign.

(58) Revolving sign.
"Revolving sign" means a sign which rotates or turns in motion in a circular pattern.

(59) Roof sign.
"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure, including any sign mounted on a pitched or sloping wall and extending higher than the lowest portion of the adjoining roof. A roof sign includes any sign affixed to any structure erected upon a roof, such as a structure housing mechanical and/or building equipment.

(60) Sandwichboard sign.
"Sandwichboard sign" means a sign constructed in such a manner as to form an "A" or a tent-like shape, either hinged or not hinged at the top, with each angular face held at an appropriate distance by a supporting member, and which is easily movable from site to site.

(61) Sign area.
"Sign area" means the entire area of a sign or device on which the copy is to be placed, expressed in square feet. In the case of an irregularly shaped sign, the area of the sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8)

straight lines enclosing the extreme limits of the sign copy area together with any material or color forming an integral part or background of the display. Sign supporting structures which are part of the sign display shall be included in the area calculation. Architectural embellishments and decorative features which contain no written or advertising copy shall be included in determining the sign area, and may include the area of the surface upon which the sign is mounted to or affixed to, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.

(62) Sign copy.
"Sign copy" means the message or image conveyed by a sign.

(63) Sign face.
"Sign face" means any surface of any sign or device upon which information or advertising is placed, displayed or illustrated. The term "sign face" does not include any portion of the support structure for the sign; provided that no message, symbol, graphic, logo, or any of the elements of a "sign" is placed on or designated as part of the support structure (see "Sign" and "Sign area").

(64) Sign graphics.
"Sign graphics" means any lettering, numerals, figures, designs, symbols or other drawings or images used to create a sign.

(65) Sign height.
"Sign height" see "Height of a sign".

(66) Special event sign.
"Special event sign" means a temporary sign directing attention to an activity of limited duration. Examples include grand opening, special sales, promotions, community events or similar activities. A special event sign shall not include real estate signs, garage/yard sale signs or other types of incidental signs.

(67) Street and sidewalk furnishings.
"Street and sidewalk furnishings" means benches, advertising kiosks, lamps, pavilions, bus and cab shelters, trash receptacles, landscape planting boxes and other similar fixtures commonly permitted in pedestrian walkways and passageways.

(68) Street.
"Street" means a public or private way open to the general public including all classes of roadways, excepting alleys and driveways.

(69) Street frontage.
"Street frontage" means the lineal distance for that portion of a property or parcel that adjoins or abuts a public right-of-way.

(70) Street frontage, primary.
"Street frontage, primary" means the lineal length of the street frontage on which the main entry is located; provided that, in the event the main entry is located on a corner of the building or on a side other than a side which abuts a more heavily traveled street, primary street frontage shall be determined as if the main entry were on the side which abuts the more heavily traveled street.

(71) Time and temperature sign.
"Time and temperature sign" means a sign which displays only the current time and temperature, either digitally or analog, and which carries or displays no advertising message. A time and temperature sign shall not be considered a flashing or animated sign, or a changeable copy sign.

(72) Wall.
"Wall" means the exterior of the vertical face or facade of a building. For the purpose of determining the allowable area of a wall sign for a multi-occupancy building, the wall shall be determined to be the portion of the vertical face or facade of the building which would be delineated by the imaginary extension of the interior walls, defining the unit of occupancy through to the exterior of the vertical face or facade.

(73) Wall sign.
"Wall sign" means a business identification sign which is attached parallel to, and within six (6) inches of, a wall, which is supported by and confined within the limits of such wall, and which displays only one sign surface. Wall signs are not projecting signs, cabinet signs, roof signs, awning signs, canopy signs, marquee signs or fence signs.

(74) Wayfinding sign.
"Wayfinding sign" means a permanent sign used for the purpose of identifying a neighborhood or district, such as the downtown district, either freestanding or attached to a wall, identifying the name of the neighborhood or district. Wayfinding signs may also include embellishments, such as an architectural design feature, or a small-scale scene. These signs do not carry any advertising of any kind.

(75) Wind sign.
"Wind sign" means a sign or part of any sign, or series of signs, designed or erected in such a manner as to move when subjected to wind pressure.

(76) Window sign.
"Window sign" means any sign posted, painted, placed, or affixed in or on any window exposed to public view. A window sign does not include any window shading or window display.

(Ord. 3406 § 2, 2019; Ord. 3202 § 5, 2012; Ord. 3063 § 1, 2008; Ord. 2967 § 4, 2006; Ord. 2964 § 1, 2006; Ord. 2895 § 1, 2004; Ord. 2838 § 1, 2002).

Chapter 16.30

PROPERTY MAINTENANCE CODE

Sections:

16.30.110 International Property Maintenance Code adopted – Purpose.
16.30.140 Amendments to International Property Maintenance Code.
16.30.170 Severability.

16.30.110 International Property Maintenance Code adopted – Purpose.
That a certain document, one copy of which is on file in the office of the city clerk of the city of Longview, being marked and designated as the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city of Longview, in the state of Washington, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city of Longview are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in LMC 16.30.140. (Ord. 3044 § 2, 2008).

16.30.140 Amendments to International Property Maintenance Code.
The following sections of the International Property Maintenance Code, 2006 Edition, as adopted in LMC 16.30.110 are hereby amended as follows:

Section 101.1, Title, is amended to read as follows:

> **101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Longview, hereinafter referred to as “this code.”

Section 101.3, Intent, is amended to read as follows:

> **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be declared a public nuisance and shall be abated by repair, rehabilitation, vacation, demolition or removal as to provide a minimum level of health, welfare and safety as required herein. This code is an exercise of the City’s police power, and it shall be liberally construed to effect this purpose.

Section 102.3, Application of other codes, is amended to read as follows:

> **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, the National Electrical Code and other applicable codes as adopted by this jurisdiction. Nothing in this code shall be construed to cancel, modify or set aside any provision of LMC Title 19, Zoning Code of Longview.

Section 103.1, General, is amended to read as follows:

> **103.1 General.** This code shall be administered by the Community Development Department and the executive official in charge thereof shall be known as the code official.

Sections 103.2, Appointment; 103.3, Deputies; and, 103.4, Liability, are deleted.

Section 103.5, Fees, is amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

The fees for requested site inspections of properties within the city, for compliance as set forth herein, shall be based on the hourly building inspection rates as established in the Community and Economic Development Department Master Fee Schedule. ~~Section 16.02, Table 1-A (hourly cost rates) of the Longview Municipal Code~~.

Section 107.2, Form, is amended to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with Chapter 1.33 LMC.

Section 107.3, Method of service, is amended to read as follows:

107.3 Method of service. Notice and orders shall be served in accordance with Chapter 1.33 LMC.

Section 109.6, Hearing, is amended to read as follows:

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the hearings examiner, be afforded a hearing as described in this code.

Section 111.1, Application for appeal, is amended to read as follows:

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal in accordance with Chapter 1.33 LMC.

Sections 111.2, Membership of board; 111.3, Notice of meeting; 111.4, Open hearing; 111.5, Postponed hearing; 111.6, Board decision; 111.7, Court review; and 111.8, Stays of enforcement, are deleted.

Section 201.3, Terms defined in other codes, is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, LMC Title 19 – Zoning Code of Longview, International Plumbing Code, International Mechanical Code, the National Electrical Code or other applicable codes as adopted by this jurisdiction, such terms shall have the meanings ascribed to them as stated in those codes.

Section 201.5, Parts, is amended to read as follows:

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit,” “story,” “structure” or “vehicle” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

Section 202, the following definitions are hereby added or amended to read as follows:

APPROVED SURFACE. Permitted parking and/or storage spaces for all motorized or non-motorized vehicles, machinery and equipment shall be made permanently available for such purposes and be constructed using either asphaltic or Portland cement concrete, and shall be maintained and repaired or replaced if found to be in disrepair.

ATTRACTIVE NUISANCE. All premises within the city which cause the circumstance and/or condition that would reasonably attract any person and such circumstance and/or condition which may constitute a danger to the person(s). Attractive nuisances include, but are not limited to, unused or abandoned refrigerators, freezers or other such large appliances or equipment or any parts thereof; any structurally unsound or unsafe fence or building edifice; any unsecured or abandoned excavation pit, well, cistern, storage tank or shaft; any collection of scrap lumber, trash, vegetation or other similar items; or unattended machinery or equipment, unsecured, abandoned or vacant buildings, open and unattended vehicles or vehicle trunks, or other similar unguarded conditions or situations that would injure or cause injury to any person(s).

BLIGHTED AREA. As defined in Chapter 16.32 LMC.

CAR COVER. A cover that is specifically manufactured and commercially retailed for the purpose of covering a vehicle. This cover can be a cover designed for the specific vehicle or type of vehicle or may be designed for a generic vehicle. The cover must be completely opaque, conceal the vehicle entirely and be securely fastened at all times. Generic tarps are not a permitted car cover.

DIRT AND FILTH. Dirt and filth means and includes, but is not limited to, floor, sidewalk, street and other surface sweepings; discards from vacuum cleaners; soot; ashes; matter removed from gutters and downspouts; accumulations of dust, residue from fire other than soot and ashes; hair from humans and animals; and all other discarded, unused and seemingly worthless goods and commodities not otherwise described in this chapter.

DRIVEWAY. The driveway is the permitted surfaced roadway leading from the public right-of-way to a legal parking space.

GARBAGE. Waste and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food and food products including, but not limited to, discarded food wrappings and containers, paper, plastic and metal products used or intended for use in connection with the storage, sale, preparation or "clean-up" relating to food items; egg shells; used coffee grounds; used tea bags; meat trimmings; entrails of animals, poultry or fish; offal; medical wastes including bandages, syringes, medicines, plaster or other casts; and decomposed putrid material; whether such items are alone or in combination with other materials.

INOPERABLE VEHICLE. A vehicle, either motorized or non-motorized, and/or its parts which cannot be driven or operated upon the public streets for reasons including but not limited to being unlicensed, unroadworthy, wrecked, abandoned, in a state of disrepair, or if motorized, incapable of being moved at least 100 feet under its own power in both forward and reverse gears; except, vehicles specifically designed for off-road use and that are unlicenseable such as ATV's, snowmobiles, and dirt bike motorcycles, will not have their license status used to determine operability.

JUNK. Scrapped, broken, or neglected items and materials. Junk includes items such as plastic, cloth, glass, rags, paper or metals that can be converted into usable articles or stock, or articles that have outlived their usefulness in their original form. Examples of "junk" include, but are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; cardboard; discarded and/or pre-used building materials; discarded and/or pre-used electrical and plumbing materials; broken pieces of concrete; discarded, broken, or neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

JUNK VEHICLES. Any vehicle meeting at least three (3) of the following requirements: (a) Is three years old or older; (b) Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission; (c) Is apparently inoperable; or (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

LITTER. Tangible personal property which has been unlawfully scattered and/or abandoned in a public place, typically outdoors, as a form of solid waste – material which, if thrown or deposited, creates a danger to public health, safety and welfare. Litter is further defined as either hazardous, reusable-recyclable, non-hazardous, or non-usable material. Litter includes, but is not limited to, polystyrene foam, plastics, cigarette butts, candy and gum wrappers, paper towels, food wastes, chip bags, aluminum and steel beer/soda cans, leather, rubber, clothing, textiles, wood, glass, metal, abandoned tires, vehicle parts, or other such debris that has fallen onto a public right-of-way as a result of negligent litter; litter from trash-hauling vehicles, unsecured loads, or construction sites.

PLANTING, PARKING STRIP. The area of the right-of-way between the constructed curb or edge of the roadway and the adjoining property line, exclusive of any improved sidewalk or any established pedestrian path.

PUBLICLY VISIBLE OR PUBLIC VIEW. Anything that can be seen by a person with normal vision from any sidewalk, street, alley or other public place, or from any building situated on an adjoining property.

PUBLIC NUISANCE. A nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which intrudes, annoys, injures or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which interferes with or disrupts a neighbor's or citizen's ability to freely use or enjoy their properties or public property adjacent to where the nuisance occurs. Such nuisances include, but are not limited to, the following:

A. Unsecured attractive nuisances;

B. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others;

C. Conditions or acts which are offensive to the senses;

D. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the city;

E. Illicit discharges into the municipal storm drainage system;

F. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly owned restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto;

G. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property;

H. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property;

I. The improper parking or storage of vehicles on any residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping;

J. A violation of any City of Longview ordinance; and

K. Those acts or omissions defined in RCW 7.48.140 and 9.66.010.

PREMISES. Any building, lot, parcel, alley, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, parking strips and street.

PUBLIC RIGHT-OF-WAY OR RIGHT-OF-WAY. "Right-of-way" means all real property owned or held by the city in fee, or by way of easement, or dedicated to the public and located within the city, and used or intended for use as a street, alley, sidewalk, public way or easement for public or private utilities, whether developed or undeveloped.

SCREENING/SCREENED. A permitted continuous solid fence, landscape planting of sufficient density that is not affected by seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at 90% plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at 90% plus sight obscuring or combination thereof that is at least 6-feet in height that would effectively screen a property from public view in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged. All gates leading into the enclosed area must also effectively screen the property and be kept closed. Where inoperable vehicle(s) within a screened area are visible from a neighboring structure, a car cover as defined herein, or a permitted temporary structure, must be used to further screen the vehicle. A covering/barrier such as a tarp or similar material is not permitted screening.

SPECIAL INTEREST VEHICLE and/or HISTORIC AUTOMOBILE. Any vehicle as defined above, at least 30 years old on the date of any attempt by Code Official, or a motor vehicle which meets any of the following definitions: (a) A make of motor vehicle which is no longer manufactured; or, (b) A make or model of motor vehicle produced in limited or token quantities; or, (c) A make or model of motor vehicle in the special interest market which has appreciated in value during the past year.

TRASH AND WASTE. Trash and waste means, but is not limited to ashes; leaves; branches and trimmings from trees, shrubs and hedges; discarded Christmas trees; excrement and undigested residue of food eliminated by humans, animals, fish and birds; lawn, yard, garden, shrub and tree trimmings; garbage, junk and filth; discarded clothing of all descriptions; decayed or decaying materials of all kinds and descriptions; and insect-infested materials of all kinds and descriptions; whether such items are alone or in combination with other materials.

UNROADWORTHY. Any vehicle shall be deemed unroadworthy if such vehicle does not have all operational and safety-related components maintained in a manner that makes it legal and safe to operate on the public streets.

VEHICLE. A vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including but not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles.

WATERCRAFT. A watercraft means any boat, vessel, or other craft used for navigation on or through water. (Does not include kayaks or canoes).

WEEDS. Weeds shall be defined as those plants designated as Class A, B, and C Noxious weeds by the state noxious weed control board, including but not limited to all grasses, dandelions, morning glory, uncontrolled berry bushes, and other weeds, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

YARD. Any open space on a lot or lots.

Section 302.1, Sanitation, is amended to read as follows:

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition free of junk, garbage, trash, rubbish, filth and waste.

Section 302.3, Sidewalks and driveways, is amended to read as follows:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking and/or planting strips, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from encumbrances and hazardous conditions as specified, but not limited to those in Chapter 12.20 LMC.

Section 302.4, Weeds, is amended to read as follows:

302.4 Weeds, grass or vegetation. All premises and exterior property including any unimproved portion of any street or alley to the center thereof, and the portion of any improved street within the area known as the parking strip, bordering on any such lot or lots, land or lands, shall be maintained free from weeds or plant growth in excess of 12 inches or in a state of having gone to seed. All noxious weeds shall be prohibited. All grasses in excess of 12 inches in height shall also be prohibited subject to applicable zoning requirements. Weeds shall be defined as those plants designated as Class A, B, and C Noxious weeds by the state noxious weed control board, including but not limited to all grasses, dandelions, morning glory, uncontrolled berry bushes, and other weeds, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens not in violation of Chapter 16.46 LMC.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.8, Motor Vehicles, is amended to read as follows:

302.8 Motor vehicles/vehicles/watercraft. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle, vehicle, watercraft or parts thereof shall be parked, kept or stored on any premises, and no vehicle or watercraft shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Such vehicles shall be declared to be public nuisances which shall be abated and removed as specified in this code; provided that this section shall not apply to the following:

1. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed auto wrecker or licensed vehicle dealer and is fenced according to the provisions of RCW 46.80.130;

2. Any historic automobile, special interest vehicle or inoperable vehicle that is in the process of being restored; provided that all such vehicles and parts thereof which are not licensed or not operable shall be stored or parked within a building in a lawful manner where they are not publicly visible; or properly “screened” from public view and parked or stored on an approved surface outside of required property setbacks; or

3. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes or is "screened" where it is not publicly visible. This work shall be performed in compliance with Section 302.12 and in accordance with applicable zoning regulations.

Section 302.10, Vehicles and/or machinery parts, is added to read as follows:

302.10 Vehicles and/or machinery parts. Except where permitted and licensed as a wrecking yard, all premises within the city shall be maintained free of the existence and maintenance of a storage area, junkyard or dumping ground for the wrecking or dismantling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind or of any major parts thereof.

Section 302.11, Vehicle parking/storage, is added to read as follows:

302.11 Vehicle parking/storage. Limitations on the parking of vehicles, boats, trailers, commercial and heavy commercial equipment.

302.11.1 Vehicles. Motor vehicles, or other vehicles not covered in this section, shall be parked or stored on an approved parking surface, shall not be parked in the required property setbacks and shall be in conformance with Chapter 19.78 LMC.

302.11.2 Recreational vehicles, boats, trailers. Recreational vehicles, boats, and trailers shall be parked or stored on an approved parking surface, shall not be parked or stored in required property setbacks and shall be in conformance with Chapter 19.78 LMC.

302.11.3 Machinery and equipment. Machinery and equipment shall be parked, kept or stored on an approved parking surface, shall not be parked or stored in required property setbacks and shall be in conformance with Chapter 19.78 LMC.

302.11.4 Truck tractors, semi-trailers and commercial equipment. Truck tractors, as defined in RCW 46.04.655, and semi-trailers, as defined in RCW 46.04.530, or commercial equipment, shall not be parked or stored in residentially zoned areas, on residential property in other zones, or on sites that have not been permitted, improved and approved for such use. This requirement shall not apply to the parking or storage of agricultural machinery on residential premises to be used for agricultural use allowed by Chapter 19.20 LMC or when equipment is used in conjunction with a permitted or allowed project. These vehicles shall be parked or stored on an approved surface outside of required property setbacks.

Section 302.12, Vehicle and equipment repair on residential premises, is added to read as follows:

302.12 Vehicle and equipment repair on residential premises. Servicing, repairing, assembling, modifying, restoring, or otherwise working on any vehicle on any residential premises shall be subject to the following:

302.12.1 Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance currently registered as specified in the Washington Vehicle Code to the occupant or a member of the occupant's family.

302.12.2 Work is limited to the approved parking surface or garage or approved accessory structure; at no time can repairs be made on the lawn, sidewalk, planting strip or the street.

302.12.3 Only minor repairs such as an oil change, tire repair, small parts change, or minor routine maintenance may be performed outside of a garage or approved accessory structure and only then on an approved parking surface. The associated vehicle(s) in which such minor

repairs exceed seven (7) days shall be moved inside of a building that meets applicable code and zoning requirements or be properly "screened" from public view and parked on an approved surface outside of property setbacks.

302.12.4 Work which creates a nuisance shall not be permitted.

Section 302.13, Dangerous fences and structures, is added to read as follows:

302.13 Dangerous fences and structures. All premises within the city shall be maintained free of any fence or other structure which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition.

Section 302.14, Dangerous trees, is added to read as follows:

302.14 Dangerous trees. All premises within the city shall be maintained free of any dead, diseased, infested or dying tree that constitutes a danger to street trees, streets, alleys or sidewalks.

Section 302.15, Obscured public facilities, is added to read as follows:

302.15 Obscured public facilities. All premises within the city shall be maintained free of any object blocking, vine or climbing plants growing into, onto or over any street, tree growing within a public right-of-way or any public hydrant, utility meter, pole, street light, utility device, street sign or public facility or device; or the existence of any uncontrolled, uncultivated or untended shrub, vine or plant growing on, around or nearby any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto.

302.15.1 Overhanging trees and shrubs. Every property owner having any tree or shrub overhanging any street, alley or right-of-way within the city shall prune the branches so that such branches shall not interfere with the unobstructed use of the street, alley, sidewalk or right-of-way or obstruct the view of any street intersection. Trees and shrubs overhanging the street and alley shall be pruned to allow a minimum 14-foot clearance above the entire surface of the street or alley. Trees and shrubs overhanging the sidewalk and/or right-of-way shall be pruned to allow a minimum 8-foot clearance above the entire sidewalk surface and/or right-of-way to the adjoining property line. No person shall, without a written permit of the superintendent of the park department or city manager, cut, prune, rake, climb, injure or remove any living tree in any public right-of-way, park, planting/parking strip or other public place in the city in accordance with LMC 10.32.

Section 302.16, Privies, vaults, cesspools, etc., is added to read as follows:

302.16 Privies, vaults, cesspools, etc. All premises within the city shall be maintained free of any privies, vaults, cesspools, sumps, pits, trenches or like places which create a dangerous condition or are not securely protected from flies and rats, or which are foul or malodorous.

Section 302.17, Hedges, is added to read as follows:

302.17 Hedges. The existence on any real property within the city of a hedge in violation of Chapter 16.46 LMC is a public nuisance.

Section 302.18, Fences, is added to read as follows:

302.18 Fences. The existence on any real property within the city of a fence in violation of Chapter 16.48 LMC is a public nuisance.

Section 302.19, Outdoor wood storage, is added to read as follows:

302.19 Outdoor wood storage. Outdoor wood and firewood shall be neatly stacked not to exceed six (6) feet in height, shall be adequately supported so as not to pose a hazard to person or property, and shall not be placed in any setback or other restricted area on the property in which it is being stored.

Section 302.20, Attractive nuisance, is added to read as follows:

302.20 Attractive nuisance. All premises within the city shall be maintained free of any accessible attractive nuisance.

Section 302.21, Accumulation of dangerous materials, is added to read as follows:

302.21 Accumulation of dangerous materials. All premises within the city shall be maintained free of the existence of any accumulation of materials, substances or objects in a location when the same endangers property, health, safety or constitutes a fire hazard.

Section 302.22, Open storage of materials and furnishings, is added to read as follows:

302.22 Open storage of materials and furnishings. No person shall openly store or keep any equipment, materials or furnishings; or any item that creates an unsightly condition or one that promotes urban blight or public nuisance. This may include, but is not limited to, indoor furniture, household appliances, auto parts, shopping carts or building materials.

Exception: Building materials neatly stacked and stored for no less than sixty (60) days for a construction project permitted with the city. The material must be weather protected, shall not be placed within property setbacks or placed in such a manner that would create a danger to property, health and/or safety.

Section 302.23, Nuisance premises, is added to read as follows:

302.23 Nuisance premises. All premises within the city shall be maintained free of any structure allowing or maintaining prostitution, or where there is the use, sale, manufacturing or distributing of any illegal narcotics or controlled substance, or at which there is a pattern of criminal activity.

Section 302.24, Alley/Public right-of-way maintenance, is added to read as follows:

302.24 Alley/Public right-of-way maintenance. The owner, lessee, occupant or agent thereof, or any person having the care or charge of any property that has alley access or an alley right-of-way easement, shall be responsible for maintaining that portion of the alley that fronts said property up to and including one-half of the apparent alley centerline, and shall keep said alley or alley easement maintained in a clean, safe and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare. Public right-of-way maintenance shall also include utility easements or parking and/or planting strips. Such blighting problems shall include, but are not limited to: overgrown trees, shrubs, vegetation, weeds and/or grasses; garbage; junk; rubbish; dirt and filth; litter; trash; and waste. This definition shall also include, but not be limited to, such items as couches, loveseats, chairs, mattresses, and other similar household furniture. Such items, if placed in any city alleyway or alley easement, shall be considered a public nuisance and abated within the time established by the city in accordance with Section 106.

Section 302.25, Garage sales, is added to read as follows:

302.25 Garage sales. Sales of secondhand merchandise, conducted from residences, and designated as “garage sales,” “estate sales,” “yard sales,” and/or “moving sales” are allowed without a permit provided they are conducted under the following requirements:

(a) Shall be in conformance with LMC 5.05.110(22), LMC 10.40.060, LMC 11.40.070, Chapter 12.04 LMC, and Chapter 16.13 LMC;

(b) Shall be in conformance with LMC 16.13.030 §1404;

(c) Garage sale displays, signs and merchandise must be removed after/between sales events.

Section 303.1, Swimming pools, is amended to read as follows:

303.1 Swimming pools, spas, and ponds. Swimming pools, spas, hot tubs and/or ponds shall be maintained in a clean and sanitary condition in good repair and shall comply with the provisions of the International Residential Code, Appendix G. Except for regulated wetlands and City-approved structures related to storm drainage systems, all premises within the city shall be maintained free of the existence of all stagnant, pooled water in which mosquitoes, flies or other insects may multiply.

Section 303.2, Enclosures, is amended to read as follows:

303.2 Enclosures. See the International Residential Code, Appendix G, Section AG105, Barrier Requirements.

Section 304.2, Protective treatment, is amended to read as follows:

304.2 Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. Tarp use for weather protection may not exceed 30 days. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.3, Premises identification, is amended to read as follows:

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, and at the rear of the property if there is an improved alley. Additionally, structures not fronting a public street or an alley shall also have approved numbers placed at the front and back of the building so as to be plainly visible from points as determined by the city building official. These numbers shall contrast with their background. Address numbers shall be a minimum of 5 inches (127 mm) high with a minimum stroke width of 0.5 inch and shall not be sight obscured.

Section 304.7, Roofs and drainage, is amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Tarp use for weather protection may not exceed 30 days. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 304.14, Insect screens, is deleted.

Section 307.1, Accumulation of rubbish or garbage, is amended to read as follows:

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, junk, trash, filth, waste or garbage.

Section 307.2, Disposal of rubbish, is amended to read as follows:

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish, junk, trash, filth, waste or garbage in a clean and sanitary manner by placing such rubbish, junk, trash, filth, waste or garbage in approved containers as provided for in Chapter 7.12 LMC, or by taking it to an approved disposal facility.

307.2.1 Rubbish/garbage storage facilities. The owner of every occupied premises shall maintain approved covered containers for rubbish, junk, trash, filth, waste or garbage, and the owner of the premises shall be responsible for the removal of rubbish, junk, trash, filth, waste or garbage from the premises.

307.2.2 Dangerous and/or discarded appliances. Except when stored within a building, as defined in Section R202 of the International Residential Code, refrigerators, household appliances, and similar equipment shall not be discarded, abandoned or stored on any premises within the City.

Section 307.3, Disposal of garbage, is amended to read as follows:

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage container as provided for in Chapter 7.12 LMC or by taking it to an approved disposal facility.

307.3.1 Containers. The operator of every establishment producing garbage shall maintain, and at all times cause to be utilized, approved containers as set forth in Chapter 7.12 LMC.

307.3.2 Undumped garbage or rubbish containers. All premises within the city shall be maintained free of the existence of any garbage or rubbish containers or any can, bag, box or other device, which is filled to 50 percent or more of its capacity with garbage, trash, rubbish, waste, dirt or filth, and which has remained upon such premises for more than 14 successive days.

Section 307.4, Containers – within the public right-of-way, is added to read as follows:

307.4 Containers – within the public right-of-way. No residential or commercial solid waste or recycling cart shall be placed along a public street, alley or right-of-way, on a public sidewalk, or on other public property any sooner than 24 hours before the time of collection. All residential and commercial solid waste and recycling carts placed in the public right-of-way for collection shall be removed from those public areas within 24 hours of the time of collection, except when such established day for collection falls on a designated holiday in which case collection will be conducted on the next succeeding workday, and the containers shall be removed and replaced to their appropriate storage location by the morning following collection.

Section 307.5, Rubbish and garbage exceptions, is added to read as follows:

307.5 Rubbish and garbage exceptions. The following shall not be a violation of this section.

A. Compost piles less than four feet in height and six feet in diameter at ground level, and 30 feet or more from any dwelling, and four feet or more from adjoining properties.

B. Storm debris within 30 days following a storm event.

C. Construction residue and debris during and for 14 days following completion of work.

D. Fallen leaves, tree needles, tree fruit and similar vegetation, during the months of October through April, inclusive.

E. The accumulation and temporary storage, in containers designated for such purposes, of "recyclable" materials pursuant to a program of recycling adopted by the city; provided, however, that such containers must not be publicly visible or they must be made available to the city's garbage or "recycle contractor" within 14 days after having been filled to 50 percent or more of their capacity.

F. Uncultivated, uncut or untended weeds, grass, bushes or other vegetation not constituting a health or fire hazard, existing in a natural state on undeveloped, agricultural, industrially zoned, "open space" or "green belt" areas.

Section 505.1, General, is amended to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

Section 507.1, General, is amended to read as follows:

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

A. It is a Class I Civil Infraction for any person to break, damage, destroy, uncover, deface or tamper with any structure or facility which is part of the stormwater runoff and erosion control system.

B. It is a Class I Civil Infraction for any person who is responsible to do so, to fail to maintain stormwater runoff and/or erosion control facilities and structures as required by this chapter and by the Guidelines. Each calendar day that a violation occurs constitutes a separate offense. In addition, the City may institute injunctive, mandamus, or other appropriate action or proceedings for the enforcement of this chapter.

Section 602.2, Residential occupancies, is amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.3, Heat supply, is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in LMC 16.02.030.

Section 602.4, Occupiable work spaces, is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 °F (18° C) during the period the spaces are occupied.

Section 604.2, Service, is amended to read as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

Section 606.1, General, is amended to read as follows:

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1 and the L&I Elevator rules. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

Section 702.3, Locked doors, is amended to read as follows:

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Uniform Building Code.

Section 704.2, Smoke alarms, is amended to read as follows:

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-1, R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations…

Section 704.4, Interconnection, is amended to read as follows:

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-1, R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(Ord. 3122 § 4, 2010; Ord. 3087 §§ 1 – 5, 2009; Ord. 3044 § 2, 2008).

16.30.170 Severability.

If any one or more section, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter and the same shall remain in full force and effect. (Ord. 3044 § 2, 2008).

Chapter 16.48

FENCES

Sections:

16.48.010 Definitions.
16.48.020 Height regulated.
16.48.030 General requirements.
16.48.040 Waiver or reduction of requirements.
16.48.050 Nonconforming fences declared public nuisance.
16.48.060 Enforcement of chapter – Abatement of nuisance.
16.48.080 Exemptions.

16.48.010 Definitions.
As used in this chapter:

(1) “Corner lot” means a lot or plot of land which abuts on at least two streets;

(2) “Fence” means any artificial barrier erected, constructed or placed on a lot or plot of ground and shall include masonry walls and ornamental constructions as well as the commonly known wire, board, metal, wood, wood picket or wood rail fences;

(3) “Front yard” means the open space required by LMC Title 19, as now in effect or as hereafter may be enacted by amendment, revision or new enactment, between the front property line and the nearest part of any building on the lot or plot of ground;

(4) “Lot” means the parcel of land on which one or more structures are placed or are to be placed, together with the required open spaces; or a lot designated as such on an officially recorded plat;

(5) “Rear yard” means the open space, required by LMC Title 19, as now in effect or as hereafter may be enacted by amendment, revision or new enactment, extending along the rear property line throughout the whole width of the lot or plot of land between the rear property line and the nearest part of the main building upon said lot or plot of ground;

(6) “Side street property line” means the property line of a lot or plot of land which lies between the required open side yard of a building and a street;

(7) “Side yard” means the open space required by LMC Title 19, as now in effect, or as hereafter may be enacted by amendment, revision or new enactment, between the side wall line of a building and the side property line of a lot or plot of land;

(8) “Street” means a dedicated thoroughfare 21 feet or more in width, usable for both vehicular and pedestrian traffic. (Ord. 1038, 1960).

16.48.020 Height regulated.
(1) Fences built along any front property line or in the required front yard area, shall be permitted a maximum height of 42 inches above the established grade of the sidewalk.

(2) All other fences shall not exceed eight feet in height. (Ord. 2184 § 1, 1984; Ord. 1038, 1960).

16.48.030 General requirements.
(1) No fence shall extend beyond the front, side or rear property lines of any lot or plot of land.

(2) No fence shall be erected in the parking strip of any public street.

(3) *Repealed by Ord. 2772.*

(4) No fence shall be constructed or maintained so as to be a menace to life or limb of any person moving against it. Barbed stock-type wire fencing shall not be permitted in any congested residential district.

(5) Every fence built along the alley property line or within the required rear yard, shall be provided with a gate at least three feet in width so as to provide accessibility to the rear of any building in case of any emergency. (Ord. 2772 § 3, 2000; Ord. 1038, 1960).

16.48.040 Waiver or reduction of requirements.
(1) Recognizing that there may be situations in which the height and location of fences do not affect safety or the public welfare, it is provided that notwithstanding any provisions in this chapter to the contrary, where any of the hereinafter specified conditions exist, the owner or tenant of real property may request the appeal board of adjustment to waive or reduce the requirements of this chapter. Such appeal board of adjustment, upon determining that any provision of this chapter shall be waived or reduced for any such applicant, may impose such restrictions as they deem necessary in view of the particular facts as represented by the owner or tenant, taking into consideration the prevention of fires, the public health and safety and the surrounding neighborhood. The fee for processing a fence waiver or reduction of requirements shall be ~~$463.00~~ as set forth in the Community and Economic Development Department Master Fee Schedule.

(2) The conditions under which the appeal board of adjustment may waive or reduce the requirements of this chapter are as follows:

(a) Where no improved alley exists at the rear of the lot of the applicant; or

(b) Where the lot of the applicant is other than rectangular in shape; or

(c) Where the lot of the applicant contains more than one front yard as shown by the plat thereof; or

(d) Where the distance from the nearest property line of a corner lot to the traveled portion of the street is 11 feet or more. (Ord. 3314 § 1, 2015; Ord. 1166 § 1, 1963).

16.48.050 Nonconforming fences declared public nuisance.
All existing fences and new fences hereafter erected in violation of the provisions of this chapter are public nuisances. (Ord. 1038, 1960).

16.48.060 Enforcement of chapter – Abatement of nuisance.
The provisions of this chapter shall be enforced in accordance with Chapter 1.33 LMC. (Ord. 3044 §§ 4, 8, 2008; Ord. 2449 § 2, 1991; Ord. 1038, 1960).

16.48.080 Exemptions.
The provisions of this chapter shall not apply to special property uses as defined by LMC Title 19, nor to any fence constructed around a tennis court on private property where the tennis court fence complies with the location requirements for private garages as established by LMC Title 19. (Ord. 1038, 1960).

Chapter 16.75

WIRELESS COMMUNICATION FACILITIES

Sections:

16.75.010 Purpose.
16.75.020 Exemptions.
16.75.030 Applicability, review, and permits required.
16.75.040 Types of permits – Priority – Preferences – Restrictions.
16.75.050 General requirements.
16.75.060 Landscaping/screening.
16.75.070 Electrical transmission structure collocation – Specific development standards.
16.75.080 Adding antennas to an existing wireless communication facility tower.
16.75.090 Utility/distribution pole collocation – Specific development standards.
16.75.095 Double pole prevention.
16.75.100 Building-mounted concealed facility – Specific development standards.
16.75.110 Request to use nonconcealed facilities attached to a building in lieu of a concealed building attachment.
16.75.120 Nonconcealed building-mounted specific development standards.
16.75.130 Requests for new towers.
16.75.140 Tower-specific development standards.
16.75.150 Modifications to wireless standards.
16.75.160 Expiration.
16.75.170 Removal of abandoned wireless communication facilities.
16.75.180 Landscaping – Screen types and description.
16.75.190 Definitions.

16.75.010 Purpose.

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities in order to protect the health, safety, and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city of Longview. The purpose of this chapter will be achieved through adherence to the following objectives:

(1) Encourage the location of wireless communication facilities in nonresidential areas;

(2) Allow wireless communications facilities in residential areas when necessary to meet the functional requirements of the telecommunications industry;

(3) Minimize the total number of wireless communication facilities throughout the community;

(4) Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historic resources, flight corridors, and health and safety of persons and property;

(5) Require cooperation between competitors and, as a primary option, encourage the joint use of new and existing wireless communication facility sites and structures to the greatest extent possible in order to reduce cumulative negative impact upon the city;

(6) Allow wireless communication companies to use city property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the city;

(7) Encourage providers of wireless communication facilities to locate these facilities in areas where the adverse impact on the community is minimal;

(8) Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the wireless communication facilities, as viewed from different vantage points, through careful design landscape

screening, minimal impact siting options and camouflaging techniques, and through assessment of current location options, siting, future available locations, innovative siting techniques, and siting possibilities beyond the jurisdictional boundaries of the city;

(9) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(10) Provide for the removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the city to cause these abandoned wireless communication facilities to be removed to protect citizens from imminent harm and danger;

(11) Avoid potential damage to adjacent properties from tower failure through engineering, careful siting, and maintenance of wireless communication facilities;

(12) Provide a means for public input on major wireless communication facility placement, construction, and modification; and

(13) Establish clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with federal and state laws and regulations pertaining to telecommunications providers. (Ord. 3333 § 2, 2016).

16.75.020 Exemptions.
The following are exempt from the provisions of this chapter:

(1) Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

(2) Radar systems for military and civilian communication and navigation.

(3) Any wireless Internet facility or supervisory control and data acquisition (SCADA) system that is owned and operated by a federal, state, or local municipality.

(4) Antennas for the receiving and sending of licensed amateur (HAM) radio stations and citizen band stations; provided, that the antennas do not exceed the base height requirements of the applicable zoning district and are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas. In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communications Commission of September 1985 and RCW 35A.21.260, a licensed amateur radio operator may locate a tower not to exceed the base height requirements of the applicable zoning district, provided the following requirements are met for such towers located in a residentially zoned district:

(a) The tower and any antennas located thereon shall not have any lights of any kind on them and shall not be illuminated either directly or indirectly by any artificial means;

(b) The color of the tower and any antennas located thereon shall all be the same and such that they blend into the sky to the extent allowed under the requirements set forth by the Federal Aviation Administration;

(c) No signs shall be used in conjunction with the tower, except for one sign no larger than eight and one-half inches high and 11 inches wide, or as required by federal regulations;

(d) No advertising logo, trademark, figurine, or other similar marking or lettering shall be placed on the tower or any wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith;

(e) A telescoping tower and any antennas may exceed the base height of the underlying zoning district when fully extended, up to a maximum 75 feet in height, if the tower and any antennas attached do not exceed the base height of the zoning district when it is retracted; when the antenna is not in use it must be fully retracted (nested);

(f) The tower shall be located a distance equal to or greater than its height, at full extension, from any existing residential structure located on adjacent parcels of property, including any attached accessory structures;

(g) A tower shall be located a distance at least three-quarters of its height, at full extension, from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that, in the event of collapse, it falls within itself, and, in that event, it shall be located at least one-third of its height, at full extension, from any property line;

(h) Towers shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes; and

(i) All towers shall meet all applicable state and federal statutes, rules, and regulations, including obtaining a building permit from the city, if necessary.

(5) An antenna that is designed to receive or send direct broadcast satellite or terrestrial service and/or broadband signals, or other means for providing Internet service including direct-to-home satellite services, and that is 3.28 feet (one meter) or less in diameter or diagonal measurement, and the antenna is associated with the residence or business that is utilizing the service.

(6) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint data distribution services, and that is 3.28 feet (one meter) or less in diameter or diagonal measurement.

(7) An antenna that is designed to receive television broadcast signals.

(8) Routine maintenance, repair or replacement of wireless communication facilities, excluding changes in height or dimensions of antennas, towers, or buildings; provided, that the wireless communication facility received approval from the city of Longview or Cowlitz County for the original placement, construction, or subsequent modification. Changing of antennas on wireless communication facilities is permitted, provided the new antennas have the same area or less as those removed. The total number of antennas must remain the same. Additional ground equipment shall be placed within an approved equipment enclosure, provided the height of the equipment does not extend above the screen fence.

(9) Emergency communications equipment during a declared public emergency. In the event a building permit is required for any emergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall occur within 30 days after the commencement of such emergency activities. The work performed must constitute a true emergency. Scheduled replacement or repair work does not constitute an emergency. In the event a building permit is required for nonemergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.

(10) A temporary, commercial wireless facility installed for providing coverage of a special event such as a fair, news coverage or sporting event, subject to approval by the city. The wireless facility shall be exempt from the provisions of this chapter for up to two weeks before and after the duration of the special event.

(11) A temporary, commercial wireless facility installed for a period of 180 days, subject to renewals at the city's discretion, to provide service during repair, replacement, or relocation of an existing facility or construction of a new facility.

(12) Antennas and related equipment used by electric utility providers for the noncommercial communication, operation, and monitoring of their utility system may be collocated on their transmission structures or utility poles, provided the color of the antennas and equipment shall be the same as the pole or structure they are located on or a color that blends into the sky. (Ord. 3333 § 2, 2016).

16.75.030 Applicability, review, and permits required.

The standards and process requirements of this chapter shall apply to the placement, construction, or modification of all wireless communication facilities, except as specifically exempted in LMC 16.75.020.

(1) No person may place, construct, or modify a wireless communication facility subject to this chapter without first obtaining the required permit(s), issued in accordance with this chapter. Except as otherwise provided herein, the requirements of this chapter are in addition to the applicable requirements of LMC Titles 16, 17 and 18.

(2) Any land use or other permit application submitted pursuant to this chapter shall be reviewed and evaluated by the director of community development or his/her designee for all wireless communication facility projects located on public or private property.

(3) The applicant shall be responsible for obtaining any necessary local, state, and federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on the application by local or other state or federal permits or approvals.

(4) No provisions of this chapter shall be interpreted to allow the installation of a wireless communication facility to reduce the minimum parking or landscaping requirements on a site.

(5) Wireless communication facilities that are governed under this chapter shall not be eligible for variances under LMC 19.12.140. Any request to deviate from this chapter shall be based on the modifications set forth in this chapter.

(6) The city may, at its discretion, contract with independent engineering and/or technical review consultant(s) to review the permit application. The applicant shall be responsible for actual costs charged by the consultant, in addition to any base fees and application fees set forth in the ~~city's fee resolution~~ Community and Economic Development Department Master Fee Schedule. Based on the results of the independent technical review, the city may require changes or request additional information to complete the application review. The independent consultant shall only review and comment on those items within its expertise. For instance, a radio frequency engineer shall not review and comment on the structural integrity of a tower, but shall limit its review to reports prepared by the applicant's radio frequency engineer.

(7) No alterations or changes shall be made to an approved wireless communications land use permit, except as allowed under Chapter 16.80 LMC or this chapter. Modifications which exceed the conditions of approval will require a new wireless communications land use permit and shall be reviewed based on the laws and rules in effect at the time of application or under Chapter 16.80 LMC. (Ord. 3333 § 2, 2016).

16.75.040 Types of permits – Priority – Preferences – Restrictions.

(1) Applications will be reviewed based on the type of wireless communication facility requested to be permitted. Each wireless communication facility requires a specific type of project review as provided for in the table in subsection (2) of this section.

(2) Table.

Type of Permit Required Based on Type of Wireless Communication (WC) Facility

	Zoning		
Type of WC Facility[1]	Residential	Commercial/Miscellaneous	Industrial
	R-1, R-2, R-3, R-4, TNR	GC, NC, D-C, CBD, O/C, RC, C-C, RF-1, C-D, CEC	L-1A, L-1B, MU-C/I, HI
Transmission tower collocation	Type 1	Type 1	Type 1
Adding antennas to an existing tower	See Chapter 16.80 LMC	See Chapter 16.80 LMC	See Chapter 16.80 LMC
Utility pole collocation	Type 3	Type 2	Type 1
Concealed building attached	Type 2[2]	Type 1[2]	Type 1[2]
Nonconcealed building attached	Type 2	Type 2	Type 1

	Zoning		
Type of WC Facility[1]	Residential	Commercial/Miscellaneous	Industrial
	R-1, R-2, R-3, R-4, TNR	GC, NC, D-C, CBD, O/C, RC, C-C, RF-1, C-D, CEC	L-1A, L-1B, MU-C/I, HI
New tower or modification request (LMC 16.75.150)	Type 3; must be concealed.[3]	Permitted only in C-C[4], RC[5], C-D[5] and CEC[5] zones: Type 3 and must be concealed.	Type 2

Notes:

(1) In the event of uncertainty on the type of wireless facility, the director shall have the authority to determine how a proposed facility is incorporated into the above table and the type of permit required.

(2) An applicant may request to install a nonconcealed building-attached facility under LMC 16.75.110.

(3) In residential districts, concealed towers can only be located on land that is:

(a) Owned and managed by the city of Longview, or

(b) Unplatted, undeveloped, and not reasonably suitable for development by reason of topography or similar constraints, or

(c) Owned and managed by a governmental agency, including special districts, school districts, public utility districts, or by a religious organization and used for nonresidential purposes.

(4) In the civic center district, a tower can only be located north of Maple Street but no closer than 200 feet to the Maple Street right-of-way or an R-3 residential district.

(5) In the regional commercial, country club and county event center/CEC districts, a tower cannot be located within 200 feet of a residential zoning district (including residential districts located in the city of Kelso). The 200-foot distance may be reduced if the residentially zoned land is school district property.

(3) Priorities. The priorities for the type of wireless communication facility shall be based upon their placement in subsection (2) of this section; most desirable facilities are located toward the top of the table and the least desirable facilities toward the bottom. An application for a wireless communication facility shall follow the hierarchy provided in subsection (2) of this section. For example, an applicant shall demonstrate that collocation on an electrical transmission structure is not feasible before moving to a utility pole collocation, and so forth, with the last possible siting option being a new wireless communication facility tower or height modification request.

(4) Location Preferences. The city's preferences for locating new wireless communications facilities are as follows:

(a) Place wireless communication facilities in nonresidentially zoned districts and on nonresidential property.

(b) Place wireless communication facilities on public property and on appropriate rights-of-way; provided, that no obligation is created herein for the city to allow the use of city property or public right-of-way for this purpose. The placement of wireless communication facilities on city-owned property and public right-of-way will be subject to other applicable sections of the Longview Municipal Code and review by other city departments. A wireless communication facility mounted to any city-owned property, utility pole, or other structure shall be removed if the city deems removal is necessary for the undergrounding of utilities, the sale, development, or redevelopment of city-owned property, or the demolition or alteration of a city-owned building or other structure. The wireless communication facility shall be removed at no expense to the city. While attaching antennas to facilities already in the public right-of-way (e.g., utility poles) is preferred, placing new wireless communication towers in the public right-of-way is not preferred.

(5) Application Procedure. The applicant shall submit a completed application in a form established by the director along with the initial application fee as set forth in the ~~city's current fee resolution~~ Community and Economic Development Department Master Fee Schedule. The application shall contain such information as the director may deem necessary or useful, and shall include:

(a) Type 1 Permit Requirements.

(i) A written description outlining the proposed project and an evaluation of how the proposal meets the city's code requirements;

(ii) Applicants who are not the property owner of record of the land and/or structure on which a wireless communication facility is to be located are required to have the application co-signed by the property owner(s) and provide a signed statement by the property owner(s) and/or building or structure owner(s) (if different) authorizing the submittal of the application by the applicant;

(iii) Plan sets prepared by a design professional that include a vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project and existing conditions or as otherwise determined necessary by the director;

(iv) Documented evidence that the facility meets Federal Communications Commission requirements for allowed radio frequency emissions;

(v) A vicinity map depicting the proposed extent of the service area;

(vi) Critical areas study and proposed mitigation (if required);

(vii) If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with those standards established within the state noise law, including Chapter 70.107 RCW and Chapter 173-60 WAC and those applicable standards of LMC 9.22.050; and

(viii) SEPA application (if required).

(b) Type 2. The applicant shall submit all of the information required for a Type 1 application, plus the following:

(i) Photo simulations that depict the existing and proposed view of the proposed facility;

(ii) Data sheet depicting the materials, textures, and colors proposed for use;

(iii) Landscaping plan prepared by a Washington State-licensed landscape architect (if required);

(iv) If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility. Additionally, the applicant shall provide detailed discussions on why the wireless communication facility cannot be located within a commercial or industrial/resource zone; and

(v) Mailing labels for all property owners and tenants/residents within 500 feet of the subject property.

(c) Type 3. The applicant shall submit all of the information required for Type 1 and Type 2 applications, plus the following:

(i) All information required for new towers under LMC 16.75.130 and 16.75.140;

(ii) All information required for a modification request under LMC 16.75.150 (if applicable);

(iii) The radio frequency engineer report shall include a discussion of the information required under LMC 16.75.050. The report shall also explain why a tower must be used instead of any of the other location options outlined in the table in subsection (2) of this section;

(iv) Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three wireless service providers, including the applicant, and including a description of the number and types of antennas the tower can accommodate;

(v) A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the director and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility; and

(vi) Evidence of compliance with Federal Aviation Administration standards for height and lighting and certificates of compliance from all affected agencies. (Ord. 3333 § 2, 2016).

16.75.050 General requirements.
The following shall apply to all wireless communication facilities regardless of the type of facility:

(1) Noise. Any facility that requires a generator or other device that will create noise must demonstrate compliance with those standards established within the state noise law, including Chapter 70.107 RCW and Chapter 173-60 WAC and those applicable standards of LMC 9.22.050. A noise report prepared by an acoustical engineer shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The city may require that the report be reviewed by an independent technical expert at the sole expense of the applicant.

(2) Signage. Only safety signs or those mandated by other public agencies may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

(3) Parking. Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

(4) Finish. A tower shall either maintain a galvanized steel finish or, subject to the applicable standards of the FAA or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.

(5) Design. Where required, wireless communication facilities shall be screened, concealed, or camouflaged. The design of all antennas, towers, support structures, buildings, and ancillary structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment.

(6) Color. All antennas and ancillary wireless communication facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

(7) Lighting. Wireless communication facilities shall not be artificially lighted unless required by the FAA, FCC, or other applicable government authority. If lighting is required, the reviewing authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas. No strobe lighting of any type is permitted on any tower.

(8) Advertising. No advertising is permitted at wireless communication facility sites or on any ancillary structures or facilities equipment compound.

(9) Ancillary Wireless Communication Facilities. All ancillary wireless communication facilities shall meet the underlying zoning district's setback requirements unless a modification is granted pursuant to LMC 16.75.150.

(10) Equipment Enclosures. If feasible, equipment enclosures shall be located within existing buildings. If some other placement is proposed the applicant shall demonstrate to the satisfaction of the city that it is not feasible to locate the equipment within a building. All equipment and cabinets that will be visible to the traveling public,

workers, or residents shall be as small and unobtrusive as is practicable and designed to blend in with existing surrounds. The applicant shall size any equipment enclosure and other facilities to minimize visual clutter.

(11) Owner Approval. At the time of application the applicant must submit proof that they have contacted and received approval for the placement of the antenna at the specified location from the support structure owner (e.g., building, utility pole, electrical transmission structure, monopole) and, if different, the land owner upon which the structure is located.

(12) Building Standards. Wireless communication support structures shall be constructed so as to meet or exceed the most recent Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled: "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), and as it may be updated or amended. Utility poles and transmission structures that are owned and/or maintained by the serving electric utility shall be designed to meet the National Electric Safety Code. Prior to issuance of a building permit the building official and the pole owner shall be provided with an engineer's certification that the support structure's design meets or exceeds the preceding applicable standards.

(13) Maintenance. Wireless communication carriers shall maintain their wireless communication facility in a good and safe condition. They shall preserve its original appearance and concealment, disguise, or camouflage elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping.

(14) Critical Areas. Wireless communication facilities shall not be allowed in designated critical areas (except aquifer recharge areas) unless they are collocated on existing facilities.

(15) Radio Frequency Emissions. The applicant shall demonstrate that the wireless communication facility will comply with the radio frequency emission standards adopted by the Federal Communications Commission (FCC).

(16) State or Federal Requirements. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. (Ord. 3333 § 2, 2016).

16.75.060 Landscaping/screening.

(1) The visual impacts of wireless communication facilities shall be mitigated and softened through landscaping or other screening materials at the base of the tower, equipment compounds, equipment enclosures, and ancillary structures, with the exception of wireless communication facilities located on electrical transmission structures or utility poles, or if the antenna is mounted on an existing building or camouflaged as part of the building and ancillary equipment is housed on or inside an existing structure. The use of appropriate native plant species is encouraged. The director may reduce or waive the standards for those sides of the wireless communication facility that are not in public view and when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; or in locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer; or when landscaping is not needed for compatibility with the surrounding area, such as in a parking lot within an industrial area.

(2) Landscaping shall be installed on the outside of fences associated with wireless communication facility equipment compounds and around equipment enclosures located at ground level. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

(a) Screening landscaping shall be placed around the perimeter of the equipment compound, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

(b) The landscaping area shall be Type 1 landscaping as described in LMC 16.75.180(1) and a minimum of eight feet in depth around the perimeter of the enclosure in all zoning districts; except that Type II landscaping as defined in LMC 16.75.180(2) may be used in residential zoning districts and shall be a minimum of 10 feet in depth.

(c) The applicant shall utilize evergreens that shall be a minimum of six feet tall at the time of planting, unless located in a transmission or utility corridor where clearance requirements apply; then landscaping that will be appropriate in size at maturity so as not to grow into the clear zone shall be planted.

(3) The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal plan and shall maintain all landscaping materials in a healthy growing condition for the life of the facility. Landscape areas shall be kept free of trash. (Ord. 3333 § 2, 2016).

16.75.070 Electrical transmission structure collocation – Specific development standards.
The following requirements shall apply to collocation of antennas on an existing electrical transmission structure (as defined in LMC 16.75.190(4)):

(1) Height. The height requirements for antennas that are collocated on electrical transmission structures are limited to 23 feet above the existing tower or pole height. If a replacement electrical transmission structure is proposed, the maximum height shall be no greater than 23 feet above the original electrical transmission structure's height.

(2) Antenna Aesthetics. There are no city designated restrictions on the type of antenna(s) that may be collocated on the electrical transmission structure. The antenna(s) must be a similar color to the electrical transmission tower/pole.

(3) Antenna Intensity. There is no city designated limit on the number of antennas that may be collocated on an electrical transmission structure.

(4) Feed Lines and Coaxial Cables. Feed lines and coaxial cables shall be attached to the existing pole or to one of the legs of the electrical transmission tower. The feed lines and cables must be a similar color to the electrical transmission structure. If a replacement structure is proposed the feed lines and coaxial cables shall be located within the structure or in a covered raceway of similar color and material to the tower or pole.

(5) Equipment Enclosures. Cabinet equipment shall be located directly under the electrical transmission tower where the antennas are located, or in a concealed location.

(6) Setbacks. Setback requirements shall not apply to wireless communication facilities collocated on an existing electrical transmission structure. (Ord. 3333 § 2, 2016).

16.75.080 Adding antennas to an existing wireless communication facility tower.
The requirements for adding antennas to existing wireless communication facility tower(s) (as defined in LMC 16.75.190(8)) are given in Chapter 16.80 LMC, Eligible Wireless Facilities Modifications. (Ord. 3333 § 2, 2016).

16.75.090 Utility/distribution pole collocation – Specific development standards.
The following requirements shall apply to all wireless communication facilities collocated on a utility/distribution pole (as defined in LMC 16.75.190(10)):

(1) Height. The antenna height of a pole collocation is limited to 20 feet above the existing pole. If a replacement pole is proposed, the maximum height shall be no greater than 20 feet above the original pole's height.

(2) Antenna Aesthetics. The first preference for any collocation is to utilize flush-mounted antennas. If the pole collocation includes an antenna array, the array shall be painted or otherwise colored to match the support structure.

(3) Replacement Pole. An existing pole may be removed and replaced with a new pole so long as the new pole is of similar color and material as the pole being replaced and adjacent pole(s), and is located within 10 feet of the existing pole (measured from the center point of the existing pole to the center point of the replacement pole) if feasible. The new pole must be used by the owner of the pole to support its utility lines. A replacement pole shall be designed such that coaxial cables and feed lines can be located within the pole where feasible (e.g., the replacement pole is hollow) or in a covered raceway of similar color and material as the pole.

(4) Coaxial Cables and Feed Lines. Coaxial cables limited to one-half-inch diameter may be attached directly to an existing pole. Coaxial cables greater than one-half inch must be placed within the pole or within a covered raceway of similar color and material as the existing pole. The size of the cables is the total size of all coaxial cables being utilized on the pole.

(5) Pedestrian Impact. The proposed wireless communications facility collocation shall not result in a significant change in the pedestrian environment or preclude the city from making pedestrian improvements. If a pole is being replaced, consideration must be made to improve the pedestrian environment, if necessary.

(6) Equipment Enclosures. Unless approved otherwise by the director of public works, all equipment enclosures must be placed outside of the city right-of-way. Equipment enclosures shall be located consistent with LMC 16.75.050(10) unless approved otherwise by the director of community development.

(7) Setbacks. Any portion of the wireless communication facilities located within city right-of-way is not required to meet setback requirements. The city will evaluate setback modifications on private property under LMC 16.75.150. (Ord. 3333 § 2, 2016).

16.75.095 Double pole prevention.
In the event that a wireless communication facility is placed on a pole, and said pole is in need of replacement, any and all communication facilities shall be relocated to the new pole within 180 days. (Ord. 3333 § 2, 2016).

16.75.100 Building-mounted concealed facility – Specific development standards.
The following requirements shall apply to wireless communication facilities that are attached to an existing building, or similar structure and concealed from view (as defined in LMC 16.75.190(13)):

(1) Height. The proposed concealed wireless communication facility may extend no more than 15 feet above the existing structure. Antennas may be located in existing church spires, clock towers, chimneys, elevator towers, mechanical equipment rooms, or other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area. Stand-alone antennas or towers shall not qualify as rooftop appurtenances.

(2) Antennas Aesthetics. Antennas must be concealed from view by blending with the architectural style of the building. This could include, but not be limited to, steeple-like structures and parapet walls. The screening must be the same color as the building. Antennas shall be painted to match the color scheme of the building(s).

(3) Feed Lines and Coaxial Cables. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

(4) Cabinet Enclosure. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the city's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, and architectural style.

(5) Setbacks. The proposed wireless communication facilities must meet the setback requirements of the applicable zoning category where the facility is to be located. (Ord. 3333 § 2, 2016).

16.75.110 Request to use nonconcealed facilities attached to a building in lieu of a concealed building attachment.
The use of concealed building facilities shall have first priority in all residential and commercial zones. However, an applicant may request to construct a nonconcealed building-attached wireless communication facility in lieu of a concealed wireless communication facility. The director will use the following criteria to determine whether to allow this request:

(1) Due to the size of the building and the proposed location of the antennas, the visual impact of the exposed antennas will be minimal in relation to the building.

(2) Cables are concealed from view and any visible cables are reduced in visibility by sheathing or painting to match the building where they are located.

(3) Equipment enclosure is adequately screened from view.

(4) Due to the style or design of the building the use of a concealed facility would detrimentally impact the visual appearance of the building.

(5) The proposal meets the development standards of LMC 16.75.120. (Ord. 3333 § 2, 2016).

16.75.120 Nonconcealed building-mounted specific development standards.
The following requirements shall apply to wireless communication facilities that are attached to an existing building and not concealed from view (as defined in LMC 16.75.190(12)):

(1) Height. The proposed wireless communication facility may extend no more than 10 feet above the existing structure.

(2) Antenna Aesthetics. The first preference for any proposed facility is to utilize flush-mounted antennas. Nonflush-mounted antennas may be used when their visual impact will be negated by the scale of the antennas to the building. Shrouds, canisters or other visually opaque, radio-frequency transparent materials which hide the wireless antennas from public view are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the building(s).

(3) Feed Lines and Coaxial Cables. Feed lines and coaxial cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible they must be painted to match the color scheme of the building(s).

(4) Equipment Enclosures. If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the city's first preference is to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, and architectural style. If the equipment enclosure cannot be located within the building or on the roof and is located on the ground, the enclosure shall be fenced with a six-foot-tall fence. The fence shall include slats, wood panels, or other materials to screen the equipment from view. (Ord. 3333 § 2, 2016).

16.75.130 Requests for new towers.
(1) Collocation or Attachment. New wireless communication facilities must, to the maximum extent feasible, collocate on or attach to existing towers or other structures of a similar height to avoid construction of new towers. Collocation or attachment is not feasible if it is precluded by zoning constraints such as height, precluded by engineering limitations such as structural capacity or electromagnetic interference, not possible to obtain authorization by the owner of an alternative location, or does not meet the service coverage objectives of the applicant. Each application for a new tower shall address the city's priorities in LMC 16.75.040(3).

(2) Location Preferences. The applicant for a new tower not meeting the city's location preferences in LMC 16.75.040(4) must demonstrate that such preferred locations are not available or feasible after considering the factors listed in subsection (3) of this section.

(3) The decision-making authority shall determine whether each of the above requirements is met. Examples of evidence the applicant shall provide demonstrating the foregoing requirements include, but are not limited to, the following:

(a) That no existing towers or structures or preferred alternative sites will meet its coverage or capacity objective (regardless of the geographical boundaries of the city);

(b) That the existing towers or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's coverage or capacity objective;

(c) That the existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;

(d) That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structure would cause interference with the applicant's proposed antenna;

(e) The applicant demonstrates other limiting factors that render existing towers and structures or other sites unsuitable;

(f) That the tower is located in a suitable zoning district per Table 16.75.130-1.

(4) When a proposed tower is subject to Type 3 review, the appeal board of adjustment, after holding a public hearing, shall approve, approve with conditions, or deny the application, or remand the application back to staff for further investigation in a manner consistent with the appeal board of adjustment order. (Ord. 3333 § 2, 2016).

16.75.140 Tower-specific development standards.
The following requirements shall apply to all wireless communication towers (as defined in LMC 16.75.190(8)):

(1) Height. In industrial zoning districts, the maximum tower height is 120 feet. In all other applicable zoning districts, the maximum tower height is the maximum building height for that zoning district plus 35 feet with the exception of country club and civic center districts. In the country club district the maximum tower height is 100 feet. In the civic center district the maximum tower height is 85 feet. A height modification may be applied for under LMC 16.75.150.

(2) Antenna and Tower Aesthetics. Where required, the applicant shall utilize a concealed facility as defined in LMC 16.75.190(13). The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.

(3) Setbacks. The proposed wireless communication facilities must meet the setback requirements of the underlying zoning district. If a height modification is granted under LMC 16.75.150, the setback of the proposed wireless communication facility shall increase two feet for every foot in excess of the maximum permitted height in the zoning district.

(4) Color. The color of the tower shall be based on the surrounding land uses and type of concealment proposed.

(5) Feed Lines and Coaxial Cables. All feed lines and coaxial cables must be located within the tower. Feed lines and coaxial cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.

(6) Tower Design. Any new tower constructed shall be designed to meet the minimum structural standards for future collocation of wireless communication facilities by a minimum of three wireless service providers (including the applicant). Guy towers and lattice towers are only allowed in the city's industrial districts. (Ord. 3333 § 2, 2016).

16.75.150 Modifications to wireless standards.
(1) Applicability. Except as otherwise provided in this chapter, no wireless communication facility shall be used or developed contrary to any applicable development standard unless an modification has been granted pursuant to this section. These provisions apply exclusively to wireless communication facilities, and are in lieu of the city's generally applicable variance provisions.

(2) Submittal Requirements. An application for a wireless communication facility modification shall include:

(a) A written statement demonstrating how the modification would meet the criteria.

(b) A site plan that includes:

(i) Description of the proposed siting's design and dimensions, as it would appear with and without the modification.

(ii) Elevations showing all components of the wireless communication facility, and its connection to utilities, as it would appear with and without the modification.

(iii) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the modification.

(3) Criteria. An application for a modification shall be granted if the following criteria are met:

(a) The modification is consistent with the purpose of the development standard for which the modification is sought.

(b) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(c) The applicant demonstrates the existence of either of the following:

(i) Gap in Service.

(A) A gap in the coverage or capacity of the service network exists;

(B) The gap can only be filled through a modification in one or more of the standards in this chapter; and

(C) The modification is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's standards to the greatest extent possible.

(ii) Minimization of Impacts. The modification would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(A) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(B) Better preservation of views or view corridors;

(C) A decrease in negative impacts on property values; or

(D) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

(4) A request for any such modification shall be submitted in writing by the applicant with the application for appeal board of adjustment's review. The applicant shall state fully the grounds for the modification and all of the facts relied upon by the applicant. (Ord. 3333 § 2, 2016).

16.75.160 Expiration.

Any permit to install or operate a wireless communication facility shall expire exactly two years from the date of issuance of the director or appeal board of adjustment's decision, unless significant progress has been made to construct the facility. The city may extend the expiration period by up to one additional year due to circumstances outside of the control of the applicant. However, the city shall not issue an extension if any revisions have occurred to the city's municipal code that would affect the wireless communication facility approved. (Ord. 3333 § 2, 2016).

16.75.170 Removal of abandoned wireless communication facilities.

Any antenna or tower that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of 12 months shall be considered abandoned. The wireless telecommunication carrier of such abandoned antenna or tower and ancillary wireless communication facilities shall remove the same within 90 days of receipt of a notice from the city notifying the owner or operator of such abandonment. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, and electronic equipment. The concrete pad shall be removed to a minimum of one foot below ground level and no longer be visible, unless

otherwise approved by the director. Failure to remove such an abandoned facility shall result in declaring the antenna and/or tower a public nuisance. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower. (Ord. 3333 § 2, 2016).

16.75.180 Landscaping – Screen types and description.
The two types of landscaping screens are described and applied as follows:

(1) Type I Landscaping Screen.

(a) Type I landscaping is a full screen that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas.

(b) Type I landscaping shall minimally consist of:

(i) A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;

(ii) Between 70 and 90 percent evergreen trees;

(iii) Evergreen shrubs provided at the rate of one per linear four feet of landscape strip and spaced no more than eight feet apart on center; and

(iv) Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.

(2) Type II Landscaping Screen.

(a) Type II landscaping is a filtered screen that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street.

(b) Type II landscaping shall minimally consist of:

(i) A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;

(ii) At least 50 percent deciduous trees and at least 30 percent evergreen trees;

(iii) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

(iv) Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years. (Ord. 3333 § 2, 2016).

16.75.190 Definitions.
As used in this chapter the following terms shall have the meanings indicated:

(1) “Ancillary wireless communication facilities” means any facilities, component, part, equipment, mounting hardware, feed lines, or appurtenance associated with, attached to, or a part of a tower, pole, antenna, ancillary structures, equipment enclosures, or facilities equipment compound, and located within, above, or below the facilities equipment compound. Also includes any form of development associated with a wireless communications facility, including but not limited to foundations, concrete slabs on grade, guy anchors and transmission cable supports.

(2) “Antenna(s) array” means one or more antennas and their associated ancillary facilities that share a common attachment device, such as a mounting frame or mounting support.

(3) “Antennas, flush-mounted” are antennas or antenna array attached directly to the face of the tower, pole, or building, such that no portion of the antenna extends above the height of the tower, pole, or building.

(4) “Structure, electrical transmission” means any facility (including a pole or a tower) owned by an electric utility that supports electrical lines that carry a voltage of at least 115 kV.

(5) “Tower, guy” means a tower that is supported with cable and ground anchors to secure and steady the tower.

(6) “Tower, lattice” means a tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas or similar antenna devices.

(7) “Tower, monopole” means a freestanding tower that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground.

(8) “Tower, wireless communication facility” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopoles. The term includes, without limitation, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

(9) “Tower-mounted facilities” means a wireless communication facility that is mounted to a tower.

(10) “Utility/distribution pole” is any facility owned by an electric utility that supports electrical lines that carry a voltage of less than 115 kV, or other public utility, such as coaxial cables for cable and fiber optic cable for telephone lines.

(11) “Wireless communication facility” means any tower, antenna, ancillary structure or facility, or related equipment or component thereof, that is used for the transmission of radio frequency signals through electromagnetic energy for the purpose of providing phone, Internet, video, information services, specialized mobile radio, enhanced specialized mobile radio, paging, wireless digital data transmission, broadband, unlicensed spectrum services utilizing part 15 devices, or other similar services that currently exist or that may in the future be developed.

(12) “Wireless communication facility, building-mounted” means a wireless communication facility that is attached to an existing commercial, industrial, residential, or institutional building or structure such as a tower.

(13) “Wireless communication facility, concealed facility” means a wireless communication facility that is not readily identifiable as such and is designed to be aesthetically and architecturally compatible with the existing building(s) or structures on a site; or a wireless communication facility disguised, hidden, or integrated with an existing structure that is not a monopole or tower; or a wireless communication facility that is placed within an existing or proposed structure or tower or mounted within trees, so as to be significantly screened from view or camouflaged to appear as a nonantenna structure or tower (e.g., tree, light pole, clock tower, flagpole with flag, church steeple).

(14) “Wireless communication facility equipment enclosure” means any structure above or below ground, including without limitation cabinets, shelters, pedestals and other devices or structures, that is used exclusively to contain radio or other equipment necessary for the transmission and/or reception of wireless communication signals including, without limitation, air conditioning units and generators.

(15) “Wireless communication facility equipment compound” means an outdoor fenced area occupied by all the towers, antennas, ancillary structure(s), ancillary facilities, and equipment enclosures, but excluding parking and access ways.

(16) “Wireless communication facility, feed lines or coaxial cables” means cables used as the interconnection media between the transmission/receiving base station and the antenna.

(17) “Wireless telecommunication carrier” means any person or entity that directly or indirectly owns, controls, operates, or manages any plant, equipment, structure, or property within the city for the purpose of offering wireless telecommunication service within the city. (Ord. 3333 § 2, 2016).

Chapter 17.02

GENERAL PROVISIONS

Sections:

17.02.010 Effective date, application, severability.
17.02.020 Adoption by reference.
17.02.030 Applicability of this title.
17.02.040 Inapplicability of this title.
17.02.050 Savings.
17.02.060 Severability.
17.02.070 Fees.

17.02.010 Effective date, application, severability.
The ordinance codified in this title, hereinafter referred to as “this title” or “this code,” shall be known and may be cited as the Longview environmental code and shall become effective on December 1, 2000. (Ord. 2786 § 1, 2000).

17.02.020 Adoption by reference.
Statutes of the state of Washington, regulations contained within the Washington Administrative Code, ordinances and resolutions of the city of Longview, and any standard code of technical regulations, or portions thereof, adopted by reference in this title, are adopted in accordance with the State Environmental Protection Act (SEPA), RCW 43.21C.120, and the SEPA rules (WAC 197-11-904).

The ordinance codified in this title contains the city’s SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with the ordinance codified in this title. (Ord. 2786 § 1, 2000).

17.02.030 Applicability of this title.
The provisions of this title shall apply to any violation of any of the provisions of this title occurring or committed on or after the effective date of the ordinance codified in this title. (Ord. 2786 § 1, 2000).

17.02.040 Inapplicability of this title.
The provisions of this title shall not apply to any violation of any provision of this code occurring or committed prior to the effective date of the ordinance codified in this title. (Ord. 2786 § 1, 2000).

17.02.050 Savings.
Any violation occurring prior to the effective date of the ordinance codified in this title or any prosecution for any violation commenced prior to the effective date of the ordinance codified in this title shall be prosecuted and punished under the provisions of law and this code existing at the time of commission thereof as if this title had not been enacted. (Ord. 2786 § 1, 2000).

17.02.060 Severability.
If any section, subsection, clause, phrase or any portion of this title, whether set forth herein in full or adopted by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The city council declares that it would have adopted the provisions of this title and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 2786 § 1, 2000).

17.02.070 Fees.
~~The fees to be paid upon the filing of a petition or application relating to environmental protection review and permits shall be as set forth in Table 17-A of the Longview Municipal Code.~~

~~**Table 17-A – Longview Fee Schedule for Environmental Review and Permits**~~

~~ACTION~~	~~FEE~~

~~ACTION~~	~~FEE~~
~~PLANNING STAFF REVIEWS~~	
~~State Environmental Policy Act (SEPA) DNS~~	~~$579~~
~~SEPA MDNS~~	~~$879~~
~~SEPA DS/EIS~~	~~$4,634~~
~~SEPA DNS appeal~~	~~$579~~
~~SEPA MDNS appeal~~	~~$879~~
~~SEPA DS/EIS appeal~~	~~$4,634~~
~~SEPA exemption~~	~~$115~~
~~Critical areas review/determination~~	~~$115~~
~~Critical areas appeal~~	~~$115~~
~~Floodplain permit~~	~~$290~~
~~Shoreline substantial development permit (SDP) application~~	~~$1,159~~
~~Shoreline application revision~~	~~$290~~
~~Shoreline exemption~~	~~$115~~
~~Shoreline conditional use~~	~~$579~~
~~Shoreline conditional use with SDP~~	~~$115~~
~~Shoreline variance~~	~~$579~~
~~Shoreline variance with SDP~~	~~$115~~
~~Shoreline appeal~~	~~$290~~
~~STORMWATER REVIEW~~	
~~Review of private stormwater retention/detention systems~~	~~Based on valuation and calculated per Chapter 16.02 LMC, Table 1-A and Section 109.2.1~~
~~Review of private stormwater systems where capacity is secured in an approved off-site regional public retention/ detention facility~~	~~$31~~
~~Other Inspections and Fees:~~	
~~1. Additional review required by changes, additions or revisions to submitted documents (minimum charge – one-half hour)~~	~~$62 per hour[1]~~
~~2. For use of outside consultants~~	~~Actual costs[2]~~

~~[1] Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~

~~[2] Actual costs include administrative and overhead costs.~~

Upon filing of a petition or application relating to environmental protection review, critical areas reviews, associated permits, or other administrative actions, fees shall be paid according to the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended.

When submittal documents are incomplete or changed so as to require additional review or when the project involves deferred submittal documents, an additional review fee ~~shall~~ may be charged at the rate shown ~~in amended Table 17-A~~. on the Community and Economic Development Department Master Fee Schedule. (Ord. 3313 § 1, 2015; Ord. 3232 § 1, 2012; Ord. 3188 § 1, 2011; Ord. 3155 § 1, 2010; Ord. 3068 § 1, 2008; Ord. 3023 § 1, 2007; Ord. 2989 § 1, 2007; Ord. 2972 § 1, 2006; Ord. 2948 § 1, 2005; Ord. 2905 § 1, 2004).

Chapter 17.10

CRITICAL AREAS

Sections:

17.10.010 Introduction.
17.10.020 Title and purpose.
17.10.030 Statutory authorization.
17.10.040 Relationship to other regulations, interpretation, authority and fees.
17.10.050 Definitions.
17.10.060 Applicability and regulated activities.
17.10.070 Exemptions.
17.10.080 Exception – Reasonable use.
17.10.090 Critical areas permits – Applications and approvals.
17.10.100 Critical areas inventory maps.
17.10.110 Wetlands.
17.10.120 Fish and wildlife habitat conservation areas.
17.10.130 Frequently flooded areas.
17.10.140 Geologically hazardous areas.
17.10.150 Critical aquifer recharge areas (CARAs).
17.10.160 Variances.
17.10.170 Appeals.
17.10.180 Penalties and enforcement/violations.
17.10.190 Liability for damages.
17.10.200 Severability.
17.10.210 Amendments.

17.10.010 Introduction.

(1) This chapter implements the goals, policies, guidelines, and requirements of the Growth Management Act, as amended, and the city of Longview (city) comprehensive plan.

(2) The purpose of this chapter is to identify and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property. Critical areas are defined as wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas.

(3) The city finds that the beneficial functions, structure, and values of critical areas should be protected as identified in this chapter, and further that potential dangers or public costs associated with inappropriate use of such areas should be minimized by reasonable regulation of uses within, adjacent to, or directly affecting such areas.

(4) Review Procedures.

(a) This chapter establishes review procedures for development proposals in and adjacent to critical areas. Critical areas will be designated by definition and then classified through site assessments to confirm the actual presence, boundaries (or extent), and classification of critical areas.

(b) This chapter allows staff of the community development department (department) to provide site visits, preliminary reviews, and pre-application meetings to assist in identifying critical areas.

(c) Critical areas are dynamic natural systems that are a part of the city's changing landscape. While critical areas are present throughout the city, their exact location cannot be mapped accurately enough for regulatory purposes. Maps are useful primarily as an indicator of the distribution and extent of critical areas. Maps will be used whenever possible as a part of the screening process for evaluating permit applications. Although a number of map resources are referenced in this chapter, regulatory measures such as buffer requirements are based upon the identification of critical areas during the regulatory review process.

(d) If hardships and grievances occur, this chapter contains provisions to allow for reasonable use exceptions, variances, and appeals. Through this chapter, the city will work with the applicant to identify and manage critical areas.

(5) Best Available Science. Best available science shall be used in administering this chapter. A list of reference sources and literature cited in this chapter can be obtained from the department. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.020 Title and purpose.
This chapter shall be known as the city of Longview critical areas ordinance, and is adopted to assist in orderly development, conserve the value of property, safeguard the public welfare, and to protect the following critical areas:

(1) Wetlands. Wetlands serve many important ecological and environmental functions and help to protect public health, safety and welfare by providing flood storage and conveyance, erosion control, fish and wildlife habitat and production, recreation, water quality protection, water storage, education, scientific research, and other public benefits. It is the purpose of this chapter to protect these functions to prevent the continual loss of wetlands, and where practical, to enhance or restore wetland functions and values.

(2) Fish and Wildlife Habitat Conservation Areas. In addition to their intrinsic value, certain species of fish and wildlife represent important historic, cultural, recreational and economic resources. Many species serve as indicators of the condition of the environment and the quality of life that Longview residents have invested in, enjoy, and respect. It is the purpose of this chapter to protect, restore where practical, and enhance fish and wildlife populations.

(3) Frequently Flooded Areas. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas.

(4) Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to the effects of erosion, sliding, earthquake, ground swelling, or other geological events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development is sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development, or when occupied structures or facilities are sited in areas susceptible to natural or human-caused geologic events. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to health and safety become acceptable. When technology cannot reduce risks to acceptable levels, building and other construction within identified geologically hazardous areas may be prohibited.

(5) Critical Aquifer Recharge Areas. Potable water is an essential life-sustaining element. In many areas, drinking water comes from groundwater supplies. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean up. It is the purpose of this chapter to prevent contamination and depletion, avoid exorbitant clean up costs, hardships, and potential physical harm to people. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.030 Statutory authorization.
(1) The Legislature of the state of Washington has, in RCW 36.70A.060, mandated local governments to adopt development regulations precluding land uses or developments that are incompatible with critical areas. Critical areas to be regulated are designated under RCW 36.70A.170 and will be regulated through the application of best available science, as determined according to WAC 365-195-900 and RCW 36.70A.172(1). In addition, cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) The ordinance codified in this chapter is adopted under the authority of Chapters 36.70 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.040 Relationship to other regulations, interpretation, authority and fees.

(1) Relationship to Other Regulations. These critical areas regulations shall apply in addition to zoning and other regulations adopted by the city.

(a) The city shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement without satisfying the requirements of this chapter, including but not limited to the following: building permit; rezone; special property use permit; right-of-way use permit; shoreline conditional use permit; shoreline substantial development permit; shoreline variance; short subdivision; subdivision; planned unit development; grading and clearing permit; utility and other use permit; or any subsequently adopted permit or approval required by development regulations adopted subsequent to the adoption of this chapter not expressly exempted by this chapter.

(b) The city may approve, approve with conditions, or deny any development proposal to satisfy the requirements of and carry out the purposes and requirements of this chapter.

(c) If any conflict between this chapter and any other city regulations, including, but not limited to, shoreline management program, State Environmental Policy Act, Endangered Species Act and the Federal Clean Water Act, the regulation that provides more protection for the critical area shall apply.

(d) Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required.

(e) Many state, federal, and regional regulations apply to projects conducted within critical areas. Uses otherwise allowed by city codes do not eliminate other agency regulatory requirements. In cases where other agencies possess jurisdictional control over critical areas and it is determined by the director that the permit conditions are equivalent or more stringent than the requirements of this chapter, those requirements may substitute for the requirements of this chapter. Such agencies may include, but are not limited to, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Washington Department of Ecology, and the Washington Department of Natural Resources. The applicant is responsible for complying with other requirements apart from the requirements of this chapter. No permit granted pursuant to this chapter shall remove applicant's obligation to comply in all respects with the applicable provision of any other federal, state, or local law or regulation.

(f) In addition to the provisions established in this chapter, the city shall coordinate its own programs with those of other public and private agencies to enhance management of critical areas within the city as required by Chapter 365-196 WAC.

(2) Interpretation. In the interpretation and application of this chapter, its provisions shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purposes of this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

(3) Authority. The director or his or her designee(s) shall be the administrator of this chapter and is given the authority to interpret and apply, and the responsibility to enforce, this chapter to accomplish the stated purposes. The city may withhold, condition, or deny development permits or approvals to ensure that the proposed action is consistent with this chapter.

(4) Fees.

(a) The applicant shall be responsible for the initiation, preparation, submission, and expense of any required reports, assessments, studies, plans, and other work prepared in support of or necessary to review the application.

(b) Fees are ~~set in Chapter 17.02 LMC, General Provisions.~~ as established in the Community and Economic Development Department Master Fee Schedule. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.050 Definitions.

The definitions contained in RCW 36.70A.030 insofar as they pertain to terms used herein, as they now exist or are hereafter amended, are hereby adopted by this reference to be used in the administration of this chapter.

For the purposes of this chapter, the following definitions shall apply unless the context clearly requires otherwise:

"Alluvial fan" means a fan-shaped alluvial deposit formed by a stream where its velocity is abruptly decreased, as at the mouth of a ravine.

"Alteration" means a human-induced action that materially affects a regulated critical area or its buffer, such as a physical change to the existing condition of land or improvements including but not limited to: construction, clearing, filling, and grading.

"Anadromous" means a life history characteristic of fish that spend time in both freshwater and saltwater, to complete necessary life functions.

"Applicant" means the person, party, firm, corporation, federal, state, tribal or local government, or any other entity that proposes any activity that could affect a critical area.

"Aquatic habitat" means those areas where juvenile and/or adult fish exist or are known to migrate, forage, reproduce, or inhabit.

"Bankfull width" means the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth for streams.

"Best available science (BAS)" means current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

"Best management practices (BMP)" means systems of practices and management measures that (1) control soil loss and reduce water quality degradation caused by high concentration of nutrients, animal waste, toxins, or sediment; (2) minimize adverse impacts to surface and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands or other water bodies; (3) protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and (4) provide standards for proper use of chemical herbicides within critical areas.

"Board" means the city of Longview appeal board of adjustment.

"Buffer or buffer area" means an area adjacent to a wetland, river, stream, pond, lake, geologically hazardous area, or riparian area that is established and managed to protect the integrity of functions and values of the critical areas from human caused disturbances, or to protect people and development from a geological hazard. "Buffer," when referring to geologically hazardous areas, means an area surrounding a geologic hazard consisting of naturally occurring or reestablished vegetation and having a width adequate to separate and protect people and development from the geologically hazardous area.

"City" means the city of Longview, Washington, a municipal corporation.

"Clearing" means the removal, redistribution, or disturbance to vegetation, soil or substrate that may include trees, brush, grass, groundcover, or other vegetative matter from a site.

"Commission" means the planning commission of the city of Longview.

"Conservation easement" means an interest or right of use over a property, less than fee simple, to protect, preserve, maintain, improve, restore, limit the future use of, or conserve for open space purposes, any land or improvement on the land.

"Critical aquifer recharge area" means areas that are determined to have a critical recharging effect on aquifers used as a source for potable water and that are vulnerable to contamination from recharge.

"Critical areas" include the following areas and ecosystems: (1) wetlands; (2) fish and wildlife habitat conservation areas; (3) frequently flooded areas; (4) geologically hazardous areas; and (5) areas with a critical recharging effect on aquifers used for potable water as defined in Chapter 36.80A RCW and this chapter.

"Critical areas permit" means a written authorization issued by the department via letter or other instrument, including issuance of a building permit, declaring that the identified development or regulated activity complies with the provisions of this chapter, and/or specifying the conditions with which such development or regulated activity must comply.

"Department" means the community development department of the city of Longview.

"Development" means any land use alteration consisting of the construction or exterior expansion of structures; grading, dredging, drilling, dumping; filling; clearing; removing sand, gravel, or minerals; bulk heading; driving of pilings; or any project of a temporary or permanent nature that modifies structures, land, wetlands, or shorelines and that does not fall within the allowable exemptions contained in this chapter.

"Director" means the director of the community development department of the city of Longview, or the director's designee.

"Dynamic settlement" means the vertical settlement of the ground surface due to earthquake-induced liquefaction. Settlement can range from less than one inch to several feet and can cause extensive damage to structures and underground utilities.

"Enhancement of wetlands" means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these activities.

"Erosion hazard area" means those areas containing soils that, according to the United States Department of Agriculture Natural Resources Conservation Service, are recognized as having high erosion potential. The soil types are indicated as having a severe or very severe erosion hazard.

"Establishment (creation) of wetlands" means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area and functions. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro-period, create hydric soils, and support the growth of hydrophytic plant species.

"Excavation" means mechanical removal, redistribution, or disturbance of soil or substrate from its point of origin.

"Feasible alternative" means an alternative that is available and reasonably capable of being accomplished after taking into consideration cost, existing technology, and logistics in light of overall project purposes. It may include an area not owned by the applicant, which could have been obtained, utilized, expanded, or managed to fulfill the basic purpose of the proposed activity.

"Field investigation" means an inspection of a site by a qualified expert and/or the director to document conditions and facts to ascertain if the site contains any critical or environmentally sensitive areas, as defined.

"Filling" means the act of placing fill material (on any critical area), including the temporary stockpiling of fill material.

“Fill material” means a deposit of earth or other natural or man made material placed by artificial means.

“Fish and wildlife habitat conservation areas” means those areas identified as being of critical importance to the maintenance and survival of both fish and wildlife. The definition of fish and wildlife habitat conservation areas does not include such artificial features or constructs as drainage ditches that lie within the boundaries of and are maintained by a port district.

“Frequently flooded areas” means lands in the flood plain subject to at least a one percent or greater chance of flooding in a given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.

“Functions and values” mean the services provided by critical areas to society, including but not limited to improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

“Geologically hazardous areas” mean areas susceptible to erosion, sliding, earthquake, ground swelling, or other geologic events.

“Geotechnical investigation report” means a study of geologically hazardous areas where the qualified expert evaluates the hazard areas by performing a subsurface investigation (i.e., borings, test pits, cone penetration tests). A subsurface investigation shall include obtaining soil samples and testing for soil strength. A subsurface investigation is required for landslide and seismic (i.e., liquefaction) hazards, unless the qualified expert can provide compelling evidence as to why a geotechnical investigation is not required.

“Geotechnical reconnaissance report” means a study of geologically hazardous areas where the qualified expert evaluates the hazard areas with a visual site reconnaissance. A subsurface investigation (i.e., borings, test pits, cone penetration tests) is not required. A reconnaissance level study is acceptable to evaluate erosion, volcanic and mine hazards, unless the qualified expert determines that a more thorough geotechnical investigation report is necessary. A geotechnical reconnaissance is not appropriate for evaluating landslide and seismic (i.e., liquefaction) hazards, unless compelling evidence can be provided by the qualified expert.

“Grading” means altering the degree of the slope by mechanical means including removal, redistribution, or disturbance to the soil or substrate from its point of origin.

“Hydrologic unit” means an area of land above or upstream from a specific point on a stream, which is enclosed by a topographic divide such that direct runoff from precipitation normally drains by gravity into the stream, or from the area above the specified point on the stream.

“Indigenous” means any native species of plant or wildlife that occurs naturally on a particular site or area.

“Lake” means a naturally existing or artificially created body of standing water, including reservoirs, 20 acres or greater in size, which exist on a year-round basis, and occurs in a depression of land or expanded part of a stream.

“Landfill” means a disposal facility or part of a facility at which solid waste is placed within or on land.

“Landslide hazard area” means areas at risk of mass movement due to combination of geologic, topographic, and hydrologic factors.

“Lateral spread” means the lateral movement of the ground surface due to earthquake-induced liquefaction. When soil liquefies, blocks of mostly intact, surficial soil move downslope or towards a free face along a shear zone that forms at the top of the liquefied soil. Lateral soil movement can be on the order of inches to several feet and can cause extensive damage to structures and underground utilities (Bartlett 1995).

“Liquefaction” means a phenomenon where the strength and stiffness of a saturated, generally loose/soft soil is reduced by earthquake shaking. Soils that are generally considered potentially liquefiable include sand, low plasticity silty sand, low plasticity clayey sand, and low plasticity silt, although other soil types have proven to also

be potentially liquefiable. Liquefaction and related phenomena such as dynamic settlement and lateral spreading have been responsible for tremendous amounts of damage to structures such as streets, underground and above ground utilities, underground tanks, buildings, and retaining walls in historical earthquakes around the world. A recent, local example of liquefaction occurred throughout the region affected by the 2001 magnitude 6.8 Nisqually Earthquake near Olympia (Johansson 2000).

“Mitigation” means actions designed to replace project-induced critical area losses or impacts; including, but not limited to, restoration, establishment (creation), enhancement, or preservation. Mitigation should be sequenced in the following order: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or (6) monitoring the impact and taking appropriate corrective measures.

“Mitigation bank” means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by critical areas permits. In general, a mitigation bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The operation and use of a mitigation bank are governed by a mitigation banking instrument.

“Mitigation plan” means a plan that outlines the activities that will be undertaken to avoid, minimize, and compensate project impacts to critical areas detailed in this chapter.

“Nonnative species” means a plant or animal species that is not indigenous to the local area.

“Oak woodlands” mean stands of pure oak or oak/conifer associations that are one-half acre or greater in size where canopy coverage of the oak component of the stand is 25 percent; or where total canopy coverage of the stand is less than 25 percent, but oak accounts for at least 50 percent of the canopy coverage present.

“Open space” means land satisfying the definition for “open space land” in the city of Longview, and eligible for tax assessment at its current use value as authorized by Chapter 84.34 RCW.

“Ordinary high water mark” means that mark that will be found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

“Pond” means a naturally existing or artificially created body of standing water less than 20 acres in size and not defined as “shorelines of the state” by Chapter 90.58 RCW (Shoreline Management Act). Ponds may include reservoirs that exist on a year-round basis and occur within a depression of land or expanded part of a stream. A pond is bounded by the ordinary high water mark or the extension of the elevation of the pond’s ordinary high water mark within the stream, where the stream enters the pond.

“Preservation of wetlands” means the removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of wetland area or functions.

“Priority habitats” means a habitat type with unique or significant value to many species with one or more of the following characteristics: comparatively high fish and wildlife densities, fish and wildlife species and/or diversity, fish and wildlife breeding habitat, fish and wildlife seasonal habitat, fish and wildlife movement corridors, limited

availability, high vulnerability to habitat alteration, or unique or dependent species as determined by the Washington Department of Fish and Wildlife's priority habitat and species list, as it now exists or as it is hereafter amended.

"Priority species" means fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation, as determined by the Washington Department of Fish and Wildlife's priority habitats and species list, as it now exists or as it is hereafter amended.

"Public ditches" means the ditches and associated diking and levee system that fall under the jurisdiction of, or where the water surface elevation is controlled by, the Consolidated Diking Improvement District (CDID) No. 1.

"Qualified expert" means a person with experience, education, and/or professional degrees and training pertaining to the critical areas in question, and who possesses experience with performing field investigations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The director shall require potentially qualified experts to demonstrate the basis for qualifications and shall make final determination as to qualifications. Demonstration of qualifications may include, but not be limited to, relevant professional experience, technical certification(s), and/or recognition through publication of technical papers or journals.

A "qualified expert for wetlands" means a biologist or ecologist who has a bachelor's degree in biology, ecology, wetland science, hydrology, soil science, botany, natural resource management, or a related field, from an accredited college or university; at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and regional supplement, preparing wetland reports and wetland ratings, conducting function assessments, and developing and implementing mitigation plans.

A "qualified expert for fish and wildlife habitat conservation areas" shall have a bachelor's degree in wildlife biology and/or stream ecology or related field from an accredited college or university and has at least two years of professional experience related to the subject species.

A "qualified expert for geological hazards" shall be a geotechnical engineer or engineering geologist licensed in the state of Washington. At least five years' work experience as a practicing geotechnical engineer or engineering geologist is preferred.

A "geotechnical engineer" means a person who has a bachelor's degree in civil engineering from an accredited college or university and is a registered professional engineer (P.E.) in the state of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting geotechnical investigations, analyzing geologic hazards, and preparing reports for the relevant type of hazard.

An "engineering geologist" means a licensed geologist in the state of Washington with a specialty license in engineering geology meeting the requirements of WAC 308-15-055. The licensed engineering geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.

A "qualified groundwater expert" means a hydrogeologist, geologist, engineer, or other scientist who meets all the following criteria:

(a) Has received a baccalaureate or post-graduate degree in the natural sciences or engineering from an accredited college or university; and

(b) Has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater vulnerability.

"Reestablishment of wetlands" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in rebuilding a former wetland and results in a net gain in wetland area and functions. Activities could include, but not be limited to, removing fill material, plugging ditches, or breaking drain tiles.

"Regulated activity" means activities occurring in or near and/or potentially affecting a critical area or associated buffer that is subject to the provisions of this chapter. Regulated activities include, but are not limited to, filling,

dredging, dumping or stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing, or harvesting.

“Rehabilitation of wetlands” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded wetland. Rehabilitation results in a gain in wetland function, but does not result in a gain in wetland area. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

“Resource agency” means a designated city, county, state, or federal agency with specific regulatory authority that provides technical information that may be used in the interpretation and enforcement of this chapter.

“Restoration of wetlands” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland area, restoration is divided into two categories: reestablishment and rehabilitation.

“Riparian” or “riparian habitat” means the area adjacent to channelized or flowing aquatic systems (e.g., rivers, perennial and intermittent streams, seeps, and springs) that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

“Seismic hazard areas” are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Areas mapped in the moderate to high risk category on the Liquefaction Susceptibility Map of Cowlitz County, Washington, should be considered in a seismic hazard area.

“Site” means any parcel or combination of contiguous parcels or right-of-way, or a combination of contiguous rights-of-way under the applicant’s ownership or control where the proposed project may impact a critical area or its buffer.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of vertical distance to horizontal distance. In these regulations, slopes are generally expressed as a percentage of the vertical distance to the horizontal distance. A 40 percent slope refers to a 40-foot rise in the vertical distance over a horizontal distance of 100 feet. An inclination of 45 degrees is a 100 percent slope.

“Stream” means those areas where surface water flows sufficiently to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined channel swales. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used to convey streams naturally occurring prior to construction. For regulatory purposes under this chapter, once streams are identified, the streams are typed according to WAC 222-16-031.

“Substrate” means the soil, sediment, decomposing organic matter, or combination of those located on the bottom surface of a wetland.

“Undisturbed buffer” means a protective area left in its natural state, except for any access and/or utility crossings approved by the director, between land development and critical areas.

“Utility line” means pipe, conduit, cable or other similar instrument by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, natural gas, communications, and sanitary sewer.

“Wetland” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas, and also include artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, such as irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds, and landscape

amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway.

“Volcanic hazard area” means areas subject to pyroclastic flows, lava flows, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. (Ord. 3352 § 1, 2017; Ord. 3092 § 1, 2009; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.060 Applicability and regulated activities.

(1) Applicability. This chapter shall be consistently applied to any land use or development under city jurisdiction within the geographical areas that meet the definitions and criteria for critical areas regulation as set forth in this chapter. The approximate location and extent of known or suspected critical areas are indicated on a series of maps adopted as part of this chapter and housed within the community development department of the city of Longview. These maps are approximate and other resources also will be used to identify critical areas. The following critical areas shall be regulated in accordance with this chapter:

(a) Wetlands;

(b) Fish and wildlife habitat conservation areas;

(c) Frequently flooded areas;

(d) Geologically hazardous areas; and

(e) Critical aquifer recharge areas.

(2) Regulated Activities. All persons proposing development or alteration, whether on public or private property, within critical areas: wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, critical aquifer recharge areas, or the largest regulated buffer for the applicable critical areas and proposed development or alteration, as described in this chapter, shall first apply for a critical areas permit pursuant to this chapter, except as exempted pursuant to LMC 17.10.070. All critical areas permit applications shall proceed in conformance with this section. Development activities shall include, but are not limited to, the following:

(a) Removing, clearing, grading, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;

(b) Dumping, discharging, or filling with any material;

(c) Any development or use that requires approvals under existing or subsequently adopted development codes of the city;

(d) Any project that requires a permit under the building code in effect at the time of application that alters the footprint of the building or increases impervious surfaces;

(e) New construction or any expansion of new public or private road or driveway;

(f) Destroying, planting, or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting nonnative species where these activities would alter the character of a critical area, or its buffer;

(g) Draining, filling, flooding, disturbing the water level, water table, or wetland area;

(h) Activities causing direct or indirect adverse changes in water temperature, physical, or chemical characteristics of wetland water sources, including water quantity and quality as stated in Chapter 90.03 RCW and Chapter 173.201A WAC to wetlands or surface water systems;

(i) Any other activities affecting a wetland or wetland buffer not otherwise exempt from the provisions of this chapter; and

(j) Wetlands, streams, lakes, or ponds created as mitigation for approved land use activities or that provide critical habitat are not exempt and shall be regulated according to the provisions of this chapter. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.070 Exemptions.

The following activities shall be exempt from the provisions of this chapter, provided they are otherwise consistent with the applicable provisions of other local, state, and federal regulations. For additional exemptions in wetlands and buffers, refer to LMC 17.10.110(4):

(1) Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, RCW 76.09.240 and WAC 222-12-030, where state law specifically limits local authority, except those developments requiring local approval for Class IV – General Forest Practices Permits (conversions) as defined in Chapter 76.09 RCW and Chapter 222-12 WAC.

(2) Development occurring within a volcanic hazard area as described in LMC 17.10.140 and containing no other critical areas as defined by this chapter.

(3) Development occurring within frequently flooded areas provided the development meets the requirements of Chapter 17.24 LMC, Flood Damage Prevention; except, other critical areas within the frequently flooded area will continue to be regulated by applicable provisions of this chapter.

(4) Maintenance.

(a) Maintenance, operation, and reconstruction of existing public and private roads, streets, driveways, and the installation, construction, or replacement of utility lines in improved city rights-of-way, not including electric substations; provided, that reconstruction of any such facilities are not expanded within, or do not extend outside, the previously disturbed areas within a critical area or designated buffer.

(b) Maintenance, operation, and reconstruction of existing structures and equipment operating areas; provided, that reconstruction of any such structures and facilities are not expanded within, or does not extend outside, the previously disturbed areas within a critical area or designated buffer.

(c) Maintenance of ground cover or other vegetation in a critical area or buffer area that was disturbed prior to the effective date of this chapter; provided, that no further disturbance is created. Maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures or utilities; provided, that such management actions:

(i) Do not expand farther into the critical area;

(ii) Are not the result of an expansion of the structure or utility; and

(iii) Do not directly impact an endangered or threatened species.

(d) Maintenance of intentionally created wetlands or surface water systems, including irrigation and drainage ditches, grass-lined swales and canals, detention facilities, and landscape or ornamental amenities created from upland/nonwetland areas. Wetlands, streams, lakes, or ponds created as mitigation for approved land use activities or that provide critical habitat are not exempt, and shall be regulated according to LMC 17.10.110(5), Tables 17.10.110-1, 17.10.110-2, or 17.10.110-3. State or federal regulations may apply to wetlands not regulated under this chapter.

(e) Ongoing operation and maintenance of diking, levees or drainage systems, sub-flood control zones, which are part of a system of existing dikes, levees, ditches, drains, or other facilities that were created, developed or used primarily as part of a drainage or diking system as defined by this chapter. The area exempt from review hereunder for maintenance and operation is the land occupied by an existing system of dikes and levees. This area shall be maintained in a manner that meets the federal standards for funding assistance for dike and levee repairs; provided further, that restoration of the riparian habitat, including revegetation of native species compatible with ongoing maintenance and protection of the diking system, occurs to the extent feasible.

Operation and maintenance does not include the expansion or creation of new dikes, levees, or drainage ditches and related facilities, which could contribute to degradation of existing wetlands.

(5) The removal or control of vegetation within stormwater or flood control sloughs and ditches maintained by the CDID, or the city on the effective date of the ordinance codified in this chapter, as deemed necessary by the public works director of the city and/or the CDID district engineer.

(6) Minimal site investigative work required by the city, state, or federal agency, or any other applicant such as surveys, soil logs, percolation tests, and other related activities provided impacts on environmentally critical areas are minimized and disturbed areas are restored to the preexisting level of function and value within one year after such tests are concluded.

(7) Scientific, educational, or low-impact recreational uses such as pedestrian trails less than five feet wide, wildlife viewing structures, and sport fishing that do not degrade the functions of the critical area. Trails must meet the requirements in LMC 17.10.110(4)(c)(i).

(8) Habitat restoration activities consistent with local watershed action planning efforts and designated a priority by the Lower Columbia Fish Recovery Board.

(9) Reconstruction of damaged or destroyed structures within the same building footprint. Expansion or reconstruction within a new or expanded footprint that affects a nonexempt critical area or critical area buffer is subject to the provisions of this title.

(10) Clearing, as minimally necessary, for:

(a) Stream bank restoration, for native replanting, or enhancements in critical areas or critical area buffers; and

(b) Soil, water, vegetation, and resource conservation projects having received an environmental permit from a public agency in critical areas or critical area buffers.

(11) The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.

(12) Enhancement of a wetland or its buffer through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to removal by hand labor or light equipment unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds shall be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(13) Existing Agricultural Activities and Structures.

(a) Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands not associated with a riparian corridor are exempt from regulation under this chapter; and

(b) Changes in agricultural practices within the same “footprint” as the existing agricultural activities, including reconstruction of existing agricultural structures, are exempt from regulation under this chapter.

(14) Stormwater Management Facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of a LID, runoff treatment or flow control BMP if all of the following criteria are met:

(a) The wetland is classified as a Category IV or a Category III wetland with a habitat score of three to four points;

(b) There will be “no net loss” of functions and values of the wetland;

(c) The wetland does not contain a breeding population of any native amphibian species;

(d) The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in Selecting Mitigation Sites Using a Watershed Approach (Washington Department of Ecology Publication No. 09-06-032); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a shoreline master program or other local or regional watershed plan;

(e) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing;

(f) All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits; and

(g) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost shall be compensated according to the standards in LMC 17.10.110(7).

Stormwater LID BMPs required as part of new and redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

(15) Emergency Actions. Emergency actions are those actions, which shall be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to:

• Prevent an imminent threat to public health or safety;

• Prevent imminent danger to public or private property; or

• Prevent an imminent threat of serious environmental degradation.

(a) All emergency activities undertaken within a critical area wetland or fish and wildlife habitat conservation area shall be fully mitigated in accordance with LMC 17.10.110, 17.10.120 17.12.020 and 17.12.030.

(b) In the event an agency with jurisdiction or emergency agency determines that the need to take emergency action is so urgent that there is insufficient time for review by the department, such emergency action may be taken immediately.

(c) Any person or agency undertaking such action shall notify the department within one working day following the commencement of the emergency activity. Following such notification, the department shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the department determines that the action taken or part of the action taken is beyond the scope of allowed emergency actions, then the enforcement actions of LMC 17.10.180 shall apply. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.080 Exception – Reasonable use.

Exceptions to this chapter may be made when the imposition of the standard would deny an applicant all reasonable use of the property. If an applicant asserts that application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use exception. This exception is intended to address those cases in which the application of this chapter unreasonably restricts all economic use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(1) The board shall have the power to grant reasonable use exceptions. A request for a reasonable use exception shall be made on forms provided by the director and shall accompany an application for a development permit. The application shall include, as applicable, a critical areas checklist, critical areas permit application (according to LMC 17.10.090(4)), critical areas report, and mitigation plan, if necessary. Before an application for a reasonable use exception is acted upon, all of the matters relating to the application shall be reviewed by the director and his/her findings and conclusions shall be transmitted to the board. The board shall review and act on the application following the procedures of Chapter 19.12 LMC, Appeal Board of Adjustment.

(2) Reasonable Use Review Criteria. The criteria for review and approval of reasonable use exceptions are:

(a) The application of this chapter will deny all reasonable economic use of the subject property as otherwise allowed by applicable law.

(b) The proposal will result in no net loss of critical area functions and values consistent with the best available science.

(c) The proposal is consistent with other applicable regulation and standards.

(d) No other reasonable use of the property has less impact on critical areas.

(e) Any alteration allowed is the minimum necessary to allow for reasonable use of the subject property.

(f) The inability of the applicant to derive reasonable use of the subject property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor.

(g) The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the proposed development site.

(h) Appropriate mitigation for the adverse effects to critical areas is incorporated into the project design.

(i) The following specific exceptions shall apply in implementing the standards of this chapter. Mitigation for unavoidable adverse impacts shall be required. The standards of this chapter shall not be used to preclude the following activities in wetland areas:

(i) The placement of a single-family residence, mobile or manufactured home and normal accessory structures as defined in Chapter 19.09 LMC, zoning, on an otherwise legally buildable lot of record. Standards may be applied on established properties to limit the proposed location and size of structures and proposed removal of vegetation.

(ii) The expansion of a legally established development area existing prior to May 2002 up to 250 square feet more than the May 2002 footprint may be located in a critical area buffer. Expansion toward the critical area should be avoided. The expansion shall be constructed using low impact development practices.

(iii) The replacement of a mobile or manufactured home with another dwelling and normal accessory structures.

(3) The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(4) Nothing in this chapter shall be used to prevent the construction of a structure, subject to the standards in this section, on a lot legally created prior to the establishment of this chapter. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.071).

17.10.090 Critical areas permits – Applications and approvals.

When an applicant submits an application for any development proposal, the application shall indicate whether any critical area is located on the site. The director or designee may visit the site and, in conjunction with the review of the information provided by the applicant and any other suitable information, shall make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the director shall notify the applicant that additional studies as specified in this chapter and Chapter 17.12 LMC, Standards for Preparing Critical Areas Reports and Mitigation Plans, shall be provided.

(1) Pre-application Conference. Any person preparing to submit an application for development or use of land that may be regulated by the provisions of this chapter shall first apply for a pre-application conference, unless waived by the director in concurrence with applicant. At this meeting, the director shall discuss the requirements of this chapter; provide applicable critical areas maps, scientific information and other source materials. He/she shall

summarize the application review process and work with the proponent to identify potential issues that may arise during the review process in addition to discussing other permit procedures and requirements.

(2) Critical Areas Permit: Coordination with Other Permits. To avoid duplication, the information required by this section shall be coordinated by the city with the assessments and requirements for other associated permits, including environmental reviews as directed by the director for activities otherwise categorically exempt from SEPA.

(3) Request for Determination of Critical Areas.

(a) The director will conduct a preliminary environmental review, based on existing in-house resources and data, to determine if critical areas are known or suspected to exist on the applicant's parcel; however, the ultimate burden of proof is on the applicant to provide sufficient data to the director should the director suspect critical areas are present. For the determination, the director will need the following:

(i) A completed master application and vicinity map;

(ii) An assessor's map of the property;

(iii) Critical areas checklist provided to the director and signed by the applicant; and

(iv) Other information as determined by the director.

(b) The director shall review the information on the forms submitted by the applicant, the critical areas maps, and any other resource information available as part of the determination process. Additionally, s/he shall conduct a site visit to ascertain the characteristics of subject property and to verify the presence of critical areas.

(c) The director shall have the option of soliciting comments or technical assistance on the critical areas determination from resource agencies. These agencies shall have 14 days from the date the application is circulated by the city for comments. If a response is not received from the resource agency within the 14-day review period, the city will assume there are no comments on the determination forthcoming from the resource agency.

(d) When the determination of critical areas has been completed, a written report will be issued to the applicant, placed in an address file, and a copy sent to the property owner if different from the applicant. A property owner may request a re-evaluation by the department once in any 12-month period when a change in physical conditions or government institutional actions warrants such re-evaluation.

(4) Critical Areas Permit Application Procedures. A critical areas permit is required if it is determined that the proposed alteration or development is located within a critical area or associated buffer.

The permit application shall at a minimum include the following:

(a) A completed master application, signed by the applicant and the property owner if different from the applicant, a vicinity map, a SEPA environmental checklist, and any supplemental information required by the director.

(b) A site plan drawn to scale. The site plan should clearly depict the following information:

(i) North arrow;

(ii) Property line dimensions; and

(iii) Location and dimensions of all existing and proposed development or alterations, including public and private roads, sewer and water lines, wells, utilities, easements, water sources, lakes and springs, drainage facilities, on-site sewage disposal and drain field areas within the property boundary, and the location of all critical areas and buffers.

(c) Critical Areas Reports. The city may require the applicant to submit a critical areas report according to the standards in Chapter 17.12 LMC, Standards for Preparing Critical Areas Reports and Mitigation Plans. The report shall be adequate for the director to evaluate the development proposal and all probable adverse impacts to critical areas regulated by this chapter. If adequate factual information exists to facilitate such evaluation, the director may determine that a critical areas report is not necessary. Critical areas reports shall be attached to the development permit application package.

(5) Expert Qualifications and City Review. All critical areas reports and mitigation plans required of the applicant by this chapter shall be prepared by a qualified expert. The director's decision to require additional studies will be based on the complexity of the project and/or a site inspection. The applicant for development shall be responsible for any cost associated with preparing critical areas reports and/or additional studies.

(6) Comments. The department shall have the option of soliciting comments or technical assistance on the critical areas permit application from resource agencies. These agencies shall have 14 days from the date the application is circulated by the city for comments. If a response is not received from the resource agency within the 14-day review period, the city will assume there are no comments on the project or activity forthcoming from the resource agency.

(7) Permit Action. For development permits where the land use decisions can be made administratively, the director may approve, approve with modifications and/or conditions, or deny a critical areas permit. For development permits where land use decisions are made by the planning commission, city council, or the board, the decision-making body may approve, approve with modifications and/or conditions, or deny a critical areas permit as part of the overriding action. Any notification of approval shall include the conditions, modifications and restrictions regarding the location, character, and other features of the proposed development that the director finds necessary to make the proposal compatible with the purposes and standards of this chapter. Prior to notification of approval, approval with conditions/modifications, or denial, the decision-maker(s) shall make findings that:

(a) Confirm the nature and type of critical areas;

(b) Determine if a proposed alteration critical areas meets the standards contained in this chapter; and

(c) Determine if the assurances for the mitigation proposed by the applicant are sufficient to protect or mitigate the critical areas consistent with this chapter.

(8) Permit Duration. Permitted construction shall start within the time limitations specified for the underlying development permit approval or final appeals decision. Permits may be extended concurrent with extensions for the underlying development permit. There shall be no limit on the number of critical areas permit extensions granted, recognizing that there may be limitations on the number of extensions of the underlying development permit. Permits run with the land.

(9) Notice on Title. The critical areas, associated buffer, and any mitigation areas shall be located in a critical areas tract or a conservation easement. Proof of establishment of notice on title for the critical areas, buffers, and mitigation areas shall be provided to the department. The notice shall state the presence of the critical areas, buffers, or mitigation area on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical areas or buffers may exist. The notice shall run with the land. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.072).

17.10.100 Critical areas inventory maps.

(1) The approximate location and extent of critical areas and lands within the city's planning area are shown on the maps adopted as part of this chapter. A summary of map sources is listed in Table 17.10.100. These maps are based on the best available information and are intended to be used as a general guide for the assistance of property owners and as information for the public. Since boundaries are generalized, field investigations and analysis by a qualified expert may be required to confirm the existence of critical areas.

(2) In addition, the Washington Department of Natural Resources base maps for stream types and topography provide an indication of the location of fisheries resources. Field conditions shall be used to determine the existence or extent of any classified stream area. Washington Department of Fish and Wildlife maps of threatened and

endangered species and habitat may be consulted. Wildlife critical areas shall be field located by a qualified expert based on applicable criteria.

(3) Flood hazard areas are mapped by the Federal Emergency Management Agency.

(4) In the event of any conflict between the location, designation, or classification of a critical area shown on the city maps and the criteria or standards of this section, the criteria and standards and the determination of any field investigation shall prevail.

Table 17.10.100 Summary of Map Sources

Topic	Map and Data Sources
Potential Wetland Indicators	Web Soil Survey, U.S. Department of Agriculture, Natural Resource Conservations Service
	National Wetlands Inventory Maps, Wetland Mapper, U.S. Department of Interior, U.S. Fish and Wildlife Service
Fish and Wildlife Habitat Conservation Areas	Priority Habitat and Species Maps, Washington Department of Fish and Wildlife
	Forest Practice Act Stream Type Maps, Washington Department of Natural Resources
	Washington Natural Heritage Data Set, Washington Department of Natural Resources
	StreamNet™ operated by the Pacific States Marine Fisheries Commission and funded by the Bonneville Power Administration
	SalmonScape, Washington Department of Fish and Wildlife (maps anadromous and resident salmonid distributions from the Salmon and Steelhead Habitat Assessment Program (SSHIAP))
Frequently Flooded Areas	Flood Insurance Rate Maps, Federal Emergency Management Agency, National Flood Insurance Program
Geologically Hazardous Areas	Digital Landslide Inventory for the Cowlitz County Urban Corridor, Washington, Washington Division of Geology and Earth Resources, Washington Department of Natural Resources, May 2006 (Wegmann 2006)
	Liquefaction Susceptibility Map of Cowlitz County, Washington, Division of Geology and Earth Resources, Washington Department of Natural Resources, September 2004 (Palmer 2004)
	2004 USGS Quaternary Fold and Fault Database for the United States, Hoquiam 1° x 2° Sheet (USGS 2004)
	Volcanic-Hazard Zonation for Mount St. Helens, Washington, 1995 (Wolfe and Pierson 1995)
	Interactive Geologic Maps and Geologic Information Portal, Washington Department of Natural Resources
	Web Soil Survey, U.S. Department of Agriculture, Natural Resource Conservations Service

(Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.110 Wetlands.

(1) Designation. Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation and applicable regional supplement or as revised. All areas within the city meeting the wetland designation criteria in that procedure are hereby designated critical areas and subject to the provisions of this chapter.

(2) Categorization. Wetlands shall be rated according to the Washington Department of Ecology's Washington State Wetland Rating System for Western Washington: 2014 Update (Publication No. 14-06-029, or as revised and approved by Ecology). The rating system document contains the definitions and methods for determining if the criteria below are met:

(a) Category I. Category I wetlands are:

(i) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program, Department of Natural Resources;

(ii) Mature and old growth forested wetlands larger than one acre;

(iii) Wetlands that perform many functions well, scoring 23 points or more on the rating form; or

(iv) Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.

(b) Category II. Category II wetlands are:

(i) Wetlands with a moderately high level of functions, scoring between 20 and 22 points on the rating form.

(c) Category III. Category III wetlands are:

(i) Wetlands with a moderate level of functions, scoring between 16 and 19 points on the rating form;

(ii) Can often be adequately replaced with a well-planned mitigation project; and

(iii) Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

(d) Category IV wetlands are:

(i) Wetlands with the lowest levels of functions (scoring fewer than 16 points on the rating form) and are often heavily disturbed.

(ii) These are wetlands that we should be able to replace or, in some cases, to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and should be protected to some degree.

(3) Development Standards. Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Alteration of all regulated wetlands and associated buffers should be fully mitigated and not be allowed unless the mitigation sequencing standards in subsection (7) of this section have been followed.

(a) In Category I wetlands, only the following activities may be allowed:

(i) Installation of utilities such as water, sewer, stormwater conveyance, gas, electric, cable, fiber optic cable or telephone, expansion of existing roads, utilities and railroads and maintenance of existing levees or dikes; provided, that impacts are minimized and that mitigation for any unavoidable impacts to wetland functions is conducted. New roads, dikes and levees shall only be allowed if compliance to LMC 17.10.160, Variances, is demonstrated.

(ii) Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

(b) In Category II wetlands, the following activities may be allowed:

(i) Activities allowed in Category I wetlands;

(ii) Activities that are mitigated in accordance with an approved critical areas report for wetlands and an approved mitigation plan per LMC 17.12.010 and 17.12.020.

(c) In Category III and IV wetlands, the following activities may be allowed:

(i) Activities allowed in Category I and II wetlands; and

(ii) Activities that are mitigated in accordance with an approved critical areas report for wetlands and an approved mitigation plan according to LMC 17.12.010 and 17.12.020.

(4) Wetland Exemptions, Partial Exemptions, and Allowed Activities in Wetland Buffers.

(a) Exempted Wetlands. The following wetlands are exempt from the buffer provisions contained in this chapter and the avoidance and minimization described in subsection (7)(a) of this section, Mitigation Sequencing. They may be filled if impacts are fully mitigated based on provisions in subsection (7) of this section, Compensatory Mitigation. To verify the following conditions, a critical areas report for wetlands, meeting the requirements in LMC 17.12.010 and 17.12.020, shall be submitted.

(i) Category III and IV wetlands less than 4,000 square feet may be exempted from the avoidance and minimization of mitigation sequencing in subsection (7)(a) of this section when compliance to the following is fully demonstrated by a qualified expert:

(A) Wetland is not associated with riparian areas or buffers;

(B) Wetland is not part of a wetland mosaic;

(C) Wetland does not score five or more points for habitat function based on the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology); and

(D) Wetland does not contain priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, does not contain federally listed species or their critical habitat, or species of local importance identified in LMC 17.10.120.

(ii) Artificial. Wetlands created from nonwetland sites including, but not limited to, wetlands intentionally created from nonwetland sites, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, and landscape amenities; provided, that wetlands created as mitigation shall not be exempted.

(iii) Riparian. Wetlands fully within the ordinary high water mark for streams.

(b) Partial Exemptions. The activities listed below are allowed in wetlands and wetland buffers and do not require submission of a critical areas report or a critical areas permit, except where such activities would result in a loss of the functions and values of a wetland or wetland buffer.

(i) Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.

(ii) The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.

(iii) Drilling for utilities/utility corridors under a wetland or buffer, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not disturb the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a qualified hydrogeological expert may be necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed.

(iv) Enhancement of a wetland through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds shall be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(v) Land disturbance, including fill, in wetlands or their associated buffers cumulatively less than five cubic yards in volume and 300 square feet in area; provided, that the wetland hydroperiod is not significantly affected.

(c) Allowed Activities in Wetland Buffers. In addition to the activities identified in subsection (4)(b) of this section, Partial Exemptions, the following uses may be allowed within a wetland buffer, but not within a wetland, following the review procedures of this chapter, provided they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland. Prior to development or alteration within the wetland buffer, the applicant shall demonstrate mitigation sequencing according to subsection (7)(a) of this section.

(i) Passive recreation facilities designed and in accordance with an approved critical areas report, including:

(A) Walkways and pervious surfaced trails; provided, that pathways are limited to minor crossings having no adverse impact on wetland hydrology. They should be generally parallel to the perimeter of the wetland, located only in the outer 50 percent of the wetland buffer, and located to avoid removing established native woody vegetation. They should be limited to pervious surfaces no more than five feet in width. Raised boardwalks with nontreated pilings may be acceptable.

(B) Wildlife-viewing structures.

(ii) Stormwater Management Facilities. Stormwater management facilities, limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, are only allowed in buffers of wetlands with low habitat function (less than four points on the habitat section of the Western Washington wetland rating form). Stormwater management facilities are prohibited within forested wetland buffers. They may be allowed within the outer 25 percent of the buffer of Category III or IV wetlands only; provided, that:

(A) No other location is feasible;

(B) The location of such facilities will not degrade the functions or values of the wetland; and

(C) Are designed to blend with the natural landscape.

(iii) Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed; provided, that:

(A) Impacts to buffers are minimized; and

(B) Buffer functions are replaced.

(iv) Other Regulated Activities. Other regulated activities other than pedestrian trails, stormwater management facilities and road and utilities crossings are allowed in the buffer if all of the following conditions are met:

(A) The activity is temporary and will cease or be completed within three months of the date the activity begins;

(B) The activity will not result in a permanent structure in or under the buffer;

(C) The activity will not result in a reduction of buffer acreage or function; and

(D) The activity will not result in a reduction of wetland acreage or function.

(5) Wetland Buffers. Wetland buffers shall be determined by the director, in accordance with the standards below.

(a) Standard Buffer Widths. Buffers are required for all regulated wetlands. Wetland buffer widths are established in Tables 17.10.110-1, 17.10.110-2, and 17.10.110-3 of this section, and are based on the corresponding wetland rating category and land use intensity. Land use intensities are shown in Table

17.10.110-4. Category IV wetland buffers are based solely on the water quality buffers specified in Table 17.10.110-1.

Table 17.10.110-1. Wetland Buffers Required to Protect Water Quality Functions

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I: Bogs and Wetlands of High Conservation Value	150 ft.	225 ft.	300 ft.
Category I: Based on Total Score	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

Table 17.10.110-2. Wetland Buffers Required to Protect Habitat Functions in Category I and II Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 17.10.110-1	See Table 17.10.110-1	See Table 17.10.110-1
5 points	70 ft.	105 ft.	140 ft.
6 points	90 ft.	135 ft.	180 ft.
7 points	110 ft.	165 ft.	220 ft.
8 points	130 ft.	195 ft.	260 ft.
9 points	150 ft.	225 ft.	300 ft.

Table 17.10.110-3. Wetland Buffers Required to Protect Habitat Functions in Category III Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 17.10.110-1	See Table 17.10.110-1	See Table 17.10.110-1
5 points	60 ft.	90 ft.	115 ft.
6 points	65 ft.	95 ft.	120 ft.
7 points	75 ft.	100 ft.	125 ft.

Table 17.10.110-4. Land Use Intensity Matrix

	Low	Moderate	High

	Low	Moderate	High
Parks and Recreation	Natural fields and grass areas, viewing areas, split rail fencing	Impervious trails, engineered fields, fairways	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing
Streets and Roads	Does not apply	Residential driveways and access roads	Public and private streets, security fencing, retaining walls
Stormwater Facilities	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Wet ponds	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing
Utilities	Does not apply	Maintenance access roads	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.
Commercial/ Industrial	Underground and overhead utility lines, manholes, power poles (without footings)	Does not apply	All site development
Residential	Density at or lower than 1 unit per 5 acres	Density between 1 unit per acre and higher than 1 unit per 5 acres	Density higher than 1 unit per acre

(b) Measurement. Buffers shall be measured outward from the delineated boundaries of the regulated wetland and extend the required distance.

(c) Functional Separation. Areas that are functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required. Such areas may include but are not limited to preexisting and legally established impervious surfaces such as roads and driveways, buildings, and structures that vertically separate such as maintained flood control dikes.

(d) Buffer Demarcation. As a condition of any permit or authorization issued pursuant to this chapter, the director may require the applicant to install permanent signs and/or permanent fencing along the upland boundary of the wetland buffer area. The permanent signs and/or permanent fencing shall be perpetually maintained by the property owner. Permanent nontreated wood or nongalvanized metal signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet or as otherwise determined by the director. The sign shall be worded as follows or with alternative language approved by the director: “Wetland and Wetland Buffer – Please retain in a natural state. Alteration or disturbance is prohibited by law. Please call the City of Longview for more information.”

(6) Wetland Buffer Modifications.

(a) Wetland Buffer Width Averaging. Wetland buffer averaging may be permitted when all of the following conditions are met:

(i) The applicant demonstrates to the department that the wetland contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where the buffer width is reduced, and that width averaging will not adversely impact the wetland functional values.

(ii) The total area contained within the buffer after averaging shall be at least functionally equivalent and equal in size to the area contained within the standard buffer prior to averaging.

(iii) The buffer at its narrowest point shall never be less than 75 percent of the required width.

(b) Wetland Buffer Width Reduction. The wetland buffer may be reduced by up to 25 percent; provided, that:

(i) The buffer is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project wetland and buffer are equal or greater. Restoration or enhancement activities can include, but are not limited to, planting of noninvasive native trees or shrubs, increasing the diversity of plant cover types, or replacement of noninvasive exotic species with

native species, or specific measures to improve hydrologic or habitat functions, in accordance with the mitigation standards in subsection (7) of this section; and

(ii) A buffer mitigation plan shall be required, and shall be prepared by a qualified expert and reviewed and certified by a qualified expert certifying that the enhancement measures will complement, enhance, and support the functions of the adjacent wetland.

(c) Minimum Buffer Width. In the case of buffer averaging and buffer reduction via this subsection:

(i) The minimum buffer at its narrowest point shall not be less than the low intensity land use water quality buffer contained in Table 17.10.110-1;

(ii) Buffer width reduction shall not be used in combination with buffer width averaging on the same resource on a property or site; and

(iii) Where multiple resources exist on a property or site, the department may authorize the use of buffer width averaging and buffer width reduction on different resources on the property or site; provided, that any required scientific analysis or reporting addresses and supports the separate use.

(7) Compensatory Mitigation.

(a) Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

(i) Avoiding the impact altogether by not taking a certain action or parts of an action;

(ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

(iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(v) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or

(vi) Monitoring the impact and taking appropriate corrective measures.

(b) Requirements for Compensatory Mitigation. The following additional standards apply to the approval of all activities permitted within wetlands or their buffers under this section:

(i) All unavoidable adverse impacts to all regulated wetlands and buffers shall be specified in a compensatory mitigation plan consistent with LMC 17.12.020(2) and be prepared by a qualified expert.

(ii) When an applicant proposes to alter or eliminate a regulated wetland, he/she shall be required to provide compensatory mitigation for lost or diminished functions based upon an evaluation procedure such as is found in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (Washington Department of Ecology Publication No. 10-06-011). When compensatory mitigation of a wetland is proposed, the wetland and associated buffer shall be mitigated at the ratio designated in Table 17.10.110-5.

Table 17.10.110-5. Standard Wetland Mitigation Ratios

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Category I: Bogs and Wetlands with High Conservation Value	Not considered possible	6:1 rehabilitation of a Natural Heritage Wetland	Not considered possible	Not considered possible	Case-by-case
Category I: Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I: Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

(iii) Wetland Mitigation Ratios. The mitigation ratios provided in Table 17.10.110-5 are target ratios. Ratios may be increased or decreased to address site-specific situations. It is up to the project proponent to provide the justification for a decrease in the standard ratios. Preservation may be used as a mitigation strategy in some cases. Recommended preservation ratios can be found in Section 6.5.5 of the Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Publication No. 06-06-011a, or as revised, but final actual ratios may be subject to review by the Washington Department of Ecology and/or the department.

(A) Increased Replacement Ratio. The department or designee may increase the ratios under the following circumstances:

1. Uncertainty exists as to the probable success of the proposed restoration or creation

2. A significant period of time will elapse between impact and replacement of wetland functions

3. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted or

4. The impact was an unauthorized impact.

(B) Decreased Replacement Ratio. The department may decrease the ratios under the following circumstances:

1. Documentation by a qualified expert demonstrates that the proposed mitigation actions have a very high likelihood of success;

2. Documentation by a qualified expert demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted or

3. The proposed mitigation actions are conducted in advance of the impact and are consistent with federal rules, state policy on advance mitigation, and state water quality regulations in Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication No. 12-06-015) or as revised.

(c) Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project with an intent to achieve functional equivalency or improved functions. The goal shall be for the compensatory mitigation to provide wetland functions similar to those lost.

(d) Approaches to Compensatory Mitigation. Mitigation for lost or diminished wetland or buffer functions shall rely on the approaches listed below.

(i) Wetland Mitigation Banks. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when the bank is certified under Chapter 173-700 WAC and:

(A) The department determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts

(B) The impact site is located in the service area of the bank or is approved on a case-by-case basis by the interagency review team;

(C) The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument; and

(D) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified mitigation bank instrument.

(ii) Permittee-Responsible Wetland Mitigation. In this situation, the permittee typically performs the mitigation after the permit is issued (unless the goal is an advance mitigation site) and is ultimately responsible for implementation and success of the mitigation. Permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed. Permittee-responsible mitigation shall be selected based on a watershed approach, as detailed in the Washington Department of Ecology's Selecting Mitigation Site Using a Watershed Approach Publication (Publication No. 09-06-032 or as revised and approved by Ecology).

(e) Location of Permittee-Responsible Compensatory Mitigation. Compensatory mitigation actions shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. The following criteria will be evaluated when determining whether the proposal is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank or advance mitigation.

(i) There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and required widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).

(ii) On-site mitigation would require elimination of high-quality upland habitat.

(iii) Off-site mitigation has a greater potential or opportunity to provide wetland functions than the altered wetland.

(iv) Off-site locations shall be in the same sub-drainage basin unless:

(A) Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site; or

(B) Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument.

(v) The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation,

restoration, or enhancement of an atypical wetland. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.120 Fish and wildlife habitat conservation areas.

(1) Designation and Classification. Critical fish and wildlife habitat conservation areas are designated according to the classifications in Table 17.10.120-1. Designated critical areas are subject to the provisions of this chapter and shall be managed consistent with the best available science, such as the Washington Department of Wildlife's Management Recommendations for Priority Habitats and Species. Consultation may occur with the Washington Department of Fish and Wildlife for confirmation of designations.

Table 17.10.120-1. Fish and Wildlife Habitat Conservation Areas

Habitat Classifications		Description
(1)	Areas with which federal or state designated endangered, threatened, or sensitive species have a primary association.	Areas which, if significantly altered, may reduce the likelihood that the species will reproduce over the long term. Federally designated species are those identified by U.S. Fish and Wildlife or the National Marine Fisheries Service. State designated species are those identified by the Washington Department of Fish and Wildlife. These habitats are designated as critical areas, where endangered, threatened, and sensitive species are verified to have a primary association.
(2)	State priority habitats and areas associated with state priority species.	Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the Washington Department of Fish and Wildlife.
(3)	Species and habitats of local importance and high quality ecosystems.	Habitat: Unique habitats of local importance that regionally rare plant or wildlife species depend upon and that have high plant or wildlife concentrations, including riparian habitat. Species: Wildlife species that require protective measures for their continued existence due to their population status or sensitivity to habitat alterations or are highly valued by the local citizens. Species meeting the above criteria but not depending upon a habitat of local importance (as listed above) to meet criteria habitat needs are those documented, verified, and mapped in the city of Longview as mapped by the Washington Department of Fish and Wildlife or identified by a qualified expert. High Quality Ecosystems: High quality ecosystems are those that are identified by the Washington Department of Natural Resources through the Natural Heritage Program.
(4)	Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat.	Naturally occurring ponds are waters with a surface area of less than 20 acres but greater than one acre and manmade ponds developed as mitigation as part of a permitting process or mitigation agreement. Naturally occurring ponds do not include ponds deliberately created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years' duration), and landscape amenities, unless such artificial ponds were intentionally created for mitigation.
(5)	Waters of the state.	Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030 and 222-16-031.

(2) Development Standards. Regulated development, as described in LMC 17.10.060, shall conform and be governed by the following items in this subsection, and in subsections (3) through (6) of this section:

(a) Standards contained in this section shall be used to develop plans in accordance with LMC 17.12.030(2) submitted for regulated activities so that impacts to critical fish and wildlife habitats can be minimized.

(b) Consider habitat in site planning and design.

(c) Locate buildings and structures in a manner that preserves the majority of habitat or minimizes adverse impacts.

(d) Consolidate habitat and vegetated open space in contiguous blocks, and where possible locate habitat contiguous to other habitat, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas.

(e) Use noninvasive native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers.

(f) Emphasize heterogeneity and structural diversity of vegetation in landscaping.

(g) Remove and/or control any noxious or nonnative species of plants.

(h) Preserve existing trees to the extent possible, preferably in consolidated areas.

(i) Single Oregon white oak trees or oak habitat areas less than one-half acre should be avoided but may be cleared if three trees a minimum of two inches dbh are planted for each tree removed. Replaced trees shall be planted within the city's urban growth boundary.

(j) Preserve and introduce native plant species that serve as food, shelter from climatic extremes and predators, and structure and cover for reproduction and rearing of young for wildlife.

(k) Preserve the existing hydraulic functions of drainage systems.

(l) Preserve critical fish and wildlife habitat conservation areas through maintenance of stable channels, adequate low flows, and management of stormwater runoff, erosion, and sedimentation to the furthest extent possible.

(m) Manage access to critical fish and wildlife habitat conservation areas to protect species which are directly affected by human disturbance. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be temporarily marked in the field in such a way as to ensure that no unauthorized intrusion will occur and shall be verified by the director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

(n) As a condition of any permit or authorization issued pursuant to this chapter, the director may require the applicant to install permanent signs and/or permanent fencing along the boundary of a habitat conservation area or buffer. Permanent wood or metal signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet or as otherwise determined by the director, and shall be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the director: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Longview for more information."

(o) Maintain or enhance water quality through control of runoff and use of best management practices and the city's stormwater management (Chapter 17.80 LMC).

(p) No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

(q) All planned and unintended impacts to critical areas shall be fully mitigated, the applicant shall demonstrate no net loss in overall functions in accordance with LMC 17.12.030(2).

(3) Overlap of Critical Areas. LMC 17.10.100 notwithstanding, if a fish or wildlife habitat classification is determined to be a wetland, then the regulations that provide the greater protection shall apply.

(4) Habitat Protection.

(a) Classifications 1 and 2. A habitat management plan may be required to be prepared in accordance with the standards contained in LMC 17.12.030(2) if the regulated activity is within 250 feet of a Classification 1 or 2

habitat area or identified within 1,000 feet of a point location (nests, dens, etc.) for a Classification 1 habitat area (Table 17.10.120-1).

(i) A habitat management plan will be prepared by a qualified expert in accordance with the standards contained in LMC 17.12.030(2).

(ii) Habitat management plans shall be sent to the Washington Department of Fish and Wildlife and other appropriate state and federal agencies for comment with the SEPA environmental checklist and peer review for a 14-day comment period. If a response is not received from the agencies within the 14-day review period, the city will assume there are no comments on the project or activity forthcoming from those agencies. Copies of comments received by other agencies will be forwarded to the city of Longview, community development department.

(b) Habitat Protection for Classification 3. Protection for these habitat areas shall be through the development of standards listed in subsection (2) of this section as developed by a qualified expert.

(c) Habitat Protection for Classifications 4 and 5. Protection for these habitat areas shall be through the Shoreline Management Act, the Federal Clean Water Act, and the state Hydraulic Code and/or best management practices. Within Classification 5, Type N, F, and S waters, as defined in WAC 222-16-030, Forest Practices Board, Definitions, are regulated waters.

(5) Riparian Buffers.

(a) Riparian Buffer Widths. Riparian buffers shall be required for all regulated activities adjacent to streams. All riparian buffers shall be measured from the ordinary high water mark, and shall require the appropriate buffers shown on Table 17.10.120-2, and are based on stream type definition.

(b) Stream Types. Stream types are defined based on WAC 222-16-030. Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed, which demonstrates evidence of passage of water as defined in LMC 17.10.050, Definitions.

(i) “Type S streams” means all waters, within their bankfull width, inventoried as “shorelines of the state” under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW including periodically inundated areas of their associated wetlands.

(ii) “Type F streams” means segments of natural waters other than Type S, which are within their bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water and which contain fish habitat.

(iii) “Type Np streams” means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of the year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

(iv) “Type Ns streams” means all segments of natural waters within the bankfull width of the defined channel that are not Type S, F, or Np streams. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is Type Np. Type Ns streams must be physically connected by an above-ground channel system to Type S, F, or Np streams.

Table 17.10.120-2. Standard Riparian Buffer Widths

Stream Type (WAC 222-16-030)	Buffer
Type S – Shorelines of the state	200 ft.

Stream Type (WAC 222-16-030)	Buffer
Type F – Fish-bearing streams (> 5 ft. wide)	150 ft.
Type F – Fish-bearing streams (< 5 ft. wide)	125 ft.
Type Np – Non-fish-bearing streams – perennial	100 ft.
Type Ns – Non-fish-bearing streams – seasonal	50 ft.

(c) Functional Separation. Areas that are functionally separated from a fish and wildlife habitat conservation area and do not protect the habitat area from adverse impacts may be excluded from buffers otherwise required. Such areas may include but are not limited to preexisting and legally established impervious surfaces such as roads and driveways, buildings, and structures that vertically separate such as maintained flood control dikes.

(d) Buffer Demarcation. As a condition of any permit or authorization issued pursuant to this chapter, the director may require the applicant to install permanent signs and/or permanent fencing along the upland boundary of the fish and wildlife habitat conservation area. The permanent signs and/or permanent fencing shall be perpetually maintained by the property owner. Permanent wood or metal signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet or as otherwise determined by the director. The sign shall be worded as follows or with alternative language approved by the director: “Fish and Wildlife Habitat Conservation Buffer – Please retain in a natural state. Alteration or disturbance is prohibited by law. Please call the City of Longview for more information.”

(6) Fish and Wildlife Habitat Conservation Area Buffer Modifications.

(a) Riparian Buffer Averaging. Subject to review under the standards contained in this chapter, portions of the riparian buffer may be reduced up to 50 percent from the normal standards of this chapter if:

(i) The riparian buffer widths are correspondingly increased elsewhere within the applicant parcel.

(ii) The applicant demonstrates that the overall size, function and values of the riparian buffer are maintained.

(iii) In no event shall the width of the riparian buffer be less than 25 feet.

(iv) Buffer width averaging shall not be used in combination with buffer width reduction.

(b) Buffer Width Reduction. Buffers may be reduced by up to 50 percent if an applicant undertakes measures approved by the department. These measures include, but are not limited to:

(i) Enhancing the buffer and demonstrating no loss of functions, including, but not limited to, planting of noninvasive native trees or shrubs, increasing the diversity of plant cover types, or replacing noninvasive exotic species with native species in accordance with the mitigation standards in LMC 17.10.110(7)(a).

(ii) A mitigation plan prepared by a qualified expert.

(c) Buffer Width Increase. In some instances, wider riparian buffer widths may be necessary to protect sensitive wildlife species, such as bald eagle nests or heron rookeries, which depend on streams and wetlands, or to protect surface waters from slope failures and soil erosions. These standards will be applied on a case-by-case basis depending upon site-specific and watershed system information, such as fish and wildlife habitat needs, site topography, hydrology and other factors. Applicants for development are encouraged to consult the Washington Department of Fish and Wildlife’s Management Recommendations for Washington’s Priority Habitats – Riparian (1997) to design appropriate buffers. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.130 Frequently flooded areas.
(1) Designation and Classification. All flood hazard areas shall be as identified on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA), dated December 16, 2015, as now or hereafter amended. These maps are hereby adopted by reference and declared to be part of this chapter.

(2) Development Standards. All development within designated frequently flooded areas shall comply with Chapter 17.24 LMC, Flood Damage Prevention, as now or hereafter amended. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.140 Geologically hazardous areas.
(1) Designation. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events as designated under Chapter 36.70A RCW. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

(a) Landslide hazard;

(b) Erosion hazard;

(c) Seismic hazard;

(d) Volcanic hazard; and

(e) Mine hazard.

(2) Geotechnical Reconnaissance Reports and Geotechnical Investigation Reports. All regulated activities proposed within a geologically hazardous area shall be evaluated by a geotechnical reconnaissance or geotechnical investigation. Erosion, volcanic, and mine hazard areas may be evaluated by a geotechnical reconnaissance. If the qualified expert determines that these hazards cannot be fully evaluated with a geotechnical reconnaissance, then a geotechnical investigation shall be required. Landslide and seismic hazard areas shall be evaluated by a geotechnical investigation, unless a compelling reason can be provided by the qualified expert that a geotechnical reconnaissance is appropriate.

(3) Classification: Landslide Hazard Areas. Landslide hazard areas are those areas meeting any of the following criteria:

(a) Areas of historic failure, such as areas designated as quaternary slumps, earthflows, mudflows, or landslides.

(b) Any area with the following characteristics:

(i) Slope greater than 15 percent; and

(A) Steep hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; or

(B) Springs or groundwater seepage.

(ii) Any slope 40 percent or steeper with a vertical relief of 10 or more feet.

(c) Slopes that are parallel or sub-parallel to planes of weakness; such as bedding planes, joint systems, and fault planes.

(d) Slopes having gradients greater than 80 percent and subject to rock fall during seismic shaking.

(e) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action.

(f) Areas located in a canyon, on an active alluvial fan, or that are presently subject to inundation by debris flows or catastrophic flooding.

(g) Other areas as the city engineer may conclude present potential slide hazards.

(4) Classification: Erosion Hazard Areas. Erosion hazard areas are areas identified by the presence of soils which are recognized as having high erosion potential in the 2006 Natural Resource Conservation Service Soil Survey of Cowlitz Area, Washington, or as amended.

Areas mapped as deep seated slides and seeps, shallow slides, and potentially unstable slopes in the Digital Landslide Inventory for the Cowlitz County Urban Corridor, Washington (Wegmann 2006) should also be considered to be in a high erosion hazard area.

(5) Development Standards for Landslide Hazard Areas and Erosion Hazard Areas. Any allowed or regulated activity on areas identified as susceptible to landslide or erosion hazards or their buffers shall conform to the following standards:

(a) Grading.

(i) Clearing, grading, and other construction activities shall not create, aggravate or result in slope instability or surface sloughing.

(ii) Undergrowth shall be retained to the maximum extent feasible.

(iii) No dead vegetation (slash), fill, or other foreign material shall be placed within a landslide or erosion hazard area, other than that approved for bank stabilization or if such fill is consistent with authorized activities specified in the geotechnical reconnaissance report or geotechnical investigation report.

(iv) Minimize ground disturbance to the maximum extent feasible.

(b) Erosion control will conform to standards in Chapter 17.80 LMC, Stormwater Management, and the following BMPs:

(i) There shall be minimum disturbance of trees and vegetation to reduce erosion and maintain existing stability of hazard areas.

(ii) Vegetation removal on the slopes of banks between the ordinary high water mark and the top of the banks shall be minimized because of the potential for erosion.

(iii) Vegetation and organic soil material shall be removed from fill site prior to the placement of fill.

(iv) Thinning the limbs of individual trees in accordance with accepted forestry or arboriculture practices is preferred over tree removal as a means to provide a view corridor. The standards in Chapter 13.04 LMC, Trees, Shrubs, and Plants, shall apply as applicable.

(v) Vegetative cover or engineered ground covers shall be placed on any disturbed surface to the extent feasible.

(vi) For large projects, phasing of the project is preferred to minimize the area subject to erosion. Uncovered areas should not be cleared until previous phases are completed.

(c) Drainage.

(i) Surface drainage, including downspouts, shall not be directed across the face of a hazard area. If drainage must be discharged from the top of a hazard area to its toe, it shall be collected above the top and directed to the toe by tight line drain, and provided with an energy-dissipating device at the toe for discharge to a swale or other acceptable natural drainage areas.

(ii) Stormwater retention and detention systems, including percolation systems using buried pipe, are strongly discouraged unless a geotechnical investigation report indicates such a system will not affect slope stability, and the percolation systems are designed by a licensed geotechnical engineer or engineering geologist. The licensed expert shall also certify that the percolation systems are installed as designed.

(d) Sewage Disposal System Drainfields. For the purpose of landslide or erosion control, the sewage disposal drain fields shall be located outside of the hazard area buffer, unless otherwise justified by a qualified geotechnical engineer. The septic system drain field shall be in compliance with all local government health regulations.

(e) Buffers.

(i) The minimum buffer shall be equal to the height of the slope or 50 feet, whichever is greater. The buffer shall be measured horizontally and is required at the top, toe, and along all sides of any existing landslide or erosion hazard within a critical geologically hazardous area. The buffer may be less than 50 feet if recommended in the geotechnical reconnaissance report or geotechnical investigation report by a qualified expert and approved pursuant to LMC 17.10.090.

(ii) The buffer shall be clearly staked before and during any construction or clearing.

(f) Design Guidelines.

(i) Structures should be clustered where possible to reduce disturbance and removal of vegetation.

(ii) Foundations should be stepped to the contours of the slope to the greatest extent possible.

(iii) Roads, walkways, and parking areas should be designed to parallel the natural contours of the site.

(iv) All development proposals shall be designed to minimize impacts of the project.

(6) Classification: Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Areas mapped in the moderate to high risk category on the Liquefaction Susceptibility Map of Cowlitz County, Washington, or the WDNR Interactive Map should be considered in a seismic hazard area.

(7) Development Standards: Seismic Hazard Areas. All development within areas that meet the classification for seismic hazard areas shall comply with the currently adopted, applicable building code (i.e., International Building Code or International Residential Code).

(8) Classification: Mine Hazard Areas. For the purposes of this classification, mine hazard areas are:

(a) Abandoned mines and/or workings where locations are known.

(b) Abandoned mines and/or workings where exact locations are unknown, but based upon the best available information, there is good cause to believe it is within an area, or which may be reasonably delineated.

(9) Development Standards: Mine Hazard Areas. Development adjacent to a mine hazard is prohibited unless the applicant can demonstrate the development will be safe. If a proposal is located adjacent to a mine hazard area, a geotechnical investigation may be required. At this time, the Washington Department of Natural Resources Geologic Information Portal (http://www.dnr.wa.gov/geologyportal) has no record of any mine hazard areas in or immediately adjacent to the city.

(10) Classification: Volcanic Hazard Areas. For the purposes of this classification, all volcanic mudflow hazard areas shall be identified as the 500-year floodplain areas identified in FEMA maps, or identified as a volcanic hazard by the WDNR Geologic Information Portal.

(11) Development Standards: Volcanic Hazard Areas. Development shall comply with existing Federal Emergency Management Agency (FEMA) regulations for floodplain management. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.150 Critical aquifer recharge areas (CARAs).

(1) Designation. Regulated aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water. These aquifers are vulnerable to contamination that would affect the potability of the water supply as defined in WAC 365-190-030(3).

(2) Classification. Critical aquifer recharge areas are those recharge areas with the geologic conditions associated with infiltration characteristics that create a high potential for groundwater contamination or which contribute significantly to the replenishment of groundwater that may be used for potable water to supply the city's public water system. CARAs within the city of Longview jurisdiction may be designated by ordinance based on appropriate hydrogeologic evaluation. Per September 20, 2016, letter from city engineering department, there are no designated CARAs within the corporate limits of the city.

(3) Permitted Activities: Critical Aquifer Recharge Areas. The following activities are allowed in critical aquifer recharge areas without the requirement for an aquifer impact report:

(a) Construction of or improvements to single- and two-family residences and customary appurtenant structures, or to other structures, not greater than 2,500 square feet in roof area, or such structures together with driveways or parking lots amounting to no greater than a 20 percent increase in impervious surface at the site, whichever is lesser;

(b) Parks, recreation, open space and similar facilities as long as no more than 10 percent of the site is impervious and insofar as such facilities do not use or store or increase the use or storage of hazardous materials or petroleum products, excluding permitted uses of pesticides or petroleum products for normal operation and/or maintenance; and

(c) Temporary storage facilities where no more than five percent of the site is impervious surface and where hazardous materials or petroleum products are not used or stored except for transport or vegetation maintenance.

(4) Aquifer Impact Reporting Requirement.

(a) For all new developments within aquifer recharge areas designated as CARAs, and excepting the uses identified as permitted in subsection (3) of this section, or in LMC 17.10.070, Exemptions, an aquifer impact assessment according to the standards contained in LMC 17.12.060 shall be prepared before such development is permitted.

(b) An aquifer impact assessment shall be prepared by a qualified groundwater expert meeting the requirements in LMC 17.10.050, Definitions.

(c) Aquifer impact assessments will be subject to review by the city engineer or his/her designees and this review will be forwarded to the director. If the director, in coordination with the city engineer, determines that there is a potential for significant impact to either water quality or quantity in a designated CARA, the director will make a determination of the need for additional hydrogeological testing and site evaluation as described in LMC 17.12.060. Such evaluation may be performed by the city for the purpose of clarifying the characteristics (size, capacity, boundaries, and quality) of the CARA or may be required of the applicant to quantify the potential impacts to the CARA.

(5) Prohibited Uses. The following activities are prohibited in CARAs:

(a) Underground or above ground storage tanks that will contain hazardous materials or petroleum products unless such tanks are double walled or located in a sealed containment area with a capacity larger than the tank, and unless such tank locations have adequate warning systems to ensure prompt response in the event of a tank leak or failure.

(b) Sanitary landfills.

(c) Petroleum product processing, storage, or transfer facilities, unless such facilities are located in a sealed containment area with a capacity larger than the total capacity of petroleum products and hazardous materials on site at any time, or the ground on site is adequately covered by impervious surfaces with berms, wall and drainage features that will capture any spills or contaminated runoff and direct it to a suitable containment area, or any other features necessary to prevent percolation or injection of contamination into the groundwater.

(d) Underground injection wells excluding foundation drains or dry-wells servicing roof drains in nonindustrial areas that receive only uncontaminated rainwater, or foundation and roof drains that are directed to a containment discharge area that prevents percolation or injection of potentially contaminated water into the groundwater.

(e) Mining. Sand and gravel mines may be permitted by exception if the aquifer impact assessment clearly demonstrates that the CARA capacity and quality will not be impaired by the mining activity.

(f) Wood treatment or other industrial or commercial activities using hazardous process chemicals or petroleum products that allow any portion of the operational, treatment or manufacturing process to occur over permeable surfaces or areas where contamination has the potential to reach the CARA.

(g) Storage or use of radiological materials except in medical practice.

(h) Any other activity that significantly reduces aquifer recharge, aquifer flow, or aquifer quality such that the potential for continued potable (public water supply use) is threatened. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.160 Variances.

(1) If an applicant asserts that application of this chapter would deny all reasonable use of the property, the applicant may apply for a variance. A variance is intended to address those cases in which the application of this chapter unreasonably restricts all economic use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(2) The board shall have the power to grant variances. A request for a variance shall be made on forms provided by the director and shall accompany an application for a development permit. The application shall include, as applicable, a critical areas checklist, critical areas permit application, critical areas report, and a mitigation plan, if necessary. Before an application for a variance is acted upon, all of the matters relating to the application shall be reviewed by the director and his/her findings and conclusions shall be transmitted to the board. The board shall review and act on the application following the procedures of Chapter 19.12 LMC, Appeal Board of Adjustment.

(3) Before a variance is granted, it shall be shown by the applicant:

(a) That no other reasonable economic use of the property has less impact on the critical area;

(b) That special conditions and circumstances exist that are peculiar to the land;

(c) That literal interpretation of the provisions of this chapter would deprive the person seeking the variance of rights commonly enjoyed by other properties conforming to the terms of this chapter;

(d) That the special conditions and circumstances do not result from the actions of the person seeking the variance;

(e) That the granting of the variance requested will not confer on the person seeking the variance any special privilege that is denied by this chapter to other applicants, lands, structures, or buildings under similar circumstances;

(f) That the variance requested is the minimum necessary to afford relief; and

(g) That to afford relief the requested variance will not create significant impacts to critical areas and resource lands and will not be materially detrimental to the public welfare or contrary to the public interest.

(4) Any variance granted shall be for the least intrusion into the critical area or buffer necessary to allow an economically viable use of the subject property; and

(a) Any authorized alteration of a critical area or buffer under this section shall be subject to conditions established by the board in accordance with this chapter, and shall require mitigation under an approved mitigation plan according to Chapter 17.12 LMC, Standards for Preparing Critical Areas Reports and Mitigation Plans.

(5) No variances are allowed on salmon bearing waters or buffers without a habitat management plan approved by the city after a review by state and federal agencies. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.180).

17.10.170 Appeals.
(1) Any interpretation or decision made by the director in the administration of this chapter is final and conclusive unless appealed to and/or modified or reversed by the appeal board of adjustment. Appeals of decisions made by other bodies shall be as directed by the appropriate code governing the underlying action.

(2) Any person aggrieved by a decision of the director may, within 20 days following the date of the director's written decision, submit an appeal of the director's decision. The burden of proof in any appeal is the responsibility of the appellant. Any appeal shall be in written form and filed in accordance with Chapter 19.12 LMC, Appeal Board of Adjustment. Any appeal shall, at a minimum, contain the following information:

(a) An explanation and description of how the appellant is aggrieved;

(b) A statement describing why the appellant believes the decision of the director is in error, and the specific relief sought;

(c) A statement showing why reversing or modifying a decision of the director will not be detrimental to public health, safety or welfare, or significantly negate the functions of a critical area, the goals, objectives and policies of the Growth Management Act, and the purpose of this chapter; and

(d) A statement describing any mitigating measures the appellant proposes to assure that the function of the critical area will not be irrevocably jeopardized in the event the appeal is successful.

(3) Upon the filing of an appeal, along with the appropriate fee for a public hearing, the director shall set forth the time and place for a public hearing before the appeal board of adjustment, pursuant to Chapter 19.12 LMC.

(4) Notice of the time, date, and place of the hearing shall be sent to the appellant and the permittee pursuant to LMC 19.12.090. Legal notice of the hearing and posting of the subject property shall be in accordance with LMC 19.12.090.

(5) The appeal board of adjustment shall determine if the decision of the director should be upheld, upheld with conditions, modified or reversed. Any person aggrieved by the appeal decision regarding a permit pursuant to this chapter may request relief from the superior court pursuant to LMC 19.12.170. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.190).

17.10.180 Penalties and enforcement/violations.
(1) Civil Infraction. Any person who undertakes any activity within a designated critical area or within a required buffer without first obtaining an approval required by this chapter, except as specifically exempted, or any person who violates one or more conditions of any approval required by this chapter or of any cease and desist order issued pursuant to this chapter shall be guilty of a Class II civil infraction and may be assessed a penalty pursuant to LMC 1.30.040(1)(b) and (2). Each violation of this chapter, or any permit, permit condition, approval or order issued pursuant to this chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees and expenses in connection with enforcement actions may be recovered as damages against the violator.

(2) Enforcement by Director. It shall be the responsibility of the director to enforce the provisions of this chapter, and any permit, order or approval issued pursuant to this chapter. The director is authorized to issue notices of civil infraction for violations thereof. The issuance of a notice of civil infraction shall not preclude recourse to any other remedies permitted by law. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.200).

17.10.190 Liability for damages.
This chapter shall not be construed to hold the city of Longview, or any officer or employee thereof, responsible for any damages to persons or property by reason of the certification, inspection or noninspection of any building, equipment or property as herein authorized. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.210).

17.10.200 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. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.220).

17.10.210 Amendments.
These regulations and the city's critical areas inventory maps may periodically be amended in accordance with the procedures and requirements in the general statutes and as new information concerning wetland location, soils, hydrology, flooding, wetland plants, fish and wildlife habitat, steep slopes, unstable slopes, frequently flooded areas, geologically hazardous areas, critical aquifer recharge areas, hydric soils, or any other critical or environmental area become available. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.230).

Chapter 17.20

ENVIRONMENTAL PROTECTION – ENACTMENT

Sections:

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17.20.020 Purpose.
17.20.030 Purpose and adoption by reference.
17.20.040 Additional definitions.
17.20.050 Designation of responsible official.
17.20.060 SEPA information.
17.20.070 Lead agency determination and responsibilities.
17.20.080 Time limits applicable to the SEPA process.
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17.20.100 Categorical exemptions and threshold determinations – Purpose and adoption by reference.
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17.20.150 Environmental impact statements (EIS) – Purpose and adoption by reference.
17.20.160 Preparation of EIS.
17.20.170 Commenting – Purpose and adoption by reference.
17.20.180 Public notice.
17.20.190 Designation of official to perform consulted agency responsibilities for the city.
17.20.200 Using existing environmental documents – Purpose and adoption by reference.
17.20.210 Agency SEPA decisions – Purpose and adoption by reference.
17.20.220 Substantive authority.
17.20.230 Notice/statute of limitations.
17.20.240 Agency compliance – Purpose and adoption by reference.
17.20.250 Fees.
17.20.260 Environmentally sensitive areas.
17.20.270 Severability.

17.20.010 Authority.
The city adopts this chapter pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the SEPA rules, Chapter 197-11 WAC. (Ord. 2786 § 1, 2000).

17.20.020 Purpose.
The purpose of this chapter is to set forth the city's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, will be used in conjunction with this code, and in the interpretation hereof. (Ord. 2786 § 1, 2000).

17.20.030 Purpose and adoption by reference.
This section contains the basic requirements that apply to the SEPA process. It also contains uniform usage and definitions of terms under SEPA. The city adopts the following sections of the WAC by this reference:

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on action during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-700 Definitions.

197-11-702 Act.

197-11-704 Action.

197-11-706 Addendum.

197-11-708 Adoption.

197-11-710 Affected tribe.

197-11-712 Affecting.

197-11-714 Agency.

197-11-716 Applicant.

197-11-718 Built environment.

197-11-720 Categorical exemption.

197-11-722 Consolidated appeal.

197-11-724 Consulted agency.

197-11-726 Cost-benefit analysis.

197-11-728 County/city.

197-11-730 Decisionmaker.

197-11-732 Department.

197-11-734 Determination of nonsignificance (DNS).

197-11-736 Determination of significance (DS).

197-11-738 EIS.

197-11-740 Environment.

197-11-742 Environmental checklist.

197-11-744 Environmental document.

197-11-746 Environmental review.

197-11-748 Environmentally sensitive area.

197-11-750 Expanded scoping.

197-11-752 Impacts.

197-11-754 Incorporation by reference.

197-11-756 Lands covered by water.

197-11-758 Lead agency.

197-11-760 License.

197-11-762 Local agency.

197-11-764 Major action.

197-11-766 Mitigated DNS.

197-11-768 Mitigation.

197-11-770 Natural environment.

197-11-772 NEPA.

197-11-774 Nonproject.

197-11-776 Phased review.

197-11-778 Preparation.

197-11-780 Private project.

197-11-782 Probable.

197-11-784 Proposal.

197-11-786 Reasonable alternative.

197-11-788 Responsible official.

197-11-793 Scoping.

197-11-794 Significant.

197-11-796 State agency.

197-11-797 Threshold determination.

197-11-799 Underlying governmental action.

197-11-924 Determining the lead agency.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

(Ord. 2786 § 1, 2000).

17.20.040 Additional definitions.
In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) “Department” means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

(2) “DNS” means determination of nonsignificance.

(3) “DS” means determination of significance.

(4) “Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance procedures).

(5) “EIS” means environmental impact statement.

(6) “Ordinance” means the ordinance, resolution or other procedure used by the city to adopt regulatory requirements.

(7) “SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology.

(8) “WAC” means Washington Administrative Code. (Ord. 2786 § 1, 2000).

17.20.050 Designation of responsible official.
(1) For those proposals for which the city is the lead agency, the responsible official shall be the city’s director of urban services and permits.

(2) For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules adopted by reference in the ordinance codified in this chapter. (Ord. 2786 § 1, 2000).

17.20.060 SEPA information.
The city shall retain all documents required by the SEPA rules, Chapter 197-11 WAC, and make them available in accordance with Chapter 42.17 RCW, at the office of the director of urban services and permits. (Ord. 2786 § 1, 2000).

17.20.070 Lead agency determination and responsibilities.
(1) When the city receives an application for or initiates a proposal that involves a nonexempt action, the director of urban services and permits shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or unless the director of urban services and permits is aware that another agency is in the process of determining the lead agency.

(2) When the city is the lead agency for a proposal, the director of urban services and permits shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the city is not the lead agency of a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

(4) If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the city shall be initiated by the director of urban services and permits.

(5) The director of urban services and permits is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.

(6) When the director of urban services and permits makes a lead agency determination for a private project, he/she shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses). (Ord. 2786 § 1, 2000).

17.20.080 Time limits applicable to the SEPA process.
The following time limits (expressed in calendar days) shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

(1) Categorical Exemptions. The city shall identify whether an action is categorically exempt within seven days of receiving a completed application.

(2) Threshold Determinations. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within 15 days of the date an applicant's adequate application and completed checklist are submitted.

(3) Complex proposals, where additional information is needed, and/or those proposals accompanied by an inaccurate checklist, may require additional time. Should additional time be required, or upon request by an applicant, the responsible official shall select a date for making a threshold determination and notify the applicant of such date in writing. In no event shall the responsible official unreasonably delay the threshold determination. (Ord. 2786 § 1, 2000).

17.20.090 Coordination of environmental review with city action.
(1) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body.

(2) If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct an environmental review prior to submission of the detailed plans and specifications. (Ord. 2786 § 1, 2000).

17.20.100 Categorical exemptions and threshold determinations – Purpose and adoption by reference.
This section contains the rules for deciding whether a proposal has a "probably significant, adverse environmental impact" requiring an EIS to be prepared. This section also contains rules for categorical exemptions and rules for evaluating the impacts of proposals not requiring an EIS as well as the application of exemptions and flexible thresholds. The city adopts the following sections of the WAC by this reference:

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

(Ord. 2786 § 1, 2000).

17.20.110 Flexible thresholds for categorical exemptions.
(1) The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

(a) For residential dwelling units in WAC 197-11-800(1)(b)(i): up to four dwelling units;

(b) For agricultural structures in WAC 197-11-800(1)(b)(ii): up to 10,000 square feet;

(c) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to 4,000 square feet and up to 20 parking spaces;

(d) For parking lots in WAC 197-11-800(1) (b)(iv): up to 20 parking spaces;

(e) For landfills and excavations in WAC 197-11-800(1)(b)(v): up to 500 cubic yards.

(2) Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, under WAC 197-11-800(1)(c). (Ord. 2786 § 1, 2000).

17.20.120 Use of exemptions.
(1) When the city receives an application for a license or initiates a proposal, the director of urban services and permits shall determine whether the license and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

(a) The city shall not give authorization for:

(i) Any nonexempt action;

(ii) Any action that would have an adverse environmental impact; or

(iii) Any action that would limit the choice of alternatives.

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved.

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. (Ord. 2786 § 1, 2000).

17.20.130 Environmental checklist.
(1) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for making the threshold determination.

(2) For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal. (Ord. 2786 § 1, 2000).

17.20.140 Mitigated determination of nonsignificance (DNS).
(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the city is lead agency; and

(b) Precede the city's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within 10 working days. The response shall:

(a) Be written;

(b) State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 calendar days of receiving the changed or clarified proposal:

(a) If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).

(b) If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot storm water retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under WAC 197-11-340(2), requiring a 15-calendar-day comment period and public notice.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

(8) If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

(9) The city's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (Ord. 2786 § 1, 2000).

17.20.150 Environmental impact statements (EIS) – Purpose and adoption by reference.
This section contains the rules for preparing environmental impact statements. The city adopts the following sections of the WAC by this reference:

197-11-400 Purpose of EIS.

197-11-402 General requirements.

197-11-405 EIS types.

197-11-406 EIS timing.

197-11-408 Scoping.

197-11-410 Expanded scoping.

197-11-420 EIS preparation.

197-11-425 Style and size.

197-11-430 Format.

197-11-435 Cover letter or memo.

197-11-440 EIS contents.

197-11-442 Contents of EIS on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.

197-11-444 Elements of the environment.

197-11-448 Relationship of EIS to other consideration.

197-11-450 Cost-benefit analysis.

197-11-455 Issuance of DEIS.

197-11-460 Issuance of FEIS.

(Ord. 2786 § 1, 2000).

17.20.160 Preparation of EIS.
(1) Preparation of draft and final EISs and supplemental EISs is the responsibility of the director of urban services and permits. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

(2) The draft and final EIS or supplemental EIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

(3) The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)

(4) The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under these rules:

(a) Economy;

(b) Cultural factors;

(c) Sociological factors. (Ord. 2786 § 1, 2000).

17.20.170 Commenting – Purpose and adoption by reference.
This section contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections of the WAC by this reference:

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

(Ord. 2786 § 1, 2000).

17.20.180 Public notice.
(1) Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due;

(b) If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by at least one of the following:

(i) Posting the property, for site-specific proposals,

(ii) Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located,

(iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered,

(iv) Notifying the news media,

(v) Placing notices in appropriate regional, neighborhood, ethnic or trade journals, and/or

(vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals or subject areas);

(c) Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408;

(2) Whenever the city issues a draft EIS under WAC 197-11-455(5) or a supplemental EIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the draft EIS in any public notice required for a nonexempt license; and by at least one of the methods set forth in subdivisions (b) through (f) of this subsection,

(b) Posting of property, for site-specific proposals,

(c) Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located,

(d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered,

(e) Notifying the news media,

(f) Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or

(3) Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal;

(4) The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 2786 § 1, 2000).

17.20.190 Designation of official to perform consulted agency responsibilities for the city.
(1) The director of urban services and permits shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping or reviewing a draft EIS.

(2) This person shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will insure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. (Ord. 2786 § 1, 2000).

17.20.200 Using existing environmental documents – Purpose and adoption by reference.
This section contains rules for using and supplementing existing environmental documents prepared under SEPA or NEPA for the city's own environmental compliance. The city adopts the following sections of the WAC by this reference:

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement – Procedures.

197-11-625 Addenda – Procedures.

197-11-630 Adoption – Procedures.

197-11-635 Incorporation by reference – Procedures.

197-11-640 Combining documents.

(Ord. 2786 § 1, 2000).

17.20.210 Agency SEPA decisions – Purpose and adoption by reference.
This section contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of the WAC by this reference:

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

(Ord. 2786 § 1, 2000).

17.20.220 Substantive authority.
(1) The policies and goals set forth in this chapter are supplementary to those in existing ordinances, resolutions and plans of the city.

(2) The city may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

(a) The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The following provisions of the Longview Municipal Code and other established policies of the city (the same constituting policies, plans, rules or regulations of the city) shall constitute the basis for the exercise of substantive authority pursuant to this section:

LMC Title 19, Zoning Code;

Chapter 16.02 LMC, Building Code;

Chapter 16.02 LMC, plumbing code;

Chapter 16.36 LMC, Mobile Homes – Mobile Home Parks;

Chapter 17.24 LMC, Flood Damage Prevention;

Chapter 17.60 LMC, Shorelines Master Program;

Longview Comprehensive Plan;

Longview Park and Recreation Plan;

Sewerage General Plan for the Kelso-Longview Urban Area;

Comprehensive Water Plan for the Kelso-Longview Urban Area.

(5) Except for permits and variances issued pursuant to LMC 17.60.010, adopting the Cowlitz County Shoreline Management Master Program, when any proposal or action not requiring a decision of the city council is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the city council; provided, however, that for those actions involving a city sponsored project or city owned land, the decision shall be appealed to the hearing examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 10 days of the decision being appealed. Review by the city council or hearing examiner shall be on a de novo basis. (Ord. 3364 § 1, 2017; Ord. 2786 § 1, 2000).

17.20.230 Notice/statute of limitations.
(1) The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk, applicant or proponent pursuant to RCW 43.21C.080. (Ord. 2786 § 1, 2000).

17.20.240 Agency compliance – Purpose and adoption by reference.
This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise and designating environmentally sensitive areas. The city adopts the following sections of the WAC by this reference:

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

(Ord. 2786 § 1, 2000).

17.20.250 Fees.
The city shall require the following fees for its activities in accordance with the provisions of this chapter:

(1) Threshold Determination. ~~The city shall not collect a fee for threshold determinations.~~ Fees for threshold determinations are as established in the Community and Economic Development Department Master Fee Schedule.

(2) Environmental Impact Statement.

(a) When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs from the EIS prior to actual preparation; the applicant shall post bond or otherwise insure payment of such costs.

(b) The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals. The city may require the applicant to post bond or otherwise insure payment of such costs.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subdivisions (a) or (b) of this subsection which remain after incurred costs are paid.

(3) The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

(4) The city shall not collect a fee for performing its duties as a consulted agency.

(5) The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. (Ord. 2786 § 1, 2000).

17.20.260 Environmentally sensitive areas.
(1) The city designates the following as environmentally sensitive areas. Maps illustrating these environmentally sensitive areas shall remain on file and can be examined in the office of the department of urban services and permits:

(a) Shorelines of city as mapped and defined by the Department of Ecology;

(b) One-hundred-year floodplains in the city as established by the Flood Insurance Study Guidelines and Specifications, Federal Emergency Management Agency, U.S. Army Corps of Engineers, or the U.S. Geological Survey;

(c) Geological hazard areas within the city as identified and mapped by the Department of Natural Resources, Division of Geology and Earth Resources, and designated as follows:

(i) Areas probably stable, but which may become unstable if modified by man's activities,

(ii) Areas of poor natural stability,

(iii) Areas of ancient landslide debris,

(iv) Areas of historical or recently active landslides.

(2) The activities listed in the following subsections of WAC 197-11-800 shall not be categorically exempt if the proposed activity is located in an environmentally sensitive area:

WAC 197-11-800 (1)

197-11-800 (5)

197-11-800 (6)(a)

All other categorical exemptions apply whether or not the proposal will be located in environmentally sensitive areas.

(3) The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. (Ord. 2786 § 1, 2000).

17.20.270 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 2786 § 1, 2000).

Chapter 17.60

SHORELINES MASTER PROGRAM

Sections:
17.60.010 Shorelines master program – Adopted by reference.

17.60.010 Shorelines master program – Adopted by reference.

The city adopts by reference the 2021 updated shorelines master program for Longview, Washington, and incorporates the same in this chapter as though set forth in detail in this chapter. Not less than three copies thereof have been and are now on file in the office of the clerk of the city and available online at https://www.mylongview.com/159/Shoreline-Master-Program.

Note: Shoreline permit fees are provided ~~in Chapter 17.02 LMC, General Provisions.~~ in the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended. (Ord. 3455 § 1, 2022; Ord. 3300 § 1, 2015; Ord. 2786 § 1, 2000).

Chapter 18.10

INTERNATIONAL FIRE CODE

Sections:

18.10.010 Adoption of International Fire Code.
18.10.020 Additional definitions.
18.10.030 Smoke alarms – RCW adopted by reference.
18.10.040 Family child day care homes.
18.10.050 Building plans – Submitted to fire marshal.
18.10.060 Fire code permit, plan review and inspection fees.
18.10.070 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is to be prohibited.
18.10.080 Establishment of limits of districts in which storage of liquefied petroleum gas is to be restricted.
18.10.090 Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited.
18.10.100 Additions, insertions, deletions and changes to Chapter 51-54A WAC (Fire Code).

18.10.010 Adoption of International Fire Code.
Chapter 51-54A WAC (2021 International Fire Code), and Appendices B, E, F and G to said International Fire Code, together with all future amendments thereof and additions thereto, one copy of which is on file in the office of the city clerk of the city of Longview, shall be and is hereby adopted as the fire code of the city of Longview for regulating, governing and safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk of the city of Longview are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter. As used in this chapter the term "fire code" shall mean the International Fire Code hereby adopted by this chapter. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.020 Additional definitions.
(1) Whenever the word "jurisdiction" is used in this chapter (fire code), or in Appendices B, E, F, and G, it shall mean the city of Longview.

(2) Whenever the words "department of fire prevention" are used in this chapter (fire code), or in Appendices B, E, F, and G, they shall mean the fire prevention division of the Longview fire department.

(3) Whenever the words "fire code official" are used in this chapter (fire code), or in Appendices B, E, F, and G, they shall mean the fire marshal of the Longview fire department. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.030 Smoke alarms – RCW adopted by reference.
RCW 43.44.110 is adopted by reference. A copy thereof shall be filed in the office of the city clerk/director of finance for use and examination by the public. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3054 § 1, 2008; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.040 Family child day care homes.
The purpose of this section is to provide minimum standards of safety for family child day care homes.

(1) Family Child Day Care Home Defined. A "family child day care home" is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside at the home.

(2) Permit Required. A permit shall be obtained from the fire department prior to operating any family child day care home operation within the city limits.

(3) Approval by Building Code. Family child day care home operations shall be conducted only in structures approved for habitation by the building code.

(4) Exiting. All rooms used for day care purposes shall be provided with at least two exits, one of which may be an openable escape and rescue window meeting the requirements of the building code.

(5) Fire Protection. Family child day care homes shall be provided with at least one 2-A, 10-BC portable fire extinguisher installed and maintained in accordance with the fire code.

(6) Automatic Smoke Alarm. Every sleeping area shall be protected by an operational automatic smoke alarm installed in accordance with its listing. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.050 Building plans – Submitted to fire marshal.
When plans are submitted to the building department of the city for a permit to construct a building of other than single-family or duplex residence use, the plans will also be submitted to the fire marshal for approval of fire and life safety requirements set forth in the International Building Code, the International Fire Code and any other such provisions of the Longview Municipal Code. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.060 Fire code permit, plan review and inspection fees.
(1) For installation or alteration of any of the required construction permits as listed in the fire code, Section 105.6, a permit fee will be assessed based on value as ~~amended by Chapter 16.02 LMC, Table 1-A~~ established in the Community and Economic Development Department Master Fee Schedule.

(2) Plan review fees for required construction permits shall be 70 percent of the permit fee.

(3) A fee ~~of $62.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all operational permits required by the fire code, Section 105.5. Where more than one operational permit is required at the same premises, the fee for each additional permit shall be one-half of the original fee.

(4) A fee ~~of $62.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all special event reviews and inspections for the purpose of reviewing fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city.

(5) A fee ~~of $20.00~~ as established in the Community and Economic Development Department Master Fee Schedule shall be collected annually for the inspection of certificate of occupancy permits required under International Building Code Chapter 1, Section 111.

(6) Building plan review fees as required by LMC 18.10.050 for calculation of required fire flows, review of fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city shall be ~~five percent of the building permit fee designated by Chapter 16.02 LMC, Table 1-A~~ as established in the Community and Economic Development Department Master Fee Schedule except for group R-3 and U occupancies.

(7) Reinspections, preliminary inspections and other special inspections required or requested shall be calculated at ~~$62.00 per hour~~ at a rate established in the Community and Economic Development Department Master Fee Schedule. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3311 § 1, 2015; Ord. 3246 § 1, 2013; Ord. 3234 § 1, 2012; Ord. 3190 § 1, 2011; Ord. 3156 § 1, 2010; Ord. 3136 § 1, 2010; Ord. 3069 § 1, 2008; Ord. 3027 § 1, 2007; Ord. 3000 § 1, 2007; Ord. 2971 § 1, 2006; Ord. 2946 § 1, 2005; Ord. 2908 § 1, 2004; Ord. 2896 § 1, 2004).

18.10.070 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is to be prohibited.
(1) The limits referred to in Section 5704.2.9.6.1 of the fire code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are established as follows:

(a) In all of the classified use districts listed in LMC 19.06.070 except for light industrial-A, light industrial-B, heavy industrial, mixed use commercial/industrial, regional commercial, general commercial, and country club;

(b) Provided, however, that class II combustible liquids in quantities not exceeding 660 gallons may be stored for the purpose of providing electrical generation power for emergency systems in all of the classified districts listed in LMC 19.06.070 in aboveground tanks;

(c) And provided further, that quantities of class II combustible liquids exceeding 660 gallons and up to 2,000 gallons may be stored for the purpose of providing electrical generation power for emergency systems in all of the classified districts listed in LMC 19.06.070 in aboveground tanks which are listed as both “protected” and “fire-resistant” in accordance with UL Standard 2085;

Exceptions: Light industrial-A, light industrial-B, and heavy industrial districts.

(d) And provided further, that tanks storing flammable and combustible liquids for the purpose of fueling small equipment and portable containers exceeding 660 gallons and up to 2,000 gallons shall be “protected” and “fire-resistant” in accordance with UL Standard 2085.

Exceptions: Light industrial-A, light industrial-B, and heavy industrial districts.

(2) The limits referred to in Section 5706.2.4.4 of the fire code, where flammable or combustible liquids are prohibited, are established as follows: all of the classified use districts as listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district and heavy industrial district.

(3) The installation of all aboveground tanks shall be approved by the fire prevention division and subject to the applicable provisions of the International Fire Code. (Ord. 3512 § 1, 2024; Ord. 3491 § 1, 2023; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3175 § 4, 2011; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2959 § 1, 2006; Ord. 2896 § 1, 2004).

18.10.080 Establishment of limits of districts in which storage of liquefied petroleum gas is to be restricted.
(1) The limits referred to in Section 6104.2 of the fire code, in which bulk storage of liquefied petroleum gas is restricted, are as follows: all of the classified use districts listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district and heavy industrial district.

(2) Retail sales of liquefied petroleum gas shall be restricted in all classified use districts listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district, heavy industrial district and commercial/industrial district, and commercial districts NC, CBD, GC, RC and O/C. The maximum capacity for storage containers in NC, CBD, GC, RC and O/C districts shall be 1,200 gallons water capacity. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3202 § 8, 2012; Ord. 3175 § 4, 2011; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.090 Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited.
The limits referred to in Section 5806.2 of the fire code, in which storage of flammable cryogenic fluids in stationary containers is prohibited, are established as follows: all of the classified use districts listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district and heavy industrial district. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3175 § 4, 2011; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.100 Additions, insertions, deletions and changes to Chapter 51-54A WAC (Fire Code).
(1) Section 101.1 of the fire code is amended to read as follows:

101.1 Title.

These regulations shall be known as the Fire Code of the City of Longview, hereinafter sometimes referred to in this chapter as “this code.”

(2) Section 105.6 of the fire code is amended to read as follows:

105.6 Required construction permits.

The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.27.

(3) Section 105.6.26 of the fire code is added to read as follows:

105.6.26 Refrigeration systems.

A construction permit is required for installation or modification to a mechanical refrigeration system having a refrigerant circuit containing more than 220 pounds (100 kg) of Group A1 or 30 pounds (14 kg) of any other group refrigerant.

(4) Section 105.6.27 of the fire code is added to read as follows:

105.6.27 Technical assistance.

A construction permit is required for the technical assistance provisions of the Fire Code in accordance with Section 104.8.2.

(5) Section 111.1 of the fire code is amended to read as follows:

111.1 Appeal Board of Adjustment.

The Appeal Board of Adjustment, as created and established in LMC 19.12.010, is hereby empowered to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this Fire Code.

(6) Section 112.4 of the fire code is amended to read as follows:

112.4 Violation penalties.

Persons who shall violate a provision of this Fire Code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under provisions of this Fire Code, shall be guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(7) Section 113.4 of the fire code is amended to read as follows:

113.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

(8) Section 503 of the fire code is amended to read as follows:

The provisions of WAC 51-54A-0503 that restates Section 503.1 and deletes Sections 503.1.1, 503.1.2, 503.1.3, 503.2, 503.3, 503.4, and 503.4.1 is deleted and retained by the city.

(9) Section 503.2.3 of the fire code is amended to read as follows:

503.2.3 Surface.

Fire apparatus access roads shall have an unobstructed width of 20 feet, and provided with an all-weather driving surface a minimum of 16 feet in width designed and engineered to support the imposed loads of fire apparatus. Unless otherwise approved by the fire code official, an all-weather surface shall mean well maintained and paved or otherwise hard-surfaced with asphaltic or Portland cement concrete.

(10) Section 503.2.5 of the fire code is amended to read as follows:

503.2.5 Dead-ends.

Dead-end fire apparatus access roads in excess of 150 feet length shall be provided with a turnaround. The turning radius of access roadway turnarounds shall be not less than 40 feet or 80 feet in diameter.

Exception: Alternate methods of creating access roadway turnarounds may be approved by the fire code official. Approved turnarounds may include such designs as a hammerhead arrangement, a graveled circle 80 feet in diameter, or an intersecting road.

(11) Section 503.2.7 of the fire code is amended to read as follows:

503.2.7 Grade.

The gradient for a fire apparatus access road shall not exceed 15 percent.

Exceptions:

(a) Access roads leading to buildings fully protected by automatic sprinkler systems may exceed 15 percent grade.

(b) When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of this section may be modified.

(12) Section 505.1 of the fire code is amended to read as follows:

505.1 Address numbers.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and at the rear of the property if there is an improved alley. Additionally, structures not fronting a public street or an alley shall also have approved numbers placed at the front and back of the building so as to be plainly visible from points as determined by the city fire marshal. These numbers shall contrast with their background. Numbers shall be a minimum of 5 inches high with a minimum stroke width of 0.5 inch and shall not be sight obscured.

(13) Section 507.5 of the fire code is amended to read as follows:

507.5 Fire hydrant systems.

Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.10.

(14) Section 507.5.2 of the fire code is amended to read as follows:

507.5.2 Inspection, testing and maintenance of fire hydrants.

Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Hydrants shall be flow tested a minimum of every five years in a

manner approved by the fire code official. Flow tests results shall be maintained by the city water department and made available upon request of the fire department. Additions, repairs, alterations and servicing shall comply with approved standards.

(15) Section 507.5.3 of the fire code is amended to read as follows:

507.5.3 Private fire service mains and water tanks.

Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.

2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.

3. Fire service main piping strainers: Inspection and maintenance after each use.

Inspection, testing and maintenance of private fire service systems located on private property shall be the responsibility of the owner, lessee, or other person in charge of the premises. Records of required inspections, testing and maintenance shall be forwarded to the city water department not less than annually.

(16) Section 507.5.7 of the fire code is added to read as follows:

507.5.7 Number and distribution of fire hydrants.

At least one hydrant shall be provided for each 1,500 gallons of required fire flow. Required hydrants shall be so located that a minimum of one hydrant is provided within 400 feet of all portions of exterior walls where openings are permitted by the building code. Unless determined by the fire code official to be impractical, all required fire hydrants shall be equally spaced not to exceed 500 feet and placed a minimum distance of 40 feet from the structure or facility being protected as measured along fronting streets and fire apparatus access roadways.

Exceptions:

(a) Additional fire hydrants may be required when special hazards exist as described in Section 901.4.4 of the Fire Code.

(b) Hydrants located on the opposite side of arterial streets, streets of four or more lanes, or streets provided with median dividers, which would prevent fire department access will not be considered as meeting fire flow requirements.

(c) When a fixed water supply system is not available, an approved fire department mobile water supply may be considered as meeting minimum hydrant requirements for structures or facilities requiring less than 1,500 gpm fire flow.

(d) Dead-end streets shall have at least one hydrant located within 250 feet of the street end.

(e) When fire department connections are required, one hydrant shall be located within 100 feet of the fire department connection unless otherwise approved by the fire code official due to impractical conditions.

(17) Section 507.5.8 of the fire code is added to read as follows:

507.5.8 Water main size.

Water mains serving fire hydrants shall be a minimum of six inches in diameter. Water mains installed to meet fire flow requirements shall be engineered to supply the required flow at a minimum of 20 psi.

(18) Section 507.5.9 of the fire code is added to read as follows:

507.5.9 Fire hydrant visibility.

Hydrants shall not be visibly obstructed or have hydrant visibility impaired within a distance of 50 feet along fronting streets or access roads where fire department vehicles may be responding. In areas where required hydrant visibility cannot be effectively maintained, approved signs or street markers may be installed.

(19) Section 507.5.10 of the fire code is added to read as follows:

507.5.10 Fire hydrant marking.

Fire hydrants located on public or private property where vehicles could be parked shall have all curbs painted yellow or otherwise appropriately marked by the owner, lessee or other person in charge of premises to prohibit parking or other uses within 15 feet of a hydrant. In cases where curbs do not exist, approved signs or street markers may be installed. All hydrants shall be painted yellow.

(20) Section 901.6.3 of the fire code is amended to read as follows:

901.6.3 Fire protection system maintenance records.

Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years and made available to the fire code official upon request. Records of required annual system inspections, tests, and maintenance shall be forwarded to the fire department annually.

(21) Chapter 56 of the fire code is amended by the addition of the following sections:

5601.1 Scope.

The possession, manufacture, storage, handling, sale and use of explosives and explosive materials shall be governed by chapter 296-52 WAC and this chapter. The manufacture or storage of explosives or explosive materials shall be prohibited in all of the classified use districts listed in LMC 19.06.070 except for heavy industrial district and for temporary storage at construction job sites for periods not to exceed one year. The manufacture, storage, handling, sale and use of fireworks shall be governed by chapter 212-17 WAC and this chapter.

5601.1.6 Consumer fireworks permitted.

Notwithstanding any provision to the contrary contained in Section 5601.1 of the Fire Code, “consumer” fireworks, as permitted by WAC 212-17, shall be permitted within the City of Longview.

5601.1.7 Adoption of State law by reference.

As authorized by RCW 35A.13.180 and 35A.12.140, the city council hereby adopts by reference Chapter 70.77 of the Revised Code of Washington, entitled “State Fireworks Law,” together with amendments thereof and additions thereto. One copy of said RCW chapter 70.77 with amendments and additions thereto shall be filed in the office of the City Clerk/Director of Finance of said City for use and examination by the public.

5601.1.8 Retail sales permit requirements.

The number of retail sales permits which the city may issue for the sale of consumer fireworks in any one calendar year shall not exceed ten (10). No retail sales permit shall entitle the holder thereof to more than one location. All retail sales permits shall be nontransferable. The fire marshal or designee shall make inspections and approvals of all retail sales locations to verify compliance with WAC 212-17 and the Fire Code prior to the conduct of sales from such locations. All retail sales locations shall be inspected between June 23 and June 28, and such other times determined appropriate by the fire marshal. It is the responsibility of the applicant to meet all legal requirements and to request inspection at least 24 hours in advance of starting the retail sale of fireworks. Failure to comply with any of the provisions of WAC 212-17 or the Fire Code shall be grounds for revocation of a permit.

5601.1.9 Retail sales permit fee.

The annual retail sales permit fee for each retail sales permit issued hereunder shall ~~be $100.00~~ as established in the Community and Economic Development Department Master Fee Schedule, which shall be paid ~~to the City Clerk~~ at the time such license is issued. All retail sales permits shall expire at the end of the calendar year in which they are issued. Said fee shall be paid in full regardless of the month during any calendar year that said permit is issued and shall not be refunded.

5601.1.10 Application for retail sales permit.

All applications for retail sales permit to sell fireworks in the City:

1. Shall be made on or prior to the second Tuesday in May of each year. Applicants for each such permit shall be notified by the fire code official of the fire department or designee of the granting or rejection of their application for license on or before the first Monday in June of each calendar year.

2. Shall set forth the proposed location of the fireworks stand from which such sales shall be made.

3. Shall be accompanied by proof of insurance as specified in RCW 70.77.270, and shall include an endorsement of such insurance naming the City as an insured thereunder.

4. Shall be in writing; show the corporate name of the applicant, if any; be signed by duly authorized officer of the applicant; and contain the address to which the notice is to be sent by the fire code official of the fire department or designee of the granting or rejecting of the application.

5601.1.11 Preference.

In granting retail sales permits hereunder, preference may be given to applicants who held permits for such sales issued by the City during the previous calendar year and to applicants that had a firework stand for the retail sale of fireworks for three (3) or more years in an area to be annexed by the city.

5601.1.12 Copy of State license to be filed.

Before a retail sales permit to sell fireworks or conduct a public display of fireworks shall be issued, the applicant for such permit shall file with the City Clerk of the City a copy of the license issued to such applicant by the State of Washington in accordance with RCW Chapter 70.77.

(Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3109 § 1, 2009; Ord. 3088 § 1, 2009; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

Chapter 19.06

GENERAL PROVISIONS

Sections:

19.06.010 Title.
19.06.020 Purpose.
19.06.030 Conformity with this title required.
19.06.040 Interpretations – General.
19.06.050 Interpretation – Zoning maps.
19.06.060 Fees.
19.06.070 Use districts – Established and designated.
19.06.080 Establishment of zoning map.
19.06.090 Enforcement.

19.06.010 Title.
This title shall be known and may be officially designated as the "zoning ordinance of the city." (Ord. 3297 § 2, 2015).

19.06.020 Purpose.
(1) To implement the Longview comprehensive plan's goals, objectives and policies;

(2) To protect health, safety and general welfare;

(3) To provide for the economic, social, and aesthetic advantages of orderly development and redevelopment through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;

(4) To provide for adequate public facilities and services in conjunction with development;

(5) To ensure public safety by restricting development of lands containing physical hazards and to minimize the adverse environmental impacts of development;

(6) To ensure that land use decisions are made in accordance with the public interest and applicable laws of the state of Washington; and

(7) To provide adequate open space for light and air. (Ord. 3297 § 2, 2015).

19.06.030 Conformity with this title required.
(1) No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.

(2) Creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of this title.

(3) All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other city regulations, the more restrictive requirements shall apply.

(4) Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply. (Ord. 3297 § 2, 2015).

19.06.040 Interpretations – General.
(1) The director of community development shall review and resolve any questions involving the proper interpretation or application of the provisions of this title and other city plans, codes, regulations and standards related to project permits that may be requested by any property owner, tenant, government officer, department,

board, council or commission affected. The director's decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

(2) Classification of Use. Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, the director may permit or condition such use if it is clearly evident that the use is in conformity with the designated principal uses of the district in which it is to be located. When there is doubt as to the proper classification of a use, the director may refer the matter to the appeal board of adjustment, who shall rule on the matter.

(3) Record. A record shall be kept of all interpretations and rulings made by the director, appeal board of adjustment, and city council; such decisions shall be used for future administration. The director shall report decisions to the planning commission when it appears desirable and necessary to amend this title.

(4) Minimum Requirements. When interpreting and applying the regulations of this development code, its provisions shall be the minimum requirements, unless otherwise stated.

(5) Conflicts of Regulations. Except as otherwise specifically stated, where conflicts occur within this zoning code or between the provisions of this zoning code and the building and fire codes, or other regulations of the city, the more restrictive shall apply.

(6) Conflict with State Law. The provisions of this title shall not have the effect of authorizing any activities prohibited by state law or other ordinances of the city of Longview.

(7) Official Zoning Map – Conflicts with Text. If any conflict between said map and text of this article ensues, the text of this title shall prevail.

(8) Rounding of Quantities. Discrete physical measurements, including but not limited to those not subject to fractional division, such as number of housing units or parking spaces, shall be rounded to the next higher whole number when the fraction is greater than one-half, and to the next lower whole number when the fraction is equal to or less than one-half, except as otherwise provided in this development code.

(9) In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application. (Ord. 3297 § 2, 2015).

19.06.050 Interpretation – Zoning maps.

Where due to the scale, lack of scale, lack of detail or illegibility of the city zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the director in accordance with all of the following criteria:

(1) Rights-of-Way. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, drainage ditches, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In some cases where the right-of-way formerly served as a land use district boundary, the land within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;

(2) Parcel, Lot, Tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

(3) Jurisdiction Boundary. Boundaries indicated as approximately following a city or county boundary, or the planning area boundary, shall be construed as following said boundary;

(4) Natural Features. Boundaries indicated as approximately following a river, stream, drainage channel, topographic contour or other changeable natural feature not corresponding to any feature listed in subsections (1) through (3) of this section, shall be construed as following such feature;

(5) Map Scaling. If none of the rules of interpretation described in subsections (1) through (4) of this section apply, then the zoning boundary shall be determined by map scaling; and

(6) Cowlitz River. For those portions of the Cowlitz River where the city limits are the center of the river, the zoning district of the abutting land extends into the river to the city limit line. (Ord. 3297 § 2, 2015).

19.06.060 Fees.

~~The fees to be paid upon the filing of a petition or application relating to land use decisions, planning commission actions, and appeal board of adjustment actions shall be as set forth in Table 19-A:~~

~~**Table 19-A – Longview Fee Schedule for Planning Actions**~~

~~**ACTION**~~	~~**FEE**~~
~~**PLANNING COMMISSION AND STAFF**~~	
~~Subdivision – Preliminary plat~~	~~$1,738 + $81 per lot~~
~~Subdivision – Preliminary plat extension~~	~~$339~~
~~Subdivision – Final plat~~	~~$1,738 + $81 per lot~~
~~Short plat~~	~~$1,159~~
~~Short plat appeal~~	~~$1,159~~
~~Binding site plan A~~	~~$1,159 + $81 per lot~~
~~Binding site plan B~~	~~$2,317 + $105 per lot~~
~~Planned unit development – Preliminary~~	~~$2,317 + $105 per lot~~
~~Planned unit development – Final~~	~~$2,317 + $105 per lot~~
~~Planned unit development – Amendment~~	~~$696~~
~~Boundary line adjustment~~	~~$349~~
~~Boundary line adjustment appeal~~	~~$349~~
~~Vacation hearing~~	~~$349~~
~~Rezone request~~	~~$2,317~~
~~Zoning text amendment request~~	~~$2,317~~
~~Comprehensive plan amendment request~~	~~$2,317~~
~~Special property use hearing for D-C district~~	~~$696~~
~~**APPEAL BOARD OF ADJUSTMENT**~~	
~~Appeal of administrative decision~~	~~$463~~
~~Review of the building official's interpretation~~	~~$463~~
~~Similar use determination~~	~~$463~~
~~Special property use hearing~~	~~$696~~
~~Variance hearing~~	~~$1,159~~

~~ACTION~~	~~FEE~~
~~Seasonal sales temporary use permit~~	~~$62~~
~~OTHER INSPECTIONS AND FEES~~	
~~1. Additional review required by changes, additions or revisions to submitted documents (minimum charge – one-half hour)~~	~~$62 per hour[1]~~
~~2. For use of outside consultants~~	~~Actual costs[2]~~
~~[1]Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.~~ ~~[2]Actual costs include administrative and overhead costs.~~	

Upon filing of a petition or application relating to land use decisions, planning commission actions, appeal board of adjustment, or other administrative actions, fees shall be paid according to the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended.

When submittal documents are incomplete or changed so as to require additional review or when the project involves deferred submittal documents, an additional review fee ~~shall~~ may be charged at the rate shown in ~~amended Table 19-A~~ the Community and Economic Development Department Master Fee Schedule. (Ord. 3312 § 1, 2015; Ord. 3297 § 2, 2015).

19.06.070 Use districts – Established and designated.
For the purpose of promoting public health, safety, morals and the general welfare, and in accordance with the provisions of RCW 35A.63.100, and all present and future amendments, additions and changes thereto, all land within the boundaries of the city shall be classified according to the following districts:

(1) Residential district, R-1;

(2) Residential district, R-2;

(3) Residential district, R-3;

(4) Residential district, R-4;

(5) Traditional neighborhood residential, TNR;

(6) Downtown commerce, D-C;

(7) Country club district, C-D;

(8) County event center district, CEC;

(9) Civic center district, C-C;

(10) Central business district, CBD;

(11) Regional commercial district, RC;

(12) General commercial district, GC;

(13) Neighborhood commercial district, NC;

(14) Office/commercial district, O/C;

(15) Riverfront district, RF-1;

(16) Light industrial district, LI-A;

(17) Light industrial district, LI-B;

(18) Heavy industrial district, HI;

(19) Commercial/industrial district, C/I. (Ord. 3297 § 2, 2015).

19.06.080 Establishment of zoning map.
The designation, location and boundaries of the zones established by LMC 19.06.070 are as shown and depicted on the zoning map(s) of the city, which shall be maintained as such and which are hereby incorporated by reference in this section and maintained on file at the Longview community development department. Zoning for all land within the city of Longview is established as shown on the official zoning map. (Ord. 3297 § 2, 2015).

19.06.090 Enforcement.
(1) The community development director or designee may bring enforcement actions for any violations of the provisions of this code and may institute any appropriate action or proceeding to prevent violations of these regulations. In particular, but without limitation, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the community development director or designee may institute any appropriate action or proceedings to:

(a) Prevent such unlawful acts and restrain, correct, or abrogate such violation;

(b) Prevent the occupancy of the building, structure, or land;

(c) Prevent any illegal act, conduct, business, or use in or about such premises, including, but not limited to, all remedies provided in this title and LMC Title 1; or

(d) Bring an enforcement action(s) to sanction violations of the code.

(2) The imposition of any penalty does not preclude the city from instituting any appropriate action or proceeding to require compliance with the provisions of this title and the administrative orders and determinations made under this title. (Ord. 3297 § 2, 2015).

Chapter 19.12

APPEAL BOARD OF ADJUSTMENT*

Sections:

19.12.010 Creation – Membership – Term and compensation.
19.12.020 Meetings – Majority vote.
19.12.030 Rules of procedure – Records of proceedings.
19.12.035 Avoidance of delays – Secretary of board to set hearing dates.
19.12.040 Power of board – Appeal of building official decisions.
19.12.045 Power of board – Appeal of community development director decisions.
19.12.047 Public hearing notice – Appeal of community development director decisions.
19.12.050 Power of board – Special property use.
19.12.055 Special property use – Detached accessory dwelling units (ADU).
19.12.060 Power of board – Alternate materials and construction.
19.12.070 Petitions – Initiation of action by board – Hearing and decision.
19.12.080 Special property uses – Application – Fee.
19.12.090 Special property uses – Hearing – Notice.
19.12.100 Special property uses – Hearing – Decision.
19.12.110 Special property uses – Records.
19.12.120 Special property use permits – Time limitation.
19.12.130 Special property use permits – Revocation – Records.
19.12.140 Variance permits – Authority to issue.
19.12.150 Variances – Application – Fee – Hearing – Decision.
19.12.160 Stay of proceedings.
19.12.170 Appeal – Filing – Notice.
19.12.180 Appeal – Bond.
19.12.190 Appeal – Transcript – Fees.
19.12.200 Appeal – Notice that transcript has been filed.
19.12.210 Appeal – Hearing – Determination.

*For the statutory provisions regarding the board of adjustment in code cities, see RCW 35A.63.110.

19.12.010 Creation – Membership – Term and compensation.

A board of adjustment is established to be known as the “appeal board of adjustment.” The word “board” when used herein means the appeal board of adjustment. The board shall consist of five members, all of whom shall serve without salary. The board members shall be appointed by the city manager and confirmed by the council. In case any vacancy shall occur in the membership of the board for any cause, the city manager shall fill such vacancy by making an appointment for the unexpired term of the member or members creating such vacancy, the appointment to be confirmed by the council. Members of the board who miss three consecutive meetings may be removed by the city manager and the vacancy filled as provided in this section. The initial membership shall consist of one member appointed for one year, one for two years, one for three years, one for four years and one for five years; and each appointment thereafter shall be for a five-year term. (Ord. 1620 § 1, 1973).

19.12.020 Meetings – Majority vote.

Meetings of the board shall be held at least once each month and at such other times as the chairman of the board may determine. There shall be a fixed place of meeting. All board meetings shall be open to the public. Any action of the board shall receive an affirmative vote of at least a majority of the total board. When requested by the secretary or chairman of the board, the director of community and economic development and the building official and the chief of the fire department, or such of them as have received such a request, shall attend any board meeting for the purpose of furnishing technical advice to the board. (Ord. 2774 § 1, 2000; Ord. 1711 § 1, 1974; Ord. 1620 § 1, 1973).

19.12.030 Rules of procedure – Records of proceedings.
The board shall elect from its members a chairman and shall also select a secretary for the board which secretary need not be a member thereof. The board shall adopt its own rules of procedure (except as hereinafter fixed as to voting) and keep a record of its proceedings, actions and decisions in each case, and the vote of each member on each question considered in the proceedings. (Ord. 1620 § 1, 1973).

19.12.035 Avoidance of delays – Secretary of board to set hearing dates.
To avoid delays, it is important that hearings be promptly scheduled before the board. Petitions or requests that are presented or filed between regularly scheduled meetings do not become fixed for hearing until the next regular meeting of the board, and a lack of business before the board sometimes results in the lack of a quorum preventing a meeting from being held and a hearing date from being fixed. In order to assure petitioners and applicants of prompt hearing dates, the secretary of the appeal board of adjustment, notwithstanding any provisions in this chapter to the contrary, shall have the authority, upon receipt of a petition under this chapter, a variance request, or a request for review of any interpretation made by the building official to fix a date for the hearing thereon in accordance with the requirements of this chapter, and to cause notice of such hearing to be issued and publicized as required by this chapter. (Ord. 2529 § 1, 1993).

19.12.040 Power of board – Appeal of building official decisions.
The board may review any interpretation of the provisions of LMC Titles 16 or 19 made by the building official, and any order, requirement, decision, or determination relating thereto made by him in the application of the specific provision of said titles to any parcel of land and/or structure. The board may affirm or reverse the interpretation of the provisions of said titles made by the building official, and any order, requirement, decision, or determination relating thereto; the board's decision shall be based upon the records and the evidence in each case and to that end it shall have all of the powers of the building official. (Ord. 3161 § 1, 2011; Ord. 1620 § 1, 1973).

19.12.045 Power of board – Appeal of community development director decisions.
(1) Applicability. The appeal board of adjustment shall hear and decide appeals where it is alleged that there is an error in any decision, interpretation, or determination made by the community development director in the consideration of seasonal sales temporary use permits (Chapter 19.41 LMC), boundary line adjustments (Chapter 19.68 LMC), short subdivisions (Chapter 19.67 LMC) and type A binding site plans (Chapter 19.90 LMC). Appeals to the board may be taken by any person aggrieved by or affected by the decision of the community development director.

(2) Stay of Proceedings. When an appeal is filed to the board, all proceedings in furtherance of the action affected by the decision being appealed shall be stayed, unless:

(a) The community development director certifies to the board, after the notice of appeal has been filed with the community development director, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property; or

(b) The appellant is not diligently pursuing the appeal.

(3) Decision.

(a) Public notice of the hearing shall be as provided in this chapter. The board shall hold the hearing, and shall decide the appeal within a reasonable time after such hearing.

(b) Any party may appear before the board at the hearing, in person or by agent or attorney.

(c) The board may:

(i) Reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed;

(ii) Make such order, requirement, decision, or determination as ought to be made; and

(iii) Exercise all the powers of the officer or agency from whom the appeal is taken. (Ord. 3161 § 2, 2011).

19.12.047 Public hearing notice – Appeal of community development director decisions.
(1) Notice of a public hearing for all open-record appeals shall be given as follows:

(a) Time and Form of Notices. Except as otherwise required, notice of an open-record appeal hearing shall be made at least 10 days before the date of the public hearing in the following manner:

(i) Publication in the official newspaper; and

(ii) Posting on the subject property; and

(iii) Notice shall be mailed to adjacent property owners.

(b) Content of Notice. The public notice shall include:

(i) The address and location, and/or a vicinity map or sketch, of the property which is the subject of the public hearing; and

(ii) The date, time, location, and purpose of the public hearing; and

(iii) A general description of the proposed project or action to be taken; and

(iv) A place where further information about the hearing may be obtained.

(c) Continuations. If, for any reason, a hearing cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required. (Ord. 3161 § 3, 2011).

19.12.050 Power of board – Special property use.
(1) Recognizing that there are certain uses of property that may or may not be detrimental to the public health, safety, morals and general welfare, depending upon the facts in each particular case, a limited power to issue special permits for such uses is vested, by special mention in this title, in the board.

(2) The board shall have and exercise original jurisdiction in receiving, granting or denying all applications for such special property uses as are provided for in this title and shall have the power to place in such permits, conditions or limitations in its judgment required to secure adequate protection to the zone or locality in which such use is to be permitted. No special permit shall be issued by the board until after public hearing, as hereinafter provided, and until after the building official has found that all other provisions of this code, with which compliance is required, have been fulfilled.

(3) No such special property use permit shall be granted by the board unless it finds:

(a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare;

(b) In making such determination the board shall be guided by the following considerations and standards:

(i) That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity,

(ii) That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic,

(iii) That adequate ingress and egress will be available for fire and other vehicular emergency equipment,

(iv) That adequate off-street parking will be provided to prevent congestion of public streets.

(4) The placement, construction, erection and maintenance of wayfinding signs, as defined in LMC 16.13.040(73), in all use districts, shall be deemed a special property use. (Ord. 2967 § 1, 2006; Ord. 1620 § 1, 1973).

19.12.055 Special property use – Detached accessory dwelling units (ADU).
Subject to the provisions of LMC 19.12.050, and in accordance with Chapter 19.22 LMC, the appeal board of adjustment may grant a special property use permit for the construction of a detached accessory dwelling unit (ADU). (Ord. 3122 § 9, 2010; Ord. 2591 § 3, 1995).

19.12.060 Power of board – Alternate materials and construction.
(1) In addition to the foregoing powers, the board shall have the right to determine the suitability of alternate new materials and types of construction, after a public hearing, and to permit the use of the same when, in the opinion of the board, such new materials or types of construction are equal to or greater in safety requirements than those provided for in the building code.

(2) The board shall also have the right to recommend to the city manager, for presentation to the city council, legislation for the improvement of Chapter 16.08 LMC hereof, being the building code, or any part thereof, which the board may feel is consistent with the purpose and intention of said code. (Ord. 1620 § 1, 1973).

19.12.070 Petitions – Initiation of action by board – Hearing and decision.
(1) Any person or persons aggrieved, or any officer, official of any department or commission of the city, jointly or severally, may file a written petition with the board for a review of the building official's interpretation of the provisions of LMC Titles 16 or 19. Such petition shall be filed with the office of the city clerk within 10 days after the petitioner shall receive either written or oral notice of the interpretation of any provision of Titles 16 or 19 by which petitioner shall deem himself to be aggrieved. Such petition shall set forth the provision of this code which the building official has interpreted, the building official's interpretation thereof, the petitioner's interpretation of the same and the reasons why the petitioner believes the interpretation of the building official to be incorrect. Such petition shall contain the name or names of all aggrieved parties and the names of all attorneys or agents representing such aggrieved parties together with the mailing address of such parties, their agents and attorneys. The city clerk shall transmit said petition to the secretary of the board prior to the next regular meeting of the board. The secretary of the board shall present the petition to the board at its next regular meeting and the board, at such meeting, shall fix a date for the hearing on said petition which date shall not be less than 10 nor more than 60 days from the date upon which said petition was presented to the board. At least five days prior to the date fixed for such hearing the secretary of the board shall cause to be mailed to the petitioner or his agents or attorneys, at the respective addresses shown on the petition, a notice of the time and place of the hearing on said petition. At such hearing the petitioner may appear in person, by agent or by attorney. All city officials and other interested persons may be heard at such hearing in support of or opposition to such petition.

(2) The board may affirm or reverse the interpretation of the provisions of LMC Titles 16 or 19 made by the building official, and any order, requirement, decision, or determination relating thereto made by him; the board's decision shall be based upon the record and the evidence in each case, and to that end it shall have all of the powers of the building official. Unless a majority of the entire board votes in favor of reversing the decision of the building official such decision shall stand affirmed. The board shall maintain in the office of the building official full and complete written records of all decisions involving the interpretation of the provisions of said titles, which records shall be open to public inspection during all regular business hours. The board's jurisdiction shall not be construed as an authorization to violate any provisions of this code.

(3) If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of this code, the building official shall take action immediately in accordance with such decision. (Ord. 1620 § 1, 1973).

19.12.080 Special property uses – Application – Fee.
All applications for special property uses permitted by this title shall be submitted in writing to the office of the building official. Each such application shall contain the name and mailing address of the applicant or applicants, the legal description of the property for which the special property use is requested, the nature of the special use requested, a concise statement as to the reasons why such property is needed for and suited to such special use, and a statement or document verifying the applicants, ownership of the property or interest in the property through lease, option or other such binding agreement with the owner. The application shall be accompanied by a plot plan, drawn to scale, showing the dimensions of any and all existing structures and all structures to be erected on the property involved and the yard areas thereof. The board or building official may, at any time, require the applicant to furnish such additional information as may be necessary to enable the board to determine whether such application should

or should not be granted. With each application filed for a special property use there shall be paid by the applicant, at the time of filing the application with the community and economic development department, a fee in accordance with ~~Table 19-A~~ the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such application, including the publication and mailing of the notices hereinafter required. (Ord. 2907 § 2, 2004; Ord. 2774 § 1, 2000; Ord. 2722 § 1, 1999; Ord. 2328 § 1, 1988; Ord. 2120 § 1, 1983; Ord. 1620 § 1, 1973).

19.12.090 Special property uses – Hearing – Notice.
The written application, plot plan and any other written information requested from the applicant by the building official shall be submitted to the board at its next regular or special meeting. The board at such meeting shall fix a time, date and place for public hearing on such application which date shall not be less than 10 days after notice given in the following manner, except that the final notice to be published in the official newspaper shall not be published more than three days prior to the date of said hearing:

(1) By United States mail addressed to the applicant and to the owners of all adjoining or abutting property. (Property separated from the proposed use by a street, highway or other public road or alley shall be construed to be adjoining or abutting for the purpose of giving notice; and notices addressed to the last known address of the person making the latest property tax payment shall be deemed proper notice to the owner of such property);

(2) By not less than two printed or written notices posted in a conspicuous place at or near the location of the proposed use;

(3) By publishing two notices thereof in the official newspaper of the city, such notices to be published at least three days apart. Such notices shall contain the name of the applicant or applicants, the legal description of the property involved, the special property use requested, the date, time and place of the public hearing thereon and shall specify that any person interested may appear at such public hearing and be heard either for or against such application. (Ord. 1620 § 1, 1973).

19.12.100 Special property uses – Hearing – Decision.
At such public hearing the board shall proceed to hear all persons present who desire to be heard either for or against such application and shall render its decision upon such application at the conclusion of such hearing or as soon thereafter as reasonably possible. Any building permit thereafter issued for such property shall be in accordance with and subject to all terms and conditions contained in the decision of the board. (Ord. 1620 § 1, 1973).

19.12.110 Special property uses – Records.
The board shall maintain in the office of the building official full and complete written records of all proceedings and conclusions reached on any and all such applications. (Ord. 1620 § 1, 1973).

19.12.120 Special property use permits – Time limitation.
Whenever the board by its decision authorizes the issuance of a permit for a special property use if such building permit and/or occupancy permit is not obtained by the applicant within six months from the date of the board's decision, the board's decision shall cease to be effective. (Ord. 1620 § 1, 1973).

19.12.130 Special property use permits – Revocation – Records.
In addition to all other penalties prescribed in this title, whenever, in the opinion of the building official, any person granted a permit for a special property use fails to comply with all of the terms, conditions, or limitations of such permit and of the decision of the board authorizing the granting of such permit, he shall issue an order, in writing, requiring that all further work on the premises or use thereof be stopped until the violation has been corrected. If the violation is not corrected or if the work on the premises or use thereof is stopped or suspended until such violation is corrected, the building official shall give written notice to the owner or occupant of the premises deemed in violation that the building official will apply to the board for an order revoking the permit for the special property use. Such written notice shall specify the time, the date and place when the building official will appear before the board to request such revocation and shall advise the owner or occupant of the premise deemed to be in violation that such owner or occupant is at liberty to appear and be heard with respect to the request of the building official for such revocation. Such notice shall be mailed to the owner or occupant of the premises deemed in violation, by certified mail with a return receipt requested, at least five days prior to the date specified in such notice as being the date of the hearing. At the hearing the board shall have the power to sustain or overrule the order of the building official and

to revoke the permit granted for such special property use. The affirmative vote of a majority of the entire board shall be necessary before the order of the building official shall be declared to be overruled. (Ord. 1620 § 1, 1973).

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

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

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

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

(4) The need for the variance is not the result of any action taken by the applicant. (Ord. 3122 § 10, 2010; Ord. 1620 § 1, 1973).

19.12.150 Variances – Application – Fee – Hearing – Decision.
(1) The foregoing provisions of LMC 19.12.080 through 19.12.130 shall apply equally to requests for variances as well as to requests for special property uses; provided, however, LMC 19.12.090(2) and (3) shall not apply to requests for variances.

(2) With each application filed for a variance there shall be paid by the applicant, at the time of filing the application with the community development department, a fee in accordance with ~~LMC 19.06.060~~ the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such application, including the publication and mailing of the notices required. (Ord. 3122 § 10, 2010; Ord. 3089 § 2, 2009; Ord. 2907 § 3, 2004; Ord. 2774, 2000; Ord. 2722 § 2, 1999; Ord. 2328 § 2, 1988; Ord. 1620 § 1, 1973).

19.12.160 Stay of proceedings.
An application to the board for any special property use, variance or for any review of the building official's interpretation of the provisions of LMC Titles 16 or 19 or of any orders, requirements, decisions or determinations relating thereto made by the building official shall operate to stay all further proceedings by the building official unless the building official certifies to the board, and the board finds that, by reasons of facts stated in the certification, a stay would cause imminent peril to life or property, in which case such action shall not be stayed otherwise than by a restraining order issued by the superior court of the county. The decisions of the board shall be transmitted to the office of the building official. (Ord. 1620 § 1, 1973).

19.12.170 Appeal – Filing – Notice.
All decisions and orders of the board shall be final, subject only to review by the superior court of the county upon appeal. The appeal shall be made by filing written notice of appeal with the office of the city clerk and with the clerk of the superior court of the county. The notice of appeal must be filed with the clerk of the superior court and the office of the city clerk within 20 days from the rendering of the decision or order from which the appeal is to be taken. Such notice of appeal shall set forth the name and address of the appellant, the date of the order or decision to be appealed from and shall set forth a correct copy of the order or decision from which the appeal is to be taken. (Ord. 1620 § 1, 1973).

19.12.180 Appeal – Bond.
At the time of filing the notice of appeal with the clerk of said superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of $200.00, with at least two sureties to be approved by the judge of said court, or a surety company authorized to do business in the state, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city is put by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require. The filing of the aforesaid notice of appeal within the time specified in LMC 19.12.170, and the filing of the bond

aforesaid, shall be necessary in order for the superior court to secure jurisdiction of such appeal. (Ord. 1620 § 1, 1973).

19.12.190 Appeal – Transcript – Fees.
Within 20 days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript of all of the proceedings before the board, including the order or decision from which the appeal is taken. The transcript shall be prepared under the supervision of the secretary of the board and shall be certified by the secretary to contain a full, true and correct copy of all matters and proceedings required to be in the transcript. The fee for preparing and certifying the transcript shall be ~~$20.00 for the first legal size page and $10.00 for each additional legal size page,~~ as determined by the Community and Economic Development Department Master Fee Schedule, which fee shall be paid to the office of the city clerk. The secretary of the board shall be under no duty to surrender the transcript to the appellant until the fees are paid. All fees so received shall be surrendered to the city treasurer for deposit in the general fund of the city. (Ord. 2328 § 3, 1988; Ord. 1620 § 1, 1973).

19.12.200 Appeal – Notice that transcript has been filed.
Within five days after the filing of the transcript with the clerk of said superior court, the appellant shall give notice to the city's corporation counsel and to the city clerk that the transcript has been filed. The notice shall also state a time when the appellant will call up the cause for assignment for hearing. (Ord. 1620 § 1, 1973).

19.12.210 Appeal – Hearing – Determination.
At the time fixed for hearing or at such further time as may be fixed by the court, the superior court shall hear and determine the appeal. (Ord. 1620 § 1, 1973).

Chapter 19.22

SUPPLEMENTAL RESIDENTIAL ZONING STANDARDS

Sections:

19.22.010 Purpose.
19.22.020 *Repealed.*
19.22.025 Accessory dwelling units.
19.22.030 Home occupations.
19.22.040 Signs in residential zones.
19.22.050 *Repealed.*
19.22.060 Permanent supportive housing.

19.22.010 Purpose.
The standards contained herein are supplemental standards that apply to applicable uses in the city's zoning districts. (Ord. 3450 § 3, 2021; Ord. 3122 § 15, 2010).

19.22.020 Accessory dwelling units.
Repealed by Ord. 3466. (Ord. 3450 § 3, 2021; Ord. 3182 § 6, 2011; Ord. 3122 § 15, 2010).

19.22.025 Accessory dwelling units.
(1) Purpose. The director shall have the authority to approve attached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. The appeal board of adjustment shall have the authority to approve detached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for ADUs on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an ADU which is not strictly in compliance with these regulations.

(2) Requirements. Accessory dwelling units (ADUs) may be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the requirements that follow.

(3) Site Requirements.

(a) A certification from the public works director that existing water and sewer facilities serving the property are adequate is required.

(b) Only one ADU shall be permitted (attached or detached) as accessory to a single- family dwelling unit.

(c) An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.

(d) Parking. A minimum of two off-street parking spaces must be provided on the property where an ADU is proposed and additional parking for the ADU is required as follows:

(i) No minimum on-site parking spaces are required for an accessory dwelling unit in areas with on-street parking available.

(ii) One parking space is required for the ADU if on-street parking is not available.

(iii) On-street parking is defined as parking spaces legally available for parking of vehicles. Posted time- or day-restricted parking spaces are not considered as available for purposes of this section.

(iv) A street/sidewalk entrance in the form of a walkway, landscaping features, mailbox post and similar construction to direct visitors to the ADU, will be required per the determination of the community development director upon recommendation by the fire marshal.

(e) Fire department access shall extend to within 150 feet of all portions of the exterior walls of the building as measured by an approved route. Distances in excess of 150 feet may result in additional requirements for construction as approved by the fire code official. Alleys shall not be considered for fire department access.

(4) Building Requirements.

(a) Accessory dwelling units must be on the same lot as the single-family dwelling to which they are accessory. They may be attached (added to or created within) the existing single-family dwelling as provided for in subsection (6) of this section, or detached as provided for in subsection (7) of this section.

(b) All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the Cowlitz County health department. Note, manufactured homes may be used for ADUs but must be less than 10 years old.

(c) ADUs are not required to have separate independent utility connections and solid waste collection.

(d) The square foot size of any ADU, excluding any garage area, shall be of not less than 300 square feet nor in excess of 1,500 square feet, and it shall contain no more than three bedrooms.

(e) Street-facing entrances may be allowed. Exterior entrances can be located no closer than 10 feet to an adjoining property line.

(f) Any exterior stairs shall be placed in the rear or side yard and no closer than 10 feet to an adjoining property line.

(g) All ADUs shall have separate street addresses that are visible from both the street and alley that clearly identify the location of the ADU.

(5) Occupancy.

(a) No ADU may be the residence of more than four persons.

(b) The owner of the property or immediate family member of the property owner, or contract purchaser of record, of the single-family dwelling to which an ADU is accessory, shall reside either in the single-family dwelling or the ADU as a permanent place of residence (must occupy one of the dwelling units on the property for more than six months of each calendar year).

(c) Only one of the residences may be rented or leased.

(d) Vacation (short-term) rental, transient accommodation, and/or lodging is prohibited in ADUs or in single-family dwellings to which they are accessory. “Vacation (short-term) rental, transient accommodation and/or lodging” means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days.

(e) The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.

(f) Before issuance of the certificate of occupancy for an accessory dwelling unit, the homeowner must provide a copy of a statement recorded with the Cowlitz County auditor.

(i) The statement must read:

An application for a permit for an accessory dwelling unit has been submitted to the city of Longview by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Longview Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.

(ii) If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the city. If a homeowner wants to remove the statement as required by subsection (5)(f)(i) of this section from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded by the homeowner with the county auditor's office and a copy of the recorded release shall be provided to the city.

(g) No day care centers or adult family homes shall be permitted in ADUs or in single-family dwellings to which they are accessory. Family day care providers as defined in Chapter 19.09 LMC may be allowed but the maximum number of children under care is limited to the maximum occupancy of the ADU.

(h) The following permit and inspection requirements shall be met:

(i) No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;

(ii) All applications for ADU permits and reviews shall be on forms provided by the community development department, and the fee for such permit shall be as provided ~~in the building code~~ in the Community and Economic Development Department Master Fee Schedule;

(iii) No ADU may be occupied unless the owner of record of the single-family dwelling to which it is accessory possesses a current certificate of occupancy for such ADU;

(iv) Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building and fire officials to assure that the provisions of this chapter are not violated; and

(v) The building official may inspect ADUs after giving proper notice, at such time as a complaint alleging noncompliance with this chapter or the property maintenance code, Chapter 16.30 LMC, is received by the city. The purpose of such inspection shall be to determine if such ADU is in compliance with the requirements of this chapter. If such inspection reveals that such ADU is in compliance, the building official shall issue a certificate of occupancy for said ADU. If the inspection reveals the ADU is not in compliance, the building official shall not issue a certificate of occupancy for said ADU, and shall notify the owner or contract purchaser of the single-family dwelling to which said ADU is accessory that said ADU must be vacated and not occupied until it is reinspected by the building official and found to be in compliance, or the ADU removed.

(6) Standards for Attached ADUs.

(a) All attached ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling, it must be consistent with the existing siding of the single-family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.

(b) When garage space is converted to accessory dwelling unit living space the portion of the driveway leading to the former garage may remain.

(7) Standards for Detached ADUs. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC 19.12.055, all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:

(a) Landscaping may be provided for the privacy and screening of adjacent properties. Tall vegetative landscaping may be required between any windows or decks facing adjacent residential properties.

(b) Two-story, detached accessory dwelling units may be designed to protect the privacy of adjacent residential uses.

(c) Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments.

(8) Special Property Use Hearings.

(a) All proposed detached ADUs shall require a special property use permit be granted by the appeal board of adjustment with consideration of impacts to privacy of neighboring properties. Where practical, locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to: window staggering, entries face away, no overlooking decks, landscaping.

(b) In its consideration of an application, the board shall evaluate:

(i) Compliance with subsections (8)(a) and (b) of this section.

(ii) Window locations.

(iii) Impacts from shading of neighboring properties, specifically solar access and impacts to existing solar collection systems, photo-voltaic or solar heating.

(9) Existing Illegal ADUs.

(a) Application may be made for any accessory dwelling unit existing prior to January 1, 2022, to become legally permitted, pursuant to the provisions of this section.

(b) An application to legalize an existing ADU shall include an application for an ADU permit and a building permit application, showing changes made to the main residence or detached accessory building to accommodate the ADU. Approval shall be consistent with the ADU regulations and process outlined in this section. The ADU shall be reviewed using the current editions of building codes in place at the time its owner brings the unit forward for permit.

(c) Nothing in this section shall require that the city permit existing ADUs that are determined to be dangerous. (Ord. 3466 § 2, 2022).

19.22.030 Home occupations.

Home occupations shall adhere to the following standards:

(1) Requirements. Home occupations shall not be permitted without a business license having first been issued in accordance with LMC Title 5. All home occupations shall comply with all applicable ordinances of the city, and shall be consistent with the following provisions:

(a) Home occupations located in the principal residence are restricted to not more than 30 percent of the usable floor area of the dwelling in which they are located. The principal use of the dwelling must remain residential;

(i) For the purposes of this section, “usable floor area” is defined as the finished living space in a dwelling unit but not including a cellar or garage;

(b) A detached accessory building may be used for home occupations; provided, that the total area devoted to the home occupation cannot exceed 30 percent of the usable floor area of the principal dwelling unit. Further, the total area devoted to a home occupation use in either the principal dwelling unit or an accessory building (or a combination thereof) shall not exceed 30 percent of the usable floor area of the principal residence;

(c) Only persons residing in the dwelling may be engaged in the home occupation;

(d) The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable required off-street parking;

(e) On-site retail sale of goods not produced, processed or fabricated on the premises is prohibited, unless the sale of items is incidental to a permitted home occupation (e.g., a barber shop that sells hair-care products, etc.). No goods or merchandise shall be displayed such that they are visible from public rights-of-way or adjacent properties;

(f) Home occupations shall not be permitted where they involve the construction of features and exterior modifications not customarily found in a dwelling and residential neighborhood as determined by the director;

(g) No stock-in-trade or merchandise is to be kept on the premises other than inventory and incidental supplies which are necessary for the conduct of the home occupation. Outdoor storage that is visible from a public right-of-way or adjacent properties, that exceeds what is customary for a residence, is prohibited;

(h) No noise, dust, odors, noxious fumes or vibrations resulting from a home occupation shall exceed that which is normally produced in a single-family dwelling. Mechanical or electronic equipment incidental to the conduct of a home occupation may be used, provided such use does not create visible or audible interference in radio, television or telecommunication receivers or transmitters, or cause fluctuations in line voltage off the premises. Home occupations shall not interfere with the delivery of utilities or other services to the area;

(i) Any type of repair or assembly of vehicles or equipment with internal combustion engine or of large appliances or any other work related to automobiles and their parts is prohibited;

(j) A home occupation may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations;

(k) No more than two vehicles may be used in association with the home occupation. The maximum size of the vehicles used in association with the home occupation is a light truck. Light trucks are trucks or similar vehicles with a single rear axle; and

(l) One sign is permitted to advertise the home occupation; however, such sign shall be no larger than two square feet in area, nonilluminated, and must be attached to the dwelling. (Ord. 3450 § 3, 2021; Ord. 3182 § 7, 2011; Ord. 3122 § 15, 2010).

19.22.040 Signs in residential zones.

In addition to the standards set forth in Chapter 16.13 LMC, the following regulations also govern the use of signs in the R-1, R-2, R-3, R-4 and TNR zones:

(1) Except as provided in Chapter 16.13 LMC, all signs shall relate to business or activities conducted on the premises on which the signs are situated.

(2) Signs that pertain to a home occupation activity shall adhere to the standards set forth in LMC 19.22.030.

(3) All signs approved under this section shall be nonflashing and, if illuminated by artificial light, such lighting shall be oriented to prevent light trespass onto adjacent residences and properties and shall be oriented towards the ground. Electronic message center (EMC) signs as defined in Chapter 16.13 LMC may be permitted for religious establishments, public or private schools and public safety facilities where they meet the following requirements:

(a) Number of EMC signs: one per use.

(b) Types of EMC signs allowed: fascia, monument or pole signs.

(c) Maximum size: 30 square feet not including foundation, base or frame.

(d) Maximum Height.

(i) Monument sign: eight feet measured from grade;

(ii) Fascia signs: 10 feet, and shall not extend above the parapet or eave line;

(iii) Pole signs: shall not exceed 16 feet above grade.

(e) Location.

(i) The EMC sign shall not be located closer than 10 feet to any lot line, nor closer than 70 feet to any residential building; and

(ii) Locations which create confusion relative to interpretation of traffic signals or traffic signs shall not be permitted; and

(iii) Pole signs are not permitted within 30 feet of the edge of pavement of the facing street.

(f) Illumination Limits.

(i) Signs with an electronic message shall incorporate photocell/light sensors, with automatic dimming technology that appropriately adjusts to ambient light conditions; and

(ii) Hours of Operation. The EMC sign shall be completely turned off between the hours of 9:00 p.m. and 7:00 a.m., seven days a week, except EMC signs for academic uses must be turned off between the hours of 9:00 p.m. and 6:00 a.m.

(iii) Electronic message center signs which create a source of glare shall be adjusted or removed as directed by the building official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(iv) Signs with an electronic message center which meet all of the above standards may also provide internal illumination to the remainder of the sign.

(g) Hold Time. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one message to another shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

(h) Permits. Electronic message center sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or traveling speed, and other display operations. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with city codes and that the owner or operator shall provide proof of such conformance upon request of the city.

(i) Maintenance. Any permitted electronic sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within five days by the owner or operator of the sign.

(4) Street, park, recreational, trail, public utility, and similar signs that are erected by the city of Longview are hereby exempted from the regulations of this section.

(5) Churches and schools may have up to two signs unlimited in size attached to the principal building for identification purposes. Churches, schools, parks and public playgrounds, existing or hereafter erected or created, may also have signs separate from any building or structure on the premises used for any such purpose so long as the signs do not exceed a total of 30 square feet in area and so long as no portion thereof, including any foundation, base or frame, is closer than 10 feet to any lot line at street intersections; provided, however, signs for school campuses shall be permitted which contain a total of not to exceed 80 square feet in area, not including foundation, base or frame, and not closer than 10 feet to any lot line.

(6) Duplex, triplex, fourplex, or townhouse developments may include one unit identification sign per unit; provided, that the sign is not more than five square feet in total area. In addition, one freestanding development

and/or entrance sign may be erected; provided, that it does not exceed 10 square feet in total sign area and its associated structure, nor exceeding a height of six feet. Such signs shall be for the purpose of identification only.

(7) Multifamily Signs. For multifamily residential uses of five or more units within one principal structure, not more than one sign, attached to the principal building, not exceeding 20 square feet in area including all embellishments, shall be permitted. In addition, one freestanding sign, not exceeding 10 square feet in total sign area and its associated structure, nor exceeding a height of six feet, shall be permitted for multifamily apartment projects containing five or more units. No portion of the sign, including any foundation, base or frame, shall extend over any portion of the right-of-way. In addition, a maximum of two directional or informational signs not exceeding five square feet in area per sign may be erected; one of the two permitted directional or informational signs may be freestanding, not to exceed a height of 42 inches.

(8) Nonresidential Land Uses. Nonresidential land uses, except those listed above, in the R-3 and R-4 shall adhere to the following sign standards:

(a) Attached Signs. Nonresidential land uses as permitted in the residential zones may be permitted one sign attached to the principal building not to exceed 30 square feet in total sign area, including all embellishments. Nonresidential land uses located on corner lots may be permitted one sign attached to each elevation that faces a public right-of-way, not to exceed 20 square feet in area per sign, including all embellishments, to a maximum of two attached signs; and

(b) Detached Signs. Nonresidential land uses as permitted in the residential zones may be permitted one freestanding sign separate from signage attached to any building or structure on the premises so long as the sign and its associated structure do not exceed a total of 30 square feet in total sign area and so long as no portion thereof, including any foundation, base or frame, extends over any portion of the right-of-way, nor exceeds a height of eight feet. Nonresidential land uses located on corner lots may be permitted one freestanding sign facing each public right-of-way, up to a maximum of two freestanding signs, so long as each sign and its associated structure do not exceed a total of 20 square feet in total sign area, and so long as no portion thereof, including any foundation, base or frame, extends over any portion of the right-of-way, nor exceeds a height of eight feet. (Ord. 3450 § 3, 2021; Ord. 3406 § 1, 2019; Ord. 3122 § 15, 2010).

19.22.050 Homeless shelter group home.
Repealed by Ord. 3450. (Ord. 3358 § 4, 2017).

19.22.060 Permanent supportive housing.
Permanent supportive housing shall adhere to the following standards:

The number of clients is limited to two per bedroom plus an additional two (e.g., a three-bedroom facility could have up to eight clients). (Ord. 3450 § 3, 2021).

Chapter 19.42

FARMERS' MARKETS IN RESIDENTIAL DISTRICTS

Sections:

19.42.010 Purpose and application.
19.42.020 Definitions.
19.42.030 Allowed locations in residential districts and permitting process.
19.42.040 Operating standards.

19.42.010 Purpose and application.

The purpose of this chapter is to allow small local farmers' markets to be located in residential districts at appropriate locations. These local markets would provide greater access for the community to healthy food; enhance the sense of community in livable neighborhoods; encourage walking instead of driving and generate economic benefit to the community. The intention is to serve local households within the neighborhood of the market. Limits on the scale of these markets are needed to avoid significant adverse impacts to individual neighborhoods.

This chapter is applicable to the R-1, R-2, R-3, R-4 and TNR zoning districts. (Ord. 3338 § 1, 2017; Ord. 3324 § 1, 2016).

19.42.020 Definitions.

"Farm products" means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

"Farmers' market" means a market at a fixed location, open to the public, operated by the property owner or the full-time lessee of the property or, in the case of schools and parks, by a market operator selected by that property owner. Vendors who regularly participate during the market's hours of operation are producers, or family members of producers. Only farm products and value-added farm products are sold. No alcohol products or marijuana infused products shall be sold.

"Places of worship sites" means a property that includes a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

"Producer" means a person or entity that raises or produces farm products on land that person or entity farms and owns, rents, or leases.

"School" means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

"Value-added farm product" means any product processed by a producer from a farm product, such as baked goods, jams, and jellies. (Ord. 3338 § 1, 2017; Ord. 3324 § 1, 2016).

19.42.030 Allowed locations in residential districts and permitting process.

Farmers' markets are allowed in the locations given below, subject to the following permitting processes:

(1) Schools and places of worship sites. The city's community development director or his/her designee ("director") shall approve, approve with conditions or deny a farmers' market permit based on findings that all of the operating standards in LMC 19.42.040 are satisfied.

(2) City parks and facilities. The park and recreation director or his/her designee is responsible for making the decision. In general, farmers' markets in city parks and facilities should meet the operating standards given in LMC 19.42.040. The city is not obligated to allow farmers' markets in city parks and facilities.

(3) Private property that is two acres or more in size. Farmers' markets in these locations are subject to the following:

(a) Approval of a special property use permit per LMC 19.12.050;

(b) Conformance to LMC 19.42.040.

The appeal board of adjustment is the deciding body for approving the special property use permit for farmers' markets. The community development director or his/her designee is responsible for ensuring the farmers' market operations are consistent with any conditions of the special property use permit and the operating standards given in LMC 19.42.040. (Ord. 3338 § 1, 2017).

19.42.040 Operating standards.
Farmers' markets in residential zoning districts are subject to the following operating standards:

(1) No more than 10 vendors shall be selling at the market at any one time. The outdoor activity area shall be no more than 5,000 square feet in size;

(2) Activities related to a farmers' market shall not occur on the property more than 53 days each property tax assessment year. Activities related to a farmers' market (including set-up and tear-down times) shall not occur between the hours of 8:00 p.m. and 9:00 a.m.;

(3) Where available, parking for vendors and customers should be off street;

(4) The use provides adequate vision clearance and shall not obstruct pedestrian access on public streets;

(5) Ingress and egress are safe and adequate when combined with the other uses of the property;

(6) The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;

(7) The use shall not take place on public right-of-way;

(8) The use must conform to setbacks of the zone where it is located unless otherwise approved by the director;

(9) No use shall utilize any handicap parking stalls;

(10) Only one on-site temporary nonilluminated sign (e.g., sandwich board or A-frame sign) is allowed per street frontage. The temporary sign(s) size shall have no more than two faces with each face no larger than 12 square feet in size. The sign(s) must be completely removed from street and neighboring properties' view during off hours and out-of-season times. No off-site signs are allowed and the temporary sign(s) shall not be placed on street rights-of-way. In addition, banners, advertising flags, streamers or clusters of pennants, balloons and other temporary signage placed outside are prohibited; and

(11) Each year, before the market begins, a site plan (application) shall be submitted to the community development department along with a review fee as provided in ~~Chapter 19.06 LMC~~ the Community and Economic Development Department Master Fee Schedule. The site plan shall demonstrate how the above operating standards will be met. (Ord. 3338 § 1, 2017; Ord. 3324 § 1, 2016. Formerly 19.42.030).

Chapter 19.66

PLANNED UNIT DEVELOPMENT

Sections:

19.66.010 Purpose.
19.66.020 Applicability and scope.
19.66.030 Definitions.
19.66.040 Permitted uses.
19.66.050 Discretionary standards.
19.66.060 Density.
19.66.070 Minimum open space requirements.
19.66.080 Submittal requirements.
19.66.090 Preliminary approval criteria.
19.66.100 Review process and approving authority.
19.66.110 Expiration of preliminary PUD approval.
19.66.120 Final PUD approval.
19.66.130 PUD amendments.
19.66.140 Pre-existing planned unit developments.
19.66.150 Severability.

19.66.010 Purpose.
The purpose of this chapter is to establish a review process for certain types of residential development. The planned unit development (PUD) process provides an alternative to the traditional approach to subdividing property, allowing for variety in plat design and building type in exchange for open space, recreational amenities and better overall design. The PUD process is designed to achieve:

(1) The preservation of open space, critical areas as defined by Chapter 17.10 LMC, natural vegetation and significant trees, watercourses, historic buildings and places and other features of value to the community;

(2) Efficient street and utility systems through the clustering of structures;

(3) Use of innovative methods and concepts not readily available under traditional subdivision and zoning methods; and

(4) Flexibility to encourage a more creative development approach that will result in a more efficient, aesthetically pleasing and desirable use of land. (Ord. 3033 § 2, 2007).

19.66.020 Applicability and scope.
(1) The PUD zone shall be a floating overlay zone and shall apply to a single property or grouping of contiguous properties when application is made in accordance with this chapter. The provisions of this chapter may be utilized in the R-1, R-2, R-3, R-4, and TNR zoning districts. Unless otherwise provided, the underlying land use regulations of the zone in which the property is located shall still apply. The PUD process may not be applied to single-family lots that are incapable of further subdivision, and may not serve as a means of avoiding procedures more appropriately reviewed under the variance provisions of Chapter 19.12 LMC. There is no minimum size area required for a site to qualify as a PUD; provided, that the other applicability standards and eligibility requirements set forth in this section are met.

(2) Unless a proposal qualifies under subsection (3) of this section, a PUD development application shall be processed concurrently with an application for preliminary plat (subdivision) and provides a mechanism to vary from some subdivision and zoning standards as more specifically set forth herein. The PUD approval shall be superimposed on the underlying zoning district and shall constitute a limitation on the use and design of the site. Short subdivisions (short plats) are not eligible to use the PUD provisions.

(3) Development that does not include the division of land (e.g., attached dwelling units, multi-family development, apartments, etc.) shall not be required to submit for concurrent subdivision approval and may utilize the provisions

of this chapter; provided, that the use is permitted in the underlying zoning district and that all standards of this chapter are met. (Ord. 3182 § 8, 2011; Ord. 3033 § 2, 2007).

19.66.030 Definitions.
For the purposes of implementing this chapter, the following definitions apply:

"Gross density" means the total number of dwelling units divided by the total project area, without subtracting areas devoted to open space, roadways, parks or similar public use and infrastructure areas.

"Open space" means any land or area that is retained for use as active or passive recreation areas, or for resource protection in an essentially undeveloped state. Open space may be: (1) dedicated to the city; (2) placed in a conservation easement; or (3) owned by a homeowners' association. Building setbacks, yards, rights-of-way, and undeveloped portions of residential lots shall not be included as open space. Open space may be utilized for stormwater management through low impact development (LID) approaches that utilize dispersion and/or infiltration of stormwater runoff. Stormwater facilities that serve as a recreational or aesthetic amenity may be utilized to satisfy up to one-quarter of the required open space area.

"Planned unit development" or "PUD" means a development that differs from a conventional subdivision or development by means of enhanced and unified site design, building layout, environmental protection, and open space preservation in a more clustered setting than allowable under the zoning regulations of the base zone. As regulated by this chapter, a PUD is a floating zoning designation subject to discretionary approval. In appropriate circumstances and as approved, the PUD overlay allows an applicant to take advantage of discretionary zoning and subdivision standards as specifically set forth in this chapter. (Ord. 3351 § 9, 2017; Ord. 3033 § 2, 2007).

19.66.040 Permitted uses.
Any use consistent with the underlying residential zoning district designation of the parcel(s) within the proposed PUD boundary may be permitted within a PUD. In addition, attached single-family dwelling units (e.g., townhomes) located on individual lots and owned in fee may be allowed in all residential zoning districts through the PUD approval process, consistent with LMC 19.66.050, which allows for the consideration of a zero lot line setback. In addition, multifamily dwelling units (e.g., condominiums, apartments) may be allowed in the R-2 zoning district as part of PUD; provided, that the total number of multifamily units does not exceed 35 percent of the total dwelling units of the proposal. The city retains the right under this chapter to impose conditions deemed necessary to protect the interests of adjacent properties including, but not limited to, required buffering, limitations on building height and bulk, and the imposition of design standards. Regardless of the proposed use(s), the density within a PUD shall not exceed the gross density allowed in the underlying zoning district per LMC 19.66.060. (Ord. 3033 § 2, 2007).

19.66.050 Discretionary standards.
Upon compliance with this chapter, the use of land may comply with the provisions in this section in lieu of some of the provisions of the zone where the property is located, and applicable subdivision standards. In approving a PUD, the city may grant modifications to standards that would otherwise apply under a conventional subdivision. This discretion is only extended to the following standards:

(1) Minimum lot size and building site dimensions;

(2) Yard requirements (setbacks), including front, rear and side. Zero lot line setback configurations may be approved;

(3) Minimum dimension requirement as set forth in LMC 19.80.130;

(4) To provide opportunities for unique development designs and the ability to accommodate site constraints, the minimum development standards for street right-of-way improvements including the regulations related to right-of-way width, pavement width, planting strips, sidewalk construction and similar standards may be modified for the "residential access" street classification, subject to review and approval by the city engineer and city fire chief if the applicant demonstrates that all of the following criteria are met:

(a) There are topographical or physical conditions such as steep slopes, wetlands, stormwater mitigations, streets, utilities, lot patterns, street patterns or other conditions that justify departure from strict adherence to the standard to be modified;

(b) That the modification is consistent with sound engineering principles and it will be safe, practical and efficient;

(c) That the proposed modification is consistent with the intent and purpose of the standard being modified; and

(d) That the proposed modification is consistent with the goals and policies of the comprehensive plan;

(5) Additional proposed deviations from city standards may be approved in accordance with LMC 19.80.180 as part of the preliminary plat process. (Ord. 3089 § 3, 2009; Ord. 3033 § 2, 2007).

19.66.060 Density.
The gross density of a PUD shall not exceed what would be permissible in the underlying zoning district. (Ord. 3033 § 2, 2007).

19.66.070 Minimum open space requirements.
(1) A minimum of 20 percent of the total area of the PUD shall be devoted to open space, which may include recreation amenities and community area. At least half of the required open space (e.g., 10 percent of the overall site) must be suitable for recreational use and shall be in addition to open space set aside as part of a traditional subdivision or development due to critical area buffers, topography and other similar limiting factors. Development and improvement of recreational facilities and amenities shall be the responsibility of the applicant and may be required as a condition by the city.

(2) Open space, playground or recreational areas shall be available for use by residents of such PUD, and the general public if the area is dedicated to the city, and shall consist of land area within the boundaries of the PUD upon which no structures (other than playground and recreational structures) are to be erected. Open space may be conveyed to the city as approved, placed in a conservation easement, conveyed to a homeowners' association, or other acceptable means as determined by the director. The city is not obligated to accept land dedications and may require that open space and recreational areas be owned and maintained privately.

(3) That portion of the PUD that is to be dedicated to the city and used for public park purposes shall be determined and dedicated in accordance with LMC 19.80.130 and RCW 82.02.020. A fee-in-lieu of land dedication may be approved by the city. Improvements shall also be made as specified by the city. Plans for development, use, maintenance and operation of open space, playground and recreational areas of a PUD shall be coordinated with the proposed plans for public park development, use, maintenance and operation of the city department of parks and recreation. (Ord. 3089 § 4, 2009; Ord. 3033 § 2, 2007).

19.66.080 Submittal requirements.
An application for approval of a PUD shall be submitted to the community development department on forms provided by the department along with payment of fees as established ~~fees~~ in the Community and Economic Development Department Master Fee Schedule. For those PUD developments that include the division of land, a PUD application shall only be accepted as complete if it is submitted concurrent with an application for preliminary plat approval that includes all information required pursuant to Chapter 19.80 LMC and other applicable city regulations. Twenty-five copies of all associated application materials must be submitted in hard copy format. Digital application materials (e.g., CD copies) may fulfill a portion of the required hard copy applications as approved by the city. An applicant for a PUD shall submit the following items to the city, unless the director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

(1) A detailed narrative that includes:

(a) A description detailing how the proposed development will be superior to or more innovative than conventional development methods as allowed under the city's land use regulations and how the approval criteria set forth in LMC 19.66.090 have been satisfied;

(b) A description of how the proposed PUD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;

(c) A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;

(d) A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;

(e) A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;

(f) Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;

(g) A description of the specific city standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with LMC 19.66.050; and

(h) A description of potential impacts to neighboring properties and how impacts have been mitigated through site design, screening, buffering and other methods;

(2) A site plan with the heading "Planned Unit Development Site Plan" that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;

(3) Elevation drawings illustrating facade and building design elements, including height, overall bulk/mass and density and proposed residential design features that will provide for a superior development;

(4) A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PUD site plan and narrative;

(5) A phasing plan, if the development will occur in distinct phases with a written schedule detailing the timing of improvements;

(6) A draft development agreement, if proposed by the applicant or as required by the city; and

(7) A draft of proposed covenants, conditions and restrictions as required to demonstrate compliance with this chapter. (Ord. 3033 § 2, 2007).

19.66.090 Preliminary approval criteria.
Planned unit developments shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the city that all of the following have been met:

(1) The proposed PUD conforms to:

(a) All provisions of the city's development code and engineering design standards not proposed for modification in accordance with LMC 19.66.050;

(b) All provisions of the city's critical area ordinance; and

(c) All other applicable city standards as set forth in the Longview Municipal Code and all state or federal regulations, except those city standards proposed for modification;

(2) Approving the proposed PUD will serve the public use and interest and adequate provision has been made for the public health, safety, and general welfare;

(3) The subject site is physically suitable for the type, density and intensity of the use being proposed and will not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures;

(4) The proposed PUD will be superior to or more innovative than conventional development without additional probable significant adverse impact to public health, operation and maintenance of city facilities and utilities, safety or the environment, than available through the use of conventional development standards. The proposed landscaping, open space and recreational features are superior to that normally required by the city as part of a standard subdivision or development;

(5) Proposed structures, uses and roads shall be located to minimize disturbance to natural features;

(6) Open space shall be clearly identified and shall protect natural features including critical areas designated and regulated by Chapter 17.10 LMC, other significant natural or cultural features identified, and passive and active recreational areas;

(7) The open space within the PUD is integrated into the design and the open space provided is in excess of what would be required as part of a standard subdivision or development due to critical areas and other constraints in accordance with LMC 19.66.070;

(8) The perimeter of the PUD shall be appropriate in design, character and appearance with the existing or intended character of development adjacent to the subject property;

(9) Open space and park and recreational areas must be dedicated to the city or otherwise held in common with provisions set forth for perpetual maintenance;

(10) The plan for the proposed development shall present a unified and organized arrangement of buildings, service facilities, public or private parkland and open spaces which are consistent with this chapter and are not substantially detrimental to surrounding properties;

(11) Required open space, playgrounds and recreational areas, including land dedicated as public parks, shall be permanently designated in the restrictive covenants of the proposed subdivision or development, and shown on the PUD site plan and preliminary subdivision map. The manner in which open space, playground and recreational areas not dedicated to the city are to be maintained shall be indicated with appropriate assurances provided, which may include the formation of a homeowners' association;

(12) Areas proposed for public park land and dedicated to the city shall be reviewed by the parks and recreation department and shall be accessible for use by all residents of the city;

(13) In approving a PUD, the city may impose conditions to carry out the above criteria and the intent of this chapter. (Ord. 3033 § 2, 2007).

19.66.100 Review process and approving authority.
(1) A PUD that is processed in conjunction with a subdivision shall follow the procedures set forth in Chapter 19.80 LMC for plats. The city shall combine the review process, public hearing, notice requirements and other procedural steps as applicable. The community development department may also issue a combined staff report and set of findings and recommended conditions of approval for any proposed joint PUD/subdivision proposal. A PUD application that is not processed in conjunction with a subdivision shall be approved, conditionally approved or denied by the city council, upon recommendation of the planning commission following an open-record pre-decision hearing before the commission. The notice and distribution of a PUD application that is not processed in conjunction with a subdivision shall follow the requirements set forth in LMC 19.80.100 through 19.80.120. The director shall have the option of setting the hearing date on behalf of the commission or deferring to the commission.

(2) Due to the additional staff time needed to review a PUD application, conventional platting review times may need to be extended. By submitting a PUD and concurrent subdivision application to the city, an applicant agrees to extend the time requirements set forth in Chapters 36.70B and 58.17 RCW, and this title relative to the processing of a preliminary plat and/or a project permit by 30 days. (Ord. 3033 § 2, 2007).

19.66.110 Expiration of preliminary PUD approval.
A PUD is approved in conjunction with a subdivision request. Therefore, preliminary PUD approval shall be subject to the same timeframes set forth in Chapter 19.80 LMC for the length of preliminary approval, including the

provisions for granting of an extension. A proposed subdivision and associated PUD shall expire concurrently. For those PUD developments that do not involve the division of land, all required site and off-site improvements must be satisfied within three years or as conditioned, otherwise the approval is void. (Ord. 3033 § 2, 2007).

19.66.120 Final PUD approval.
Final PUD approval shall be granted upon completion of all PUD and preliminary plat conditions in accordance with the procedure set forth for final plat approval in Chapter 19.80 LMC. A final PUD application shall be submitted on forms prepared by the city and include applicable fees as established in the Community and Economic Development Department Master Fee Schedule. A PUD that does not include the division of land shall not be subject to the final PUD approval procedures of this section. (Ord. 3033 § 2, 2007).

19.66.130 PUD amendments.
(1) Minor modification to a previously approved preliminary PUD that has not received final approval or to a PUD not requiring concurrent subdivision approval, may be requested by the applicant and approved administratively by the city; provided, that under no circumstances shall minor modifications be deemed to include:

(a) Substantial modification or relocation of a lot, tract or the location or relocation of a street;

(b) A reduction in any perimeter setback;

(c) An increase in the residential density or gross floor area of the project; or

(d) A reduction of the area set aside for open space and/or recreational land.

(2) An amendment to a preliminarily approved PUD, or to a PUD not requiring concurrent subdivision approval, that does not qualify as a minor amendment, shall be reviewed in accordance with the same procedures provided under this chapter for original PUD approval. Compliance with Chapter 19.80 LMC is also required as applicable.

(3) Modification to an approved PUD shall be reviewed in accordance with the plat alteration standards set forth in this title and Chapter 58.17 RCW as applicable. In addition, all modifications to an approved PUD shall be reviewed for compliance with this chapter, including the hearing and notice provisions. (Ord. 3033 § 2, 2007).

19.66.140 Pre-existing planned unit developments.
Planned unit developments approved under regulations in existence prior to the effective date of this chapter shall continue to be regulated according to the regulations and standards in effect and/or imposed at the time of approval. (Ord. 3033 § 2, 2007).

19.66.150 Severability.
If any provisions of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provisions to other persons or circumstances, shall not be affected thereby. (Ord. 3033 § 2, 2007).

Chapter 19.67

SHORT SUBDIVISIONS

Sections:

19.67.010 Purpose.
19.67.020 Scope.
19.67.030 Preliminary short plat approval.
19.67.040 Final short plat approval.
19.67.050 Expiration.
19.67.060 Issuance of building permit.
19.67.070 Limitations on further subdivision.
19.67.080 Contiguous short plats.
19.67.090 Final acceptance.
19.67.100 Severability.

19.67.010 Purpose.
The purpose of this chapter is to:

(1) Regulate the subdivision of land into four or fewer lots in such a way as to promote the protection of the public's health, safety and general welfare;

(2) Ensure the orderly development of the city consistent with the comprehensive plan, zoning ordinances, and state planning statutes;

(3) Establish procedures which promote the timely review of short subdivisions in the city; and

(4) Enable the conveyance of land, by accurate land description, by reference to an approved short subdivision. (Ord. 3089 § 1, 2009).

19.67.020 Scope.
(1) Except as provided in LMC 19.80.060 or a binding site plan under Chapter 19.90 LMC, any land being divided into four or fewer, lots, sites or parcels for the purpose of conveyance shall meet the requirements of this chapter.

(2) Creation of tracts may be in addition to the lot count; provided, that the tract is reserved as forested lands, part of the open space network, serving as stormwater detention or set aside as an unbuildable area due to critical lands. (Ord. 3089 § 1, 2009).

19.67.030 Preliminary short plat approval.
(1) Preapplication Conference. A preapplication conference is not required but is strongly encouraged. A preapplication conference is nonbinding and advisory in intent and effect.

(2) Application/Fees. The following items are required, in quantities specified by the city of Longview, for a complete short plat application for preliminary approval. Items may be waived if, in the judgment of the community development director, they are not applicable to the proposal:

(a) Completed preliminary short plat application form as prescribed by the community development director with the applicable application fee <u>as identified in the Community and Economic Development Department Master Fee Schedule</u>;

(b) A completed application checklist;

(c) A complete, signed SEPA checklist application, if required;

(d) Complete applications for other required land use approvals, (i.e., special use, shoreline permit, critical area permit) applicable to the proposal;

(e) Vicinity map showing location of the site; and

(f) Site and development plans which provide the following information, drawn to an engineering scale on a standard sheet of paper and including the name of the plat, graphic scale and north arrow:

(i) The names of owners of adjacent land and the names of any adjacent subdivisions;

(ii) Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted);

(iii) Locations of existing and proposed public street rights-of-way and easements and private access easements;

(iv) Footprint and setbacks of all existing structures on the site;

(v) Lot area; lot line dimensions and average widths for each lot;

(vi) Location of proposed new property lines and numbering of each lot;

(vii) Location, dimensions and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements;

(viii) Location of any proposed dedications;

(ix) Existing and proposed topography at two-foot contour intervals, extending to five feet beyond the project boundaries;

(x) Location of any critical areas, critical area buffers, and existing trees as required under LMC Title 17;

(xi) Description, location and size of existing and proposed storm drainage facilities; and

(xii) Locations of all fire hydrants within 500 feet of the proposal.

(3) Review Procedures.

(a) Referral to Other Departments. Upon receipt of an application for a short subdivision, the community development department shall transmit 12 copies of the application to the public works department and one copy to any other department or agency deemed necessary to review the proposal.

(b) Additional Submittals. The review process will determine if additional studies or submittals are required with regard to SEPA, critical areas, archaeological or historical significance. Also during the review process, the city engineer will determine if additional studies are needed such as, but not limited to, the following:

(i) Stormwater Report, Traffic Impact Analysis and Erosion Control Plan. If further material is required, the review process cannot be completed until the required information is submitted to the planning department by the applicant.

(c) Proposed short subdivisions located adjacent to the right-of-way of state highways shall be submitted to the Washington Department of Transportation (WSDOT) for review, consideration and recommendation. This condition may be satisfied as part of the SEPA process. However if a SEPA checklist is not required, the community development department shall notify WSDOT of the proposal. Recommendations from Washington Department of Transportation, if received in a timely manner, shall be included in the conditions of approval for the short subdivision.

(d) Community Development Director. The community development director may approve, approve with modifications, or deny the application for a preliminary short plat. No formal meeting is required so long as the community development director obtains the recommendations and consent of the other members of applicable departments or agencies before issuing a decision.

(4) Criteria for Preliminary Short Plat Approval. The community development director shall base his decision on an application on the following criteria:

(a) The proposed short plat is in conformance with the Longview comprehensive plan and any other city adopted plans;

(b) Public improvements may be required of any short subdivision and shall by installed at the expense of the owner. Unless otherwise noted, all designs shall be consistent with the Kelso/Long view standard plans and specifications; provided, that if a conflict exists between two different standards, the required design shall be determined by the city engineer. The standards within LMC 19.80.130 shall be followed in the development of all subdivisions and shall be considered minimum standards;

(c) Provisions have been made for dedications, easements and reservations;

(d) Appropriate provisions are made to address all impacts identified by the transportation impact analysis, if one was required;

(e) The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended;

(f) Provisions are made for the maintenance of commonly owned private facilities;

(g) The short plat complies with the relevant requirements of the Longview short subdivision code;

(h) The short plat complies with the requirements of the Longview zoning code and other relevant local regulations; and

(i) That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval. (Ord. 3089 § 1, 2009).

19.67.040 Final short plat approval.

(1) Application. The following items are required, in quantities specified by the community development director, for a complete application for final plat approval. Items may be waived if in the judgment of the community development director the items are not applicable to the particular proposal:

(a) Completed short plat final approval form and applicable fees as identified in the Community and Economic Development Department Master Fee Schedule;

(b) Completed application checklist;

(c) A plat certificate from title insurance company documenting the ownership and title of all interested parties in the plat, subdivision or dedication, and listing all encumbrances. The certificate must be dated within 45 calendar days prior to the date of filing the application for final plat approval;

(d) Documentation of the square footage of each lot and mathematical boundary closure of the subdivision and of each lot and/or tract showing the error of closure, if any;

(e) Three copies of the final plat survey in conformance with the standards set forth in LMC 19.80.170, as applicable;

(f) Public improvements must either be complete or secured. If secured, the developer/owner must submit a subdivision improvement bond or other financial security in a form acceptable to the city attorney in the amount of 150 percent of improvement cost of deferred improvement per LMC 19.80.210(3);

(g) City installation of water services and/or sewer laterals shall be in accordance with Kelso/Longview standard plans and specifications;

(h) Any documentation necessary to demonstrate conditions of preliminary plat approval have been met; and

(i) Private covenants intended to be recorded with the plat.

(2) Final Approval Review Procedures.

(a) Referral to Other Departments and Agencies. The planning division shall distribute the final plat to all departments and agencies that commented on the preliminary plat, and to any other departments, special purpose districts and other governmental agencies deemed necessary to review the approval.

(b) Departmental Approval. The public works department and other interested departments and agencies shall review the final plat and submit to the planning division written comments with respect to the final plat decision criteria.

(3) Criteria for Final Plat Approval. The community development director may approve the final plat provided:

(a) That the proposed final plat bears the required certificates and statements of approval;

(b) That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has submitted with the proposed final plat a subdivision improvement bond or other security in conformance with LMC 19.80.210;

(c) That the land surveyor certifies the plat as accurate;

(d) That the plat is in substantial conformance with the approved preliminary plat; and

(e) That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval.

(4) Signing the Plat. Once approved, two copies will be submitted for signature and shall include:

(a) Signatures on the following certificates on the face of the plat from the surveyor that prepared the plat.

(b) Signatures of the property owner(s) on the face of the plat.

(c) Signature and date lines for the city engineer, the Cowlitz County treasurer and the Cowlitz County auditor.

(5) Filing the Plat. The applicant shall file the final plat with the Cowlitz County auditor's office. The plat will be considered complete when the signed and recorded copy of the plat is returned to the community development department. (Ord. 3480 § 1, 2023; Ord. 3089 § 1, 2009).

19.67.050 Expiration.
If the short plat is not recorded within five years of the date of preliminary short plat approval, the short plat shall become null and void. Upon written request by the subdivider prior to the expiration date, the community development director may grant one extension of not more than one year. (Ord. 3089 § 1, 2009).

19.67.060 Issuance of building permit.
No building permit shall be issued prior to final plat approval and until completion of essential site improvements including but not limited to water distribution system including fire protection, sanitary sewer system, storm drain system, final street surfacing, traffic-control devices and street lighting, and other infrastructure as deemed adequate by the city engineer. No occupancy permit shall be issued prior to satisfactory completion of required improvements unless otherwise bonded for and approved by the city. (Ord. 3089 § 1, 2009).

19.67.070 Limitations on further subdivision.
Any land short platted shall not be further divided for a period of five years without following the provisions for subdivision. This provision applies to any lots, tracts or parcels recorded as part of the plat. (Ord. 3089 § 1, 2009).

19.67.080 Contiguous short plats.
No application for a short plat shall be approved if the land being divided is held in common ownership with a contiguous parcel that has been divided in a short plat within the preceding five years. (Ord. 3089 § 1, 2009).

19.67.090 Final acceptance.
(1) Administrative land use approvals are exempt from final acceptance by city council. The city community development director upon receipt and approval of the following will grant the final acceptance:

(a) Acceptance by the engineering department for completion of all punch list items including but not limited to:

(i) Computer disc containing final plat and as-built drawings;

(ii) Street signs; and

(iii) Landscaping requirements.

(b) A warranty bond for up to two years for public improvements equal to 10 percent of the cost of the improvements has been posted.

(c) Binding maintenance agreements have been recorded to provide for the maintenance of commonly owned private facilities.

(2) Upon final acceptance, buildings may be granted final occupancy at the discretion of the building division. (Ord. 3089 § 1, 2009).

19.67.100 Severability.
(1) These regulations shall not be construed as affecting the liability of any person or as waiving the right of the city under any provisions existing at the time of adoption of these regulations, or as annulling any right obtained by any person by lawful action of the city under provisions existing at the time of adoption of these regulations.

(2) If any part of these regulations or applications thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not impair the validity of the remainder of these regulations. (Ord. 3089 § 1, 2009).

Chapter 19.68

BOUNDARY LINE ADJUSTMENTS

Sections:

19.68.010 Purpose and intent.
19.68.020 Authority.
19.68.030 Definition.
19.68.040 Scope.
19.68.050 Application.
19.68.060 Community development department decision.
19.68.070 Recording.
19.68.080 Appeals.

19.68.010 Purpose and intent.
The purpose of this chapter is to establish procedures for the approval of boundary line adjustments in order to ensure that such divisions of land are accomplished in an orderly manner, with proper records established, and in compliance with applicable laws. (Ord. 2889 § 1, 2004).

19.68.020 Authority.
This chapter is adopted pursuant to the authority of RCW 35A.63.100(3), Chapter 58.17 RCW, and laws of the state of Washington. (Ord. 2889 § 1, 2004).

19.68.030 Definition.
A boundary line adjustment is defined as a division of land made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a building site and may be accomplished in nonconforming situations when the degree of nonconformity is not increased. (Ord. 2889 § 1, 2004).

19.68.040 Scope.
The submittal of boundary line adjustment applications for city approval under this chapter shall be required by the affected property owners. Said approval shall be consistent with the provisions of this chapter. (Ord. 2889 § 1, 2004).

19.68.050 Application.
All applications for boundary line adjustments shall be submitted to the director on application forms made available in the community development department. The application shall include the signatures of all property owners affected by the adjustment. In addition, a drawing measuring not less than 18 inches by 22 inches, drawn to scale, shall be provided with the following information:

(1) Existing property lines shown as dashed or broken lines, and adjusted property lines shown as solid lines;

(2) Distance between existing and adjusted line(s);

(3) Dimensions of all property lines before and after adjustment;

(4) Location of all existing buildings, with closest distance between each building and all existing and proposed property lines displayed;

(5) Legal description of each lot involved prior to the boundary line adjustment;

(6) Legal description of each lot involved after the boundary line adjustment;

(7) Location of existing and proposed easements that are in favor of a public entity;

(8) The location of public and private streets;

(9) A fee as established ~~by the city council by resolution.~~ in the Community and Economic Development Department Fee Master Schedule. (Ord. 2889 § 1, 2004).

19.68.060 Community development department decision.
The community development department's approval shall be based on whether or not the proposed boundary line adjustment meets the following standards:

(1) The boundary line adjustment does not create any additional new lots;

(2) The boundary line adjustment does not create any lot which does not meet the minimum lot width and area standards for the zone district in which it is located;

(3) The boundary line adjustment does not increase the degree of nonconformance of structures, lots, or other factors with respect to zoning standards;

(4) The boundary line adjustment makes provision for all necessary utility easements;

(5) The adjusted lots meet the building site dimensions for the district in which the parcel is located, with respect to configuration and access to public streets; or if the existing lots do not meet these requirements, the adjusted lots do not increase the degree of nonconformity.

The community development department shall take action on the request within 20 working days from the date the application is deemed complete. The applicant shall be notified in writing of the action. (Ord. 2889 § 1, 2004).

19.68.070 Recording.
If the proposed boundary line adjustment is approved:

(1) The applicant shall cause a survey map to be prepared and recorded with the Cowlitz County auditor's office measuring at least 18 inches by 22 inches. Full surveys are not required for boundary line adjustments when a single property line is involved. At a minimum, the survey map shall contain the following information:

(a) A north point, graphic scale and small vicinity map;

(b) Old property lines and dimensions as dashed or broken lines, new property lines and dimensions as solid lines.

(c) All property lines shall be fully dimensioned, with the area calculations for each lot noted on the face of the plat;

(d) Correct street names and current zoning designation;

(e) Names of all affected property owners, and addresses of affected parcels. If a parcel is vacant, an address will be assigned by the city;

(f) Building locations, building setbacks (distance from existing structures to nearest property lines), location of easements, utility connection points and public and private streets;

(g) Identification of all lots involved as Lot 1, Lot 2, etc.;

(h) Signature blocks for all property owners;

(i) Signature blocks for the community development director and public works director.

(2) Legal descriptions shall be prepared for each lot after the boundary has been relocated, and the legal description for each lot shall be placed on the face of the survey map.

(3) Any previous short plat or boundary line adjustments shall be noted on the survey map in the title block or plat notes;

(4) The survey map shall contain a surveyor's certificate consistent with RCW 58.09.080 and all other certificates and other information required by Chapter 58.09 RCW.

(5) A copy of the recorded survey shall be provided to the community development department.

(6) On the face of the survey map, the language of any and all covenants, deed restrictions, or other property use limitations on the property shall be set forth, together with the volume and page where such language is recorded. (Ord. 3480 § 2, 2023; Ord. 2889 § 1, 2004).

19.68.080 Appeals.
(1) Any person aggrieved by the decision of the community development director under LMC 19.68.050 may appeal the decision to the appeal board of adjustment in a manner described in Chapter 19.12 LMC.

(2) Appeals shall be submitted to the community development department in writing within 14 calendar days following the date of mailing the decision to the applicant. (Ord. 2889 § 1, 2004).

Chapter 19.80

LONGVIEW SUBDIVISION CODE

Sections:

19.80.010 Citation of chapter.
19.80.020 Purpose.
19.80.030 Authority.
19.80.040 Administration of chapter.
19.80.050 Applicability.
19.80.060 Exemptions.
19.80.070 Penalties and enforcement.
19.80.080 Severability.
19.80.090 Fees.
19.80.100 Review process.
19.80.110 Application requirements.
19.80.120 Approval criteria.
19.80.130 Minimum standards.
19.80.140 Master plan – Phasing.
19.80.150 Submission of construction plans.
19.80.160 Final plat procedure.
19.80.170 Final plat drawing and recording.
19.80.180 Modification to adopted standards.
19.80.190 Modifications to approved preliminary plats.
19.80.200 Alteration or vacation of approved subdivisions.
19.80.210 Assurance for completion and maintenance of improvements.
19.80.220 Latecomer reimbursement.
19.80.230 Appeals.

19.80.010 Citation of chapter.
This chapter shall be known and may hereafter be cited as the “Longview subdivision code.” (Ord. 3090 § 2, 2009).

19.80.020 Purpose.
The purposes of this chapter are to:

(1) Protect the public health, safety and general welfare;

(2) Guide the future growth and development of Longview in accordance with the comprehensive plan;

(3) Provide for adequate space, light and air and ensure protection of the environment;

(4) Protect and conserve the value of land throughout the city and the value of buildings and improvements;

(5) Provide adequate water, sewerage, drainage, transportation and access, fire protection, schools, parks, playgrounds, recreation and other public utilities and facilities;

(6) Provide appropriate ingress and egress;

(7) Establish standards of design and procedures to further the orderly layout and use of land; and

(8) Provide a method for the easy and accurate description of real property for the purpose of conveyance, taxation and assessment. (Ord. 3090 § 2, 2009).

19.80.030 Authority.
The authority for this chapter is derived from RCW 35A.63.100, Chapter 58.17 RCW, and other laws of the state of Washington. (Ord. 3090 § 2, 2009).

19.80.040 Administration of chapter.
The community development director, referred to hereafter as the "director," is authorized and directed to administer the provisions of this chapter, and he/she shall be and is granted the authority to summarily approve or disapprove of activity proposed in accordance with this chapter. (Ord. 3090 § 2, 2009).

19.80.050 Applicability.
All divisions of land except those listed in LMC 19.80.060 shall be subject to the requirements of this chapter.

(1) Subdivisions ("Long" Plats). A subdivision is the division of any lot, parcel or tract of land into five or more lots or tracts, or other divisions of land for the purpose of sale or lease, whether immediate or future, including resubdivision or replatting of land or lots, to include land within short subdivisions that is further divided within five years of the effective date of the short subdivision in accordance with RCW 58.17.060. (Ord. 3090 § 2, 2009).

19.80.060 Exemptions.
The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land except when a dedication to the public is necessary; provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use, when the approval authority has approved a binding site plan for use of the land in accordance with Chapter 19.90 LMC;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines in accordance with Chapter 19.68 LMC, between platted or non-platted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land made by subjecting a portion of a parcel or tract of land to Chapter 64.34 RCW (Condominiums) if the approval authority has approved a binding site plan in accordance with Chapter 19.90 LMC;

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that

electric utility facilities subject to the provisions of this subsection are planned and constructed. (Ord. 3090 § 2, 2009).

19.80.070 Penalties and enforcement.
Any person who shall subdivide property, except as herein provided, for the development, sale or lease thereof shall be guilty of a misdemeanor. It is unlawful to sell, offer to sell, lease, transfer or otherwise dispose of any real property which is subject to the provisions of this chapter except where specifically exempted. Any person or any agent of any person who violates any provision of this chapter shall be guilty of a gross misdemeanor. Each sale, offer for sale, lease or transfer of each separate lot in violation of any provision of this chapter and subsequent application of penalty shall not relieve the violator from compliance with this chapter. (Ord. 3090 § 2, 2009).

19.80.080 Severability.
If any subsection of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion shall be deemed a separate provision of this chapter and such holdings shall not affect the validity of the remaining portions of this chapter. These regulations shall not be construed as affecting the liability of any person or as waiving the right of the city under any provisions existing at the time of adoption of these regulations, or as annulling any right obtained by any person by lawful action of the city under provisions existing at the time of adoption of these regulations. (Ord. 3090 § 2, 2009).

19.80.090 Fees.
Fees for applications and permit review associated with actions authorized by this are as ~~prescribed in LMC 19.06.060~~ established in the Community and Economic Development Department Master Fee Schedule and shall be paid to the city with the filing of each application. Such payment shall be made to the department of community development. (Ord. 3090 § 2, 2009).

19.80.100 Review process.
Subdivisions shall be reviewed in accordance with the process set forth below and shall also be consistent with the provision set forth in Chapter 58.17 RCW.

(1) Subdivisions. Subdivisions are approved or disapproved by the Longview city council upon receipt of the recommendation, findings and public hearing record transmitted by the Longview planning commission. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from date of filing a complete application thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. The approval authority shall base its decision on the review criteria set forth in LMC 19.80.120.

(2) Public Hearing – Subdivisions. The preliminary plat shall be filed not less than 21 days prior to any planning commission meeting. The planning commission shall set the hearing date and the director shall cause notice to be prepared. Only one open-record public hearing is allowed. Public notice of complete subdivision applications shall adhere to the following standards:

(a) Publication of Notice of Public Hearing. The city shall publish at least one public notice of the public hearing of the application before the planning commission in the city's official newspaper, which notice shall be published at least 10 days prior to the hearing date. A combined SEPA/public hearing notice requires publication at least 14 days prior to the hearing date. Notice of such hearing shall also be mailed to the applicant and to all adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, to be located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. The records of the Cowlitz County assessor shall be used in notifying owners of adjacent property. Persons requesting notice of the city's action on an application shall also be notified.

(b) Integrated Notice of SEPA Decision and Public Hearing. The city shall provide notice of the threshold determination as set forth in Chapter 17.20 LMC, and attempt to integrate such notice in the notice for the planning commission's public hearing on the application. The public hearing shall be held after expiration of any SEPA comment period, but in general, should not be held more than 45 days after the city's SEPA determination.

(c) Contents of Public Hearing Notice. Public notices shall contain the following:

(i) A description of the location of the proposed subdivision in two forms: a legal description and a location description in general terms;

(ii) An announcement of the date, time and place of the public hearing;

(iii) A listing of all elements of the total proposal for which approval is sought, including not only application for preliminary plat approval, but also any applications or requests for variances, zoning map amendments, comprehensive plan map amendments or other matters;

(iv) A statement that interested persons are invited to attend the public hearing to express their position or to make written comments in order that they can be made a part of the public hearing process; and

(v) For those notices that are mailed to adjacent landowners, the city may include a copy of the preliminary plat map and other information deemed useful or appropriate.

(d) Planning Commission Hearing. The planning commission shall conduct an open-record public hearing on the preliminary plat application, and shall review all materials, take public testimony and deliberate and vote. The commission shall make no recommendation without considering the consolidated staff report and any other reports, recommendations and comments of city officials and public agencies. The planning commission's recommendation shall be based on the criteria set forth in LMC 19.80.120, and shall include written findings of fact and conclusions. The planning commission's written recommendation shall be forwarded to the city council within 14 days after the planning commission's vote to either recommend approval, denial or approval with conditions of the preliminary plat. A tape recording shall be kept of the public hearing by the city.

(e) City Council Review of Recommendation – Subdivisions. Upon receipt of the recommendation on any preliminary plat, the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the planning commission and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the council deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the legislative body shall adopt its own recommendations and approve or disapprove the preliminary plat. Every decision or recommendation made under this section shall be in writing and shall include written findings to support the decision or recommendation. A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection. The applicant shall be notified of the outcome and provided with a list of conditions, as approved. (Ord. 3090 § 2, 2009).

19.80.110 Application requirements.

(1) Preapplication Conference. A preapplication conference is required for all subdivision applications. The preapplication conference is a means of screening subdivision proposals in their earliest stages of design before proponents are committed to a particular design. It is also a means for staff and other public officials to convey information, identify problems and information, to determine a proposal's feasibility, to acquaint the prospective applicant with the procedural steps for plat approval. Participation in a preapplication conference and agreement by a prospective applicant to conclusions reached at such conference shall in no way guarantee project approval, prohibit changes of opinion by public agency participants, or prohibit identification and discussion of such additional problems or issues as may arise in the review process. A preapplication conference is nonbinding and advisory in intent and effect.

(2) Application Contents. The applicant shall submit the following materials for subdivision applications:

(a) Completed preliminary plat application on form supplied by the city;

(b) Payment of all required fees;

(c) Completed SEPA environmental checklist;

(d) If critical areas exist on the subject site, the permit and report requirements of Chapters 17.10 and 17.12 LMC shall be adhered to and submitted with the preliminary plat application; provided, that the city engineer may require a geotechnical report in cases where project development may be impacted by underlying soils, even if such area is not officially classed as a critical area;

(e) Preliminary drawings showing sanitary sewer, water and stormwater cross-sections and grade profiles of the existing ground and proposed streets;

(f) Twenty-five copies of the preliminary plat, conforming to the specifications of this chapter, including 11-inch by 17-inch copies of all large plans so that copies can be made;

(g) If the property is to be developed in phases, each phase shall be clearly labeled and demarcated on the preliminary plat and the master plan requirements of LMC 19.80.140 shall be met;

(h) Copy of a recent title report for the property issued within the last 60 days, including a legal description according to the official records in the office of the county auditor;

(i) A verified statement with original signatures that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;

(j) Traffic impact analysis report as required by the city pursuant to Chapter 12.50 LMC;

(k) If it has been determined that a zoning map amendment or variance is required for approval of the preliminary plat, completed applications for the same if not previously submitted and reviewed;

(l) A tree survey and preservation plan, report or drawing that complies with LMC 19.80.130 LMC;

(m) Preliminary stormwater site plan that complies with Chapter 17.80 LMC; and

(n) Project Narrative. A preliminary subdivision application shall include a narrative that addresses the following topics:

(i) Description of the uses proposed for the site;

(ii) Phasing plan, if applicable;

(iii) Construction schedule;

(iv) Any deviations or variances proposed pursuant to LMC 19.80.180;

(v) Existing covenants or restrictions and easements, if applicable;

(vi) History of any previous subdivisions and short subdivisions of the property; and

(vii) Other items required pursuant to applicable portions of LMC.

(3) Plat Specifications. Preliminary plats shall be presented on a sheet or sheets having dimensions no larger than 18 inches by 24 inches and shall be drawn at a scale of one inch equals 50 feet or larger. Other scales may be used if approved by the city engineer and director. The following information shall be shown on the preliminary plat in one or more sheets:

(a) General. The following general items shall be included:

(i) The proposed name of the subdivision, together with the words “preliminary plat”;

(ii) The tract/lot designation(s) of the proposed subdivision as shown in the records of the Cowlitz County assessor, including lot numbers, section, township and range;

(iii) Date, north-pointing arrow, and scale of drawing;

(iv) Name and address of the owner(s) of the property to be subdivided, of the applicant or subdivision agent; if other than the owner, and of the surveyor and engineer; and

(v) A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property and streets.

(b) Existing Features. The following existing features shall be shown:

(i) Existing structures and other site improvements (parking, driveways, pedestrian/bicycle paths, etc.) and any proposed structures to remain;

(ii) Location, pavement and right-of-way widths, and names of existing public or private streets, roads or alleys within or abutting the tract;

(iii) Location and size of existing sewers, water mains and stormwater facilities;

(iv) Location of existing lot lines, easements, railroads, monuments, property markers, section lines and city boundary lines within or abutting the tract;

(v) Watercourses, ditches, areas of flooding or ponding, rock outcroppings, and trees eight inches or more in diameter measured four feet above the ground;

(vi) The names and addresses of adjoining property owners from the latest assessment rolls within 300 feet of all boundaries of the proposed subdivision, shown on the plat in relationship to the property to be subdivided or provided in a separate document;

(vii) Contour lines illustrating topography at two-foot intervals for slopes less than 10 percent and at five-foot intervals for slopes over 10 percent. Contour lines shall extend at least 100 feet beyond the boundaries of the proposed subdivision. Contours shall be relative to sea level and based on city approved datum;

(viii) All critical areas shall be shown including streams, wetlands, geological hazard areas and all associated buffers;

(ix) For subdivisions proposed in the 100-year floodplain, base flood elevation benchmarks.

(c) Proposed Features. The following proposed features shall be shown on the preliminary plat:

(i) The boundary of the proposed subdivision drawn in a bold line;

(ii) Locations and dimensions of proposed streets, alleys, other public and private ways, easements, lot lines and utilities, with the purpose of easements stated;

(iii) Locations, dimensions and area of public and common park and other open space areas;

(iv) Proposed number assigned to each lot and block, with lots numbered consecutively in a block; proposed names of all streets;

(v) Identification of all areas proposed to be dedicated for public use, with designation of the purpose thereof and any conditions;

(vi) When more than one type of use is proposed, the location, dimensions and area for each type of use (such as single-family, two-family, or multifamily residential uses);

(vii) If the subdivision borders a river or stream, or drainage ditches the approximate mean high and mean low water elevation and the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of the waterway;

(viii) Determination of complete application. Within 28 days after the applicant submits all of the elements of a complete application, including the necessary application fee(s), the city shall determine whether the application is complete. If the city determines that the application is not complete, the city shall notify the applicant that the application is incomplete in writing. Such notification shall describe what is necessary to make the application complete. If the applicant does not submit the information requested by the city within 90 days after notification by the city that the application is incomplete, the city may determine that the application has lapsed for lack of information. If the city determines that the application has lapsed for lack of information, the applicant may request a partial refund of the application fee. Applications shall not be processed until a determination of completeness is made.

(4) Distribution of Plat Materials. When the director determines that the proposed preliminary plat contains the required information and supplementary data, copies of the plat shall be distributed to applicable city department, other governmental agencies and entities including, but not limited to, the: (a) assistant city manager; (b) director of public works; (c) city engineer; (d) city fire department; (e) city police department; (f) city parks and recreation director; (g) Cowlitz Consolidated Diking Improvement District No. 1; (h) public utility district; (i) Longview School District; (j) applicable special purpose districts; (k) Washington State Department of Transportation; (l) Washington State Department of Ecology; (m) any federal, state and local agency which may have an interest in the subdivision or the properties involved; and (n) the Cowlitz Indian Tribe. The preceding agencies shall forward their comments and recommendations to the department of community development in a timely manner and the planning commission secretary shall forward any comments received from the public, public agencies or utilities to the director. The director shall consolidate the comments and recommendations into a staff report to be considered by the planning commission. (Ord. 3351 § 14, 2017; Ord. 3090 § 2, 2009).

19.80.120 Approval criteria.

(1) To grant approval of a preliminary subdivision, the applicant must demonstrate compliance with all of the following criteria:

(a) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, stormwater management, erosion and sediment control and sanitary sewage disposal methods that are consistent with the city's current ordinances, standards and plans;

(b) Appropriate provisions have been made for but not limited to public health, safety and general welfare;

(c) Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the city's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

(d) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

(e) The design of the proposed subdivision site has taken into consideration the physical features of the site, including but not limited to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;

(f) When replatting an existing subdivision, the subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;

(g) Compliance with the following:

(i) State requirements including those set for in Chapter 58.17 RCW;

(ii) Longview parks and recreation plan and the Cowlitz regional trails plan;

(iii) Longview zoning ordinance;

(iv) Cowlitz County shoreline master program;

(v) The stormwater management requirements set forth in Chapter 17.80 LMC;

(vi) The standards of this chapter and this title;

(vii) The International Fire Code and other adopted code;

(viii) Plans and specifications adopted by the public works department including those set forth in Chapter 12.50 LMC and the Longview standard plans and specifications; and

(ix) Other plans and programs as the city has adopted;

(h) A proposed subdivision may be disapproved because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the State Department of Ecology;

(i) Dedication of land to any public body, provision of public improvements to serve the subdivision may be required as a condition of subdivision approval. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The city may require such waiver as a condition of approval. Any dedication, donation or grant as shown on the face of the plat shall be considered for all intents and purposes as a quitclaim deed to the said donor(s) grantee(s) for his/her/their use for the purpose intended by the grantor(s) or donor(s). If the plat is subject to a dedication, a certificate or separate written instrument shall contain the dedication of all streets and other areas to the public, any individuals, religious societies or corporation (public or private), as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

(2) Written Findings Required. During the public hearing on the preliminary plat, the city shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and any dedications proposed. The proposed subdivision and/or dedications shall not be approved/ accepted or recommended for approval/acceptance unless the planning commission and/or city council makes written findings that the approval criteria have been met.

(3) Authority to Condition Approval. The commission and council may attach those conditions to an approval or recommendation for approval as deemed necessary to promote the public interest, safety, health and welfare, except as prohibited in this chapter or other law. The commission may recommend and the council may require that conditions of approval be listed on the face of the final plat. In order that the applicant/developer bear a fair share of the cost of repair or improvement of these affected properties, facilities and services, the commission may recommend and the council may require construction, repair, expansion, improvement or other provision of off-site improvements by the applicant. Such requirements may include but shall not be limited to dedication of land for right-of-way, resurfacing a street that provides access to a subdivision, or replacement in inadequately sized off-site utilities whose capacity will be affected by the development. For short plats, the director may establish conditions and require similar improvements as part of a conditionally approved preliminary short plat.

(4) Phasing. For phased projects, the commission shall consider the relationship between the preliminary plat and the master plan. The master plan should be used to establish appropriate modifications to the preliminary plat, conditions of approval, dedications and off-site improvements.

(5) Length of Preliminary Approval. Approval of a preliminary plat shall be effective for five years from the date of city council approval. Upon recommendation of the planning commission, the city council may grant one two-year extension provided the following criteria are met:

(a) The applicant shall request the extension in writing not less than 90 days prior to the expiration of the preliminary plat;

(b) In such written request, the applicant shall state the reasons for the request, describe progress made in installing improvements and provide a schedule for completing the final plat;

(c) The applicant shall demonstrate to the planning commission that it has acted in good faith and made substantial progress in complying with the conditions of the preliminary plat and that it would be inequitable to require the applicant to reapply for a new preliminary plat approval;

(d) In considering the grant of any extension, the planning commission may recommend the imposition of additional conditions for final approval that are consistent with city-adopted standards and policies existing at the time the extension request is considered; and

(e) Requests for extension shall be considered first at a public meeting of the planning commission. The planning commission shall then forward its recommendation to the city council. Disapproval of a request for an extension shall result in the expiration of preliminary plat approval. Expired preliminary plats, or expired phases of preliminary plats, must be the subject of new land use applications and shall not be permitted as amendments or revisions of the original expired preliminary plat. (Ord. 3351 § 15, 2017; Ord. 3090 § 2, 2009).

19.80.130 Minimum standards.

Public improvements may be required of any subdivision and shall by installed at the expense of the owner. Unless otherwise noted, all designs shall be consistent with the Longview standard plans and specifications; provided, that if a conflict exists between two different standards, the required design shall be determined by the city engineer. The following standards within this section shall be followed in the development of all subdivisions and shall be considered minimum standards:

(1) Streets, Curbs, Sidewalks, Alleys. The standards set forth in Chapter 12.50 LMC shall be met.

(2) Stormwater management shall conform to Chapter 17.80 LMC and all other applicable statutes.

(a) Stormwater low impact development (LID) best management practices and site designs that minimize impervious surfaces, native vegetation loss, and stormwater runoff shall be implemented to the fullest extent practicable.

(3) Easements. The following easement standards apply:

(a) Utility Easements. Perpetual easement to utility providers for installation and maintenance of utilities shall be provided to serve each and every lot at locations deemed necessary by the utility providers. Such utilities may include sewer, water, stormwater, gas, electricity, communication lines and cables and other similar utilities. Utility easements shall be at least 10 feet in width or five feet on each side of contiguous lot lines unless otherwise approved by the city engineer. When the utility easements are needed at lot corners, the size of the easement shall be at least five feet by five feet. Additional easements for major distribution and transmission lines or unusual electric or communication facilities may be required where necessary. Additional easements for major distribution and transmission lines or unusual electric or communication facilities may be required.

(b) Easements for unusual facilities such as high-voltage electric transmission lines, drainage canals and similar areas shall be of such width as is determined to be necessary by the city engineer for the purpose, including any necessary maintenance roads.

(c) If a subdivision is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a perpetual stormwater easement or drainage right-of-way conforming substantially to the seasonal high-water line of the watercourse and of such further width as will ensure protection of water-carrying

capacity and access to the watercourse for maintenance of capacity. Such recorded easement or right-of-way shall be measured from the centerline of the watercourse and shall give to the appropriate authority access for the purpose of maintenance of water-carrying capacity. Such easement may not be necessary where buffers are required by Chapter 17.10 LMC. In determining the width of such easements, the city engineer shall give consideration to the requirements and recommendations of the applicable diking district in regard to the operation of maintenance equipment and the placement of spoils where appropriate. The size and nature of the district's drainage facility and the elevation and slope of the abutting upland property shall be considered in determining the minimum width required.

(4) Installation of Utilities.

(a) All distribution laterals and primary and secondary lines and wires serving the subdivision, including those providing electric, street lighting, telephone, and cable television service, shall be placed underground. All utilities shall be installed at the lot line of each and every lot prior to acceptance of improvements and shall be constructed in the street right-of-way unless otherwise approved by the city engineer. The applicant shall make necessary arrangements with utility providers or other appropriate persons for underground installations. This requirement does not apply to surface-mounted transformers, switching facilities, connection boxes, meter cabinets, temporary utility facilities used during construction, high capacity transmission lines, electric utility substations, cable television amplifiers, telephone pedestals, cross-connect terminals, repeaters, warning signs or traffic control equipment.

(b) Sanitary sewers and water system improvements shall be installed at the developer's expense, to serve all subdivisions, by extension of the existing city sewer and water lines and any other upgrades and improvements necessary to ensure adequate capacity. Such facilities shall be designed and sized to the satisfaction of the city engineer and shall be of sufficient capacity to accommodate the ultimate development density of all intended phases in adjacent areas.

(c) Utility installations shall be in accordance with city design standards.

(d) Street Lighting. Street lighting shall be included in the development of all future platting or subdivisions. Street lights shall be placed at all street intersections and at other locations designated by the city engineer. A complete street lighting system, including conduits, wiring, concrete bases, poles, junction boxes, meter base, service cabinets and luminaries, shall be installed by the developer throughout the subdivision in accordance with city standards. Light conduit shall be placed in a separate ditch unless otherwise approved by the city. The applicant shall submit plans and manufacturer technical information meeting or exceeding city of Longview standards to the city engineer and public utility district for approval of all specifications and materials used in the system.

(e) Landscaping of Planting/Utility Strip. The developer or their successor shall be responsible for ensuring that, prior to issuance of an occupancy permit for a lot, the utility/planting strip abutting the curb adjacent to the lot is planted in grass or other approved landscaping and with street trees. The plantings shall include street trees meeting the following characteristics:

(i) Shall be at least two-inch DBH at time of planting and be spaced at approximately 30-foot intervals on center;

(ii) Shall be centered between the curb and sidewalk;

(iii) Shall be planted at least 20 feet from driveways, at least 20 feet from street light standards and at least eight feet from fire hydrants and sewer laterals;

(iv) Shall be of a type, species and quantity approved by the superintendent of parks;

(v) Shall be at least 30 feet from any corner where curb lines intersect; and shall be planted and maintained in an acceptable manner.

(f) Timing and procedure for construction of sidewalks shall be as follows:

(i) All intersection curb ramps shall be constructed with roadway infrastructure required for the subdivision;

(ii) Sidewalks shall be constructed with roadway infrastructure required for the subdivision on all open space tracts, nonbuilding lots, and on the major street frontage of double frontage lots; and

(iii) On building lots, construction of the sidewalk shall be done on a lot-by-lot basis, prior to issuance of a certificate of occupancy for the lot.

(5) Natural Features Preservation and Landscaping.

(a) Plats shall be designed to preserve and enhance significant natural features and resources, including but not limited to natural contours, watercourses, marshes, scenic points and views, large trees, natural groves, rock formations, and sensitive areas; to be compatible with aesthetic values of the area; and to reflect natural limitations inherent in the property.

(b) Plats shall be designed to minimize impacts on adjacent properties and on off-site or citywide public facilities and services, such as streets, drainage ways and storm sewers.

(c) Plats shall be designed to preserve to the extent possible significant trees as defined by Chapter 19.09 LMC and as more specifically set forth in this section. When the preservation of at least 20 percent of significant trees, inclusive of those found in preserved critical area buffers and open space or recreation tracts, is deemed not feasible, the applicant shall mitigate for the loss of tree canopy by incorporating additional landscaping, tree plantings and/or buffer enhancements (if applicable) or through other means as approved by the city. Significant trees that will remain on site shall be protected during construction through the use of fencing, rock wells and other means that provide protection corresponding to the drip line of the tree(s), which is the vertical projection of the foliage at its greatest circumference. Assurances shall be provided to ensure the long-term protection of significant trees, or trees planted as mitigation, via notations on the final plat and within recorded covenants. Exemptions may be included to allow removal of those trees deemed dangerous or hazardous to public health, safety and welfare by a professional arborist.

(d) Screening shall be implemented as follows:

(i) Fences, hedges or landscaping buffer strips may be required by the city to separate commercial and industrial zoning districts from residential districts or uses in conformance with the zoning ordinance standards;

(ii) In the case of residential subdivisions abutting major arterials, the applicant shall provide a buffer strip a minimum of 10 feet wide along the lot line abutting the arterial. Hedges or trees shall be planted in the buffer strip of a height that will become a solid, effective sight screen within three years, unless existing vegetation provides substantial screening;

(iii) Fencing may be required to limit access to areas that may be hazardous to the public, including stormwater detention ponds and facilities. Landscaping shall be required along the perimeter of the fence and may include a mix of trees and shrubs; and

(iv) Native vegetation and soil should be used to minimize the need for irrigation and pest control.

(6) Pedestrian/Bicycle Ways in and through Residential Subdivisions. In blocks over 800 feet in length, a pedestrian/bicycle way with a minimum width of 15 feet may be required through the middle of the block. The pathway shall be paved using materials accepted by the city engineer. If unusual conditions require blocks longer than 1,200 feet in length, two pedestrian/bicycle ways shall be required. Pedestrian ways may also be required to connect cul-de-sacs or to pass through unusually shaped lots to provide for public convenience (e.g., direct route to school, etc.), safety and circulation.

(7) Subdivision and Street Naming. Subdivision names shall not duplicate or too closely approximate phonetically the name of any other subdivision within the Longview area, except that in the case of successive subdivisions of a phased development, plats may be differentiated in name by sequential numbering or by direction (north, south,

etc.). Streets having the same name except for “Court,” “Lane” or other suffix shall be deemed duplicative and not permitted. Names of new streets running on a line with an existing street but separated by a park or barrier may duplicate the name of the existing street; provided, that a prefix indicating direction from the park or barrier is attached to the new street’s name. The city council shall have the right to rename subdivisions and streets.

(8) Lots or Parcels.

(a) Each lot shall be provided direct access by means of minimum frontage on a dedicated and improved public street.

(b) The minimum size of any lot or parcel of property within a subdivision shall conform to the standards of this title unless otherwise approved pursuant to this title.

(c) Residential lots which have street frontage along two opposite boundaries shall be discouraged, except for reverse-frontage lots which are essential to provide separation to residential development from primary traffic arterials or collectors or to overcome specific disadvantages of topography and orientation. For such lots there shall be an easement or other restriction in favor of the appropriate governmental entity at least 10 feet wide along the lot lines abutting said primary arterial across which there shall be no right of access may be required.

(d) Insofar as practicable, side lot lines shall be at right angles to straight street lines and radial to corner street lines. Placing adjacent lots at right angles to one another shall be avoided where possible.

(e) Residential subdivisions should be designed so that individual lots or parcels do not require direct vehicular access to arterial streets and that direct access to collector streets is minimized.

(f) Where lots are more than double the minimum lot size required for the zone, the city council may require that the subdivision be designed to accommodate future subdivision and the opening of future streets and expansion of existing streets. The city may also require that a subdivision’s street network be designed to accommodate future growth on adjacent properties in support of greater connectivity and a more efficient transportation network.

(g) Lots shall be laid out to provide drainage away from all buildings, and individual lot drainage shall be coordinated with the storm drainage pattern for the area. Drainage shall be designed to avoid concentration of stormwater from one lot to an adjacent lot.

(9) Blocks.

(a) Length. In general, blocks shall be as long as is reasonable and consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic and the type of land use proposed. The block length shall not ordinarily exceed 800 feet or be less than 400 feet; provided, that the city may approve an alternative design.

(b) Width. Except for reverse-frontage parcels or when topographic conditions do not permit, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed. This width shall normally be not less than 200 feet for the sum of two lot depths.

(c) Intersecting streets shall be so laid out that blocks shall not be more than 800 feet in length between rights-of-way for local access street only. In the case of long blocks or oddly shaped blocks and to facilitate pedestrian access to parks, playgrounds, open space or schools, the applicant may be required to construct pedestrian and bicycle easements of not less than five feet in width on a dedicated right-of-way or perpetual unobstructed easement of not less than 15 feet in width, to extend through the block(s) at location(s) deemed necessary. Widths of blocks shall be such as to allow two rows of lots, except that blocks along the perimeters of a plat may have one row of lots.

(d) Blocks intended for commercial and industrial use shall be designed specifically for such purposes, with adequate space provided for off-street parking, loading and delivery.

(10) Park and Recreation Improvements.

(a) The planning commission and city council shall review the need for park and/or trail development when reviewing preliminary subdivision applications and may require the developer to dedicate land for park development as a condition of approval in accordance with this title. For the purposes of this chapter, the term "park" shall also include trails. Applicant-paid park improvements shall be constructed per the plat conditions. As agreed to by the city, a fee-in-lieu of park land dedication proposal may be considered in accordance with RCW 82.02.020 and such fee shall be paid prior to final plat approval, unless otherwise authorized by the city. The location and characteristics of land dedicated for park and recreational purposes shall follow these standards:

(i) The area proposed for park dedication may be located either within or outside the boundaries of the property described in the subdivision, but must either be adjacent to an existing or proposed city park site or within the same park service area in which the subdivision is located. Park service area is considered to be within one-half mile of the subdivision for which it is required;

(ii) The area proposed for park dedication shall have characteristics and location which make it suitable for future inclusion into the city parks system, as determined by the director of parks and recreation;

(iii) With the approval of the director, the area proposed for park dedication or portion thereof may contain valuable or sensitive environmental features, preservation of which is consistent with the city's comprehensive plan and/or parks and recreation plan;

(iv) All lots within the subdivision for which park dedication is required shall have legal and convenient access to the area proposed for park dedication, at the time of final plat approval; and

(v) The topography, soils, hydrography and other physical characteristics of the area proposed for park dedication shall be of such quality as to allow the development of community or neighborhood parks, or to create a flat, dry, obstacle-free space on at least 90 percent of the total required area in a configuration which allows for active recreation, shall have no known safety hazards, and shall have no known physical problems such as the presence of hazardous waste, pipeline of power easements, drainage, erosion, or flooding that the director of parks and recreation determines would cause inordinate demands upon public resources for maintenance and operation of the property to be dedicated to the city. Park sites should also be located so that persons living within the service area will not have to cross a major arterial street to get to the site.

(b) Minimum Size of Land Dedicated for Park Purposes. Applicants who dedicate open space for park land pursuant to this chapter shall dedicate at least seven acres per 1,000 population generated by the proposed subdivision. This requirement is based on the level of service (LOS) standards adopted per the Longview park and recreation plan for needs of a neighborhood park including but not limited to such amenities as play equipment, athletic areas such as baseball/softball diamonds, soccer/football fields, volleyball courts, hard surface areas such as tennis courts, basketball courts, in-line skating rinks, picnic areas, walk/trail systems, restrooms, natural areas, open spaces and buffer zones. The formula for determination of the required minimum park dedication shall be:

(i) Single-family dwelling use districts and subdivisions of land zoned higher density where up to fourplexes are proposed shall provide .0168 acres of park area per permitted dwelling unit within the plat, based on an average of 2.4 persons per household and desired park land ratio of seven acres per 1,000 people for neighborhood parks per the Longview park and recreation plan;

(ii) Developments consisting of multifamily dwellings shall provide park areas consistent with the standards set forth in Chapter 19.20 LMC;

(iii) Linear trails shall be designed as approved by the director of parks and recreation or their designee. Total trail area improved and/or dedicated may be less than the area standards above, as approved by the city.

(c) Final Plat Approval Conditioned upon Park Land Dedication. When approval of the final plat of a subdivision is conditioned upon the dedication and/or improvement of land for park/trail purposes, the final plat

shall not be approved or recorded until the director of parks and recreation has determined in writing that any land to be dedicated is shown on the face of the final plat, or in a deed conveying the land to the city which has been recorded with the Cowlitz County auditor's office or the instrument conveying the land to the city has been transmitted to the city council for acceptance of the dedication by ordinance.

(11) Model Homes. Upon the filing of a final plat of a residential subdivision containing 20 or more single-family lots, in accordance with LMC 19.80.150, in districts that are designated as R-1 or in the portions of planned unit developments that are designated as R-1, a subdivider (as such term is defined in LMC 19.09.630), who retains the ownership of not less than 85 percent of all of the lots therein, and whose business includes the construction of single-family dwellings for sale to others, may erect, maintain and operate a model home or model homes within said plat for the purpose of displaying said model home or model homes and for the sales of lots and contracting for the construction of homes for purchasers within said plats, subject to the following conditions:

(a) All model homes shall meet all district requirements for lot and yard dimensions;

(b) Model homes shall not be occupied for residential purposes, and any certificate of occupancy shall be temporary in nature and shall state that said model homes may be used only for a period of not to exceed 24 months following the date of issuance of a building permit, and may not be occupied as a residence until the issuance of a permanent certificate of occupancy by the building official;

(c) Use of such model homes for the purposes permitted by this section shall be discontinued within 24 months after the issuance of a building permit for construction thereof;

(d) Such model homes shall not be used as a means to sell lots, or dwelling houses located outside the plat;

(e) Such model homes shall not be used for any business activity between 9:30 p.m. and 9:00 a.m.;

(f) No banners, balloons or advertising signs on awnings shall be permitted. No more than two identifying signs shall be allowed at each model home and shall not interfere with right-of-way or public safety. All model homes shall be constructed, painted and decorated so as to blend in with surrounding properties, and no signs at the location of any model home shall be permitted advertising any business other than the subdivider and/or the sales agency representing the subdivider. Such model home signs shall be limited to one at each model home, not exceeding 12 square feet in area and not exceeding 42 inches above the level of the sidewalk. Such signs shall be removed prior to occupancy of the model home or when 75 percent of the lots within the subdivision have been sold, whichever occurs first. Such sign may not be illuminated;

(g) No more than one model home may be maintained for each 20 lots that are owned and offered for sale by the subdivider; provided, however, that the subdivider may reduce his, her or its ownership of the lots within the plat to less than 20 lots and to less than 85 percent of the lots within the plat by sales of lots therein without loss of the privilege of maintaining a model home;

(h) The privilege to maintain a model home may be granted to a subdivider or developer other than the original subdivider if such successor subdivider or developer is the owner of 20 or more adjoining vacant lots within the plat;

(i) Such model home may be used for displays and sales, and may be temporarily constructed in such a manner as to be incomplete as a dwelling house suitable for habitation and not in conformance with the requirements of the building code as a dwelling house, and driveways and sidewalks may be omitted therefrom; provided, however, that prior to the issuance of a permanent certificate of occupancy, said model home shall be altered or modified to comply with said building code in all respects and all required driveways and sidewalks shall be constructed;

(j) Sales and displays in such model homes may be conducted and presented by agents and/or employees of the subdivider or developer, or by others not employed by the subdivider or developer; provided, however, that no business activities conducted within or at the site of any such model home shall include products, commodities, or materials not delivered to and installed as a part of a dwelling house within the plat or of land situated outside the plat;

(k) A new subdivision or residential development of 20 lots or more shall be allowed one temporary sign not to exceed 32 square feet in area and 10 feet in height to be located only on a vacant lot owned by the developer of the subdivision at or near the primary entrance to the subdivision or development. Such sign shall only advertise or market the subdivision in which it is placed. Such sign shall be removed when 75 percent of the lots are developed, or no later than 24 months from final plat approval, whichever occurs first. Such sign shall not be illuminated nor located within 50 feet of any property line of an existing residence. One temporary sign identifying an engineer, architect, contractor, bank, or other professional service engaged in or used in the construction of a home or a utility within the subdivision may be erected on a lot within the subdivision when construction commences on that lot, provided such sign does not exceed eight square feet in area and 36 inches in height. Such sign shall be removed prior to occupancy of the structure or when construction of that lot is substantially complete. Such sign shall not be illuminated, nor located within 50 feet of any property line of an existing residence.

(12) Subdivisions – Less Than 20 Lots. A new subdivision or residential development of less than 20 lots and of four lots or more shall be allowed one temporary sign not to exceed 32 square feet in area and 10 feet in height to be located only on a vacant lot owned by the developer of the subdivision at or near the primary entrance to the subdivision or development. Such sign shall only advertise or market the subdivision in which it is placed. Such sign shall be removed when 75 percent of the lots are developed, or no later than 24 months from final plat approval, whichever occurs first. Such sign shall not be illuminated nor located within 50 feet of any property line of an existing residence. One temporary sign identifying an engineer, architect, contractor, bank, or other professional service engaged in or used in the construction of a home or a utility within the subdivision may be erected on a lot within the subdivision when construction commences on that lot, provided such sign does not exceed eight square feet in area and 36 inches in height. Such sign shall be removed prior to occupancy of the structure or when construction of that lot is substantially complete. Such sign shall not be illuminated, nor located within 50 feet of any property line of an existing residence. (Ord. 3351 § 16, 2017; Ord. 3090 § 2, 2009).

19.80.140 Master plan – Phasing.

(1) A master plan shall be submitted with the preliminary plat when a tract is to be developed in successive phases. The master plan shall be on an individual sheet or sheets not larger than 22 inches by 34 inches separate from the preliminary plat and drawn to a convenient scale. The purpose of the master plan shall be to indicate how the design and particularly the circulation pattern of the proposed preliminary plat relate to and would be coordinated with possible development plans on adjoining property and what the effects of the total development may be. The master plan shall be used as a nonbinding guide when later phases are proposed. A preliminary plat approved by the city which was not submitted for phased development shall not be broken into phases at the time final approval is sought unless the approved preliminary plat is modified in accordance with this title. The following information shall be shown on the master plan:

(a) Name. The name of the entire development together with the words “Master Plan”;

(b) Description. Location of property by lot numbers, section, township, range, donation land claim, graphic scale, north pointing arrow;

(c) Phase identification. Each phase, including the phase for which immediate subdivision approval is sought, shall be clearly identified by numbering or other means that indicates the probable order in which the phases will be developed;

(d) Owners and other persons. Name and address of the legal owner(s) of the property of the applicant or subdivision agent in other than the owner, and of the persons responsible for design, surveying and engineering of the immediate phase;

(e) Immediate phase detail. The phase for which immediate subdivision approval shall be shown in detail;

(f) Future phase detail. Detail for future subdivision phases shall be as follows:

(i) Location of existing lot lines easements railroad and utility rights-of-way, watercourses, and wooded areas;

(ii) Location and names of all existing or platted streets and other public ways within or immediately adjacent to the future phases;

(iii) Approximate lot sizes and uses of property adjoining the master plan site;

(iv) Location and sizes of existing sewers, water mains, and culverts within and immediately adjacent to the future phases;

(v) Location of existing buildings within and immediately adjacent to the future phases;

(vi) Approximate topography, with arrows showing direction of incline or rough contour lines;

(vii) Approximate location of proposed streets, trails and crosswalks through blocks;

(viii) Approximate lot lines or an indication of the number and general locations of proposed lots; and

(ix) Approximate location, dimension, area and proposed use of parcels to be set aside for public or common parks and other open space. (Ord. 3090 § 2, 2009).

19.80.150 Submission of construction plans.

After approval of a preliminary subdivision application and prior to the beginning of construction and installation of improvements or performance bonding or other assurance in lieu thereof, the applicant shall submit to the city engineered construction plans for all required improvements. Upon approval of the construction plans and prior to submission of the final plat, the applicant shall proceed to construct and install required improvements to completion, unless assurances as set forth in LMC 19.80.210 are accepted. Construction plans shall be drawn at a scale of no more than 40 feet to one inch with the following information shown:

(1) Vicinity map.

(2) Streets.

(a) Profiles showing original ground elevation and proposed elevations along centerlines of all streets;

(b) Radii of curves, lengths of tangents, angles, bearings on street centerlines, right-of-way, pavement widths, monuments; and

(c) Structural section of streets, curbs and sidewalks and ADA ramp design.

(3) Stormwater management.

(a) Overall project and individual lot grading plans including approximate quantities of fill and excavation;

(b) Construction erosion and sediment control plans;

(c) Location of drainage and other utilities easements;

(d) Plan and profile view of stormwater drainage infrastructure including size, type, location, depth and connections;

(e) Plan and profile view of stormwater management best management practices and facilities including size, location, drainage area, and inlet and outlet details; and

(f) Conservation, open space, and/or landscaped areas being utilized as low impact development (LID) stormwater best management practices.

(4) Water mains. Plan and profile view of the location, size, type, depth and connections for lines, valves and fire hydrants.

(5) Sanitary sewers. Plan and profile view of the locations, grades, connection elevations, pipe sizes and types, depths, lateral locations and manhole locations.

(6) Illumination, striping and signing plan.

(7) Landscaping and open space management plan.

(8) Plan of other utilities: power, garbage.

(9) All other information required by the city or required by plat conditions such as retaining walls.

(a) Applicable city of Longview standard details and notes.

(b) North arrow. (Ord. 3351 § 17, 2017; Ord. 3090 § 2, 2009).

19.80.160 Final plat procedure.

(1) Preparation. After approval of the preliminary plat and the detailed construction plans and within the time limits set forth in this chapter, the applicant shall cause to be prepared a final plat and the supplementary materials required by this section. The final plat shall:

(a) Be drawn to the specifications and contain the information required by LMC 19.80.170;

(b) Conform to the preliminary plat approved by the city council and to any conditions that may have been part of the approval. Slight deviation from the approved preliminary plat may be allowed if the director or city engineer determines such deviations are necessary because of unforeseen technical problems or to protect the public interest;

(c) Include, in the manner specified by this section, all formal, irrevocable offers of dedication to the public and space for the acknowledgments, endorsements, and certifications; and

(d) Phasing. The developer may develop the subdivision in phases. Any phasing proposal shall be submitted with the application materials for preliminary approval and be approved by the review authority.

(2) Supplementary Materials. The original hard copy drawing of the final plat shall be accompanied by:

(a) At least two copies of the final plat on Mylar material;

(b) A minimum of 10 additional paper copies of the final plat, on 11-inch by 17-inch copy;

(c) A copy of any deed restrictions and restrictive covenants proposed by the applicant;

(d) A title report issued by a title insurance company issued within the last 60 days, showing all parties whose consent is necessary and their interest in the premises and listing all encumbrances;

(e) “As-built” plans of such required improvements as have been completed, unless other arrangements are made to guarantee that “as-built” plans will be submitted;

(f) A lot closure report;

(g) If required improvements have not been completed, plat performance bond or other security conforming to LMC 19.80.210;

(h) If a local improvement district is proposed, a petition for creation of the district, unless the city council in approving the preliminary plat indicated it would create a district by resolution;

(i) Payment of any inspection and final application fees as required by this chapter and ~~Chapter 19.06 LMC;~~ as established in the Community and Economic Development Department Master Fee Schedule;

(j) Bill of sale for all infrastructure as applicable;

(k) Quit claim deed for all public real property and dedication deeds as required;

(l) Affidavit of no liens;

(m) Maintenance bond and warranty deeds; and

(n) Three copies of operations and maintenance manuals for all mechanical components installed.

(3) Monuments and Proper Markers.

(a) Monuments shall be placed at all subdivision boundary angle points, points of curvature in streets, and such intermediate points required by the city engineer. The monuments shall be of the type and design as approved by the city engineer and shall be constructed in accordance with city specifications.

(b) The boundary points of all blocks within the subdivision shall be marked by a galvanized iron pipe or rebar not less than one and one-half inches in diameter and 36 inches in length and firmly driven into the ground.

(c) All corners of all lots shall be marked by a reinforcement bar or iron pin not less than five-eighths inch in diameter and 36 inches in length, firmly driven into the ground.

(d) The department of public works shall be furnished with a set of as-built plans showing the location of all lot lines as extended to the lot line and the location of all sewer and water laterals to each lot.

(4) Review by City Engineer. The owner shall submit the original drawing of the proposed final plat and supplementary information stipulated in this section to the department of community development for review. The city engineer shall:

(a) Inspect the detail and computations of the final plat for conformance with the specifications and standards of this chapter;

(b) Inspect the final plat for conformance with the preliminary plat approved by the city council and conditions made a part of such approval;

(c) Determine either that all required improvements have been installed or that certain improvements may properly be deterred under LMC 19.80.210; and

(d) When the city engineer is satisfied with the detail and computations of the plat, determines that the plat conforms to the preliminary plat and conditions and approves the subdivision, he/she shall signify their approval by signing the original and Mylar copies of the final plat. If the city engineer is not satisfied with the detail and computations of the final plat, and finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he/she shall withhold their signature until the matter is corrected or resolved by the applicant to the satisfaction of the engineer. Prior to approval of the final plat by the city engineer, all engineering review fees shall be paid in accordance with ~~Chapter 19.06 LMC~~ Chapter 12.08 and Chapter 12.10 LMC.

(5) Review by the Community Development Director. When the director is satisfied with the details of the plat, determines that the plat conforms to the approved preliminary plat and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he/she shall forward the plat to the planning commission for review. If the director is not satisfied with the detail of the final plat, finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he/she shall return the plat to applicant until the matter is corrected or resolved by the applicant to the satisfaction of the director.

(6) Review by the Planning Commission – Subdivisions. After the inspection by the community development director, the planning commission shall review the proposed final subdivision for conformance with the preliminary plat and conditions approved by the council. Such review shall take place at a regular public meeting.

(a) If the planning commission finds a final plat to be conforming, the commission chairman shall signify the commission's approval by signing the original drawing and Mylar copies, then shall forward them to the city clerk-treasurer for consideration by the council.

(b) If the commission finds that a final plat contains significant divergences from the approved preliminary plat, it shall withhold its approval, return the plat sheets to the applicant, and provide a statement indicating the reasons for the withholding of approval and the changes necessary. If the applicant does not modify the proposed final plat to the commission's satisfaction, the city's approval of the preliminary plat shall become null and void. To be reactivated, the plat must be resubmitted as a new preliminary plat subject to the provisions of this division, including payment of preliminary plat review fees.

(7) Review by the City Council – Subdivisions. The city council shall review final plats at a public meeting considering the factors set forth below. The council review shall occur after the director and planning commission have completed review. The council shall determine whether:

(a) The final plat substantially conforms to the approved preliminary plat and conditions set thereon;

(b) The public uses and interest will be served by the subdivision and the final plat meets the requirements of Chapter 58.17 RCW and of this chapter;

(c) Improvements have been completed or properly guaranteed to be completed in accordance with LMC 19.80.210;

(d) The required dedications, certifications and acknowledgments and signatures required by this chapter have been duly stated and obtained;

(e) Inspection and street sign fees have been paid;

(f) Proposed covenants are in satisfactory form and ready for recording with the final plat; and

(g) Any other supplementary materials required by this division or by the council have been satisfactorily completed. If the council affirmatively makes the above determinations, the mayor shall inscribe and execute the council's will on the face of the original drawing and Mylar copies of the final plat. If the council withholds approval, it shall return the plat sheets and supplementary material to the applicant and provide a statement of reasons for its decision and of the changes necessary to permit granting approval. (Ord. 3090 § 2, 2009).

19.80.170 Final plat drawing and recording.

(1) The final plat shall be drawn in indelible black ink on a sheet of Mylar having dimensions of 18 by 24 inches, or approved substitute, and on a standard recorder's plat sheet 18 inches by 24 inches, with a three-inch-wide hinged binding on the left border. If more than one sheet is required, the sheets shall be numbered and indexed. The scale may range from 50 feet to the inch, unless otherwise approved by the director; provided, that when more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision on one sheet with block and lot numbers. All signatures on the Mylar and recorder's plat sheet shall be originals. The final plat shall show the following information:

(a) Name of the subdivision, date, north-pointing arrow and scale;

(b) Boundary lines of the subdivision tract, with courses and distances marked thereon, as determined by field survey made by an engineer or land surveyor registered in the state of Washington, and determined by them to close with an error of not more than one foot in five thousand feet;

(c) Lines, including centerlines, and names for all street rights-of-way, other ways, easements and areas intended for public use or granted for use of inhabitants of the subdivision;

(d) The length and bearing of all straight lines, curves, radii, arcs and tangents of curves;

(e) Exact width and purposes of rights-of-way, street pavement width and easements;

(f) Dimensions along each line of every lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for location of any lot line in the field;

(g) Primary control points and all permanent monuments found or established in accordance with this chapter, with descriptions and ties to such control points and to which all dimensions, angles, bearings and similar data given on the plat shall be referred;

(h) Section and donation land claim lines within and adjacent to the subdivision;

(i) The front yard setback line for every lot in accordance with the zoning ordinance;

(j) The names of all subdivisions immediately adjacent to the subdivision;

(k) A metes and bounds legal description of the subdivided tract;

(l) All dedication of land shown clearly and precisely on the face of the plat;

(m) All open space, facilities and improvements reserved for use of the subdivision residents and restrictions on their use shown clearly and precisely on the face of the final plat;

(n) The parcel numbers written along the left border of the Mylar parallel to the left border;

(o) The street address of each lot and lot numbers as correspond with those on the construction drawing;

(p) Statement of the covenants restricting use of subdivision property or reference to the volume and page where recorded separately;

(q) Reference points to base flood elevations with the base flood elevations listed;

(r) Dedication, Acknowledgment and Endorsement. The following information shall appear on the final plat, Mylar and recorder's plat sheet, lettered and signed in ink:

(i) Legal Description. Metes and bounds description of the subdivided tract.

(ii) DEDICATION

Know all men by these presents that _____, the undersigned _____ owner(s) in fee simple _____ of the land hereby subdivided, hereby declare this subdivision and dedicate to the use of the public forever, all streets and easements or whatever public property; there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

(iii) IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this _____ day of _____, 20 ____.

Signed and Sealed_____

_____

(iv) ACKNOWLEDGMENTS

STATE OF WASHINGTON)

COUNTY OF COWLITZ)

THIS IS TO CERTIFY THAT ON THIS _____ day of _____, 20_____, before me the undersigned, a Notary Public, personally appeared _____, to be known to be the individual(s) who executed the foregoing instrument for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have set my hand and seal the day and year in certificate first above written _____ Notary Public in and for the State of Washington residing at _____

(v) Approved this _____ day of _____, 20_____.

_____

City Engineer

(vi) Approved this _____ day of _____, 20_____.

_____

Chairman, Attest, Secretary

Longview Planning Commission

(vii) Approved this _____ day of _____, 20_____.

_____

Mayor, City of Longview Attest, City Clerk

(viii) I hereby certify that the taxes of the land described hereon have been paid to and including the year of 20____.

_____

Cowlitz County Treasurer

(ix) SURVEYOR'S CERTIFICATE

STATE OF WASHINGTON

COUNTY OF COWLITZ

I _____, do hereby certify that the plat of _____ is based on an actual survey, that the distances, courses and angles are shown hereon correctly, that the monuments have been set and lot corners staked correctly on the ground.

_____

Licensed Land Surveyor

Subscribed and Sworn before me this ____ day of _____ 20___.

Residing at_____

(x) Filed for record at the request of this _____ day of _____, 20__ at _____ minutes past _____ o'clock _.M., and recorded in Volume ___, of Plats, on page _____, Records of Cowlitz County, Washington.

_____

Cowlitz County Auditor

_____

Deputy Auditor

(xi) PROTECTIVE COVENANTS

1. A list of conditions and/or restrictions imposed either by the city upon the applicant or by the applicant upon purchasers of lots or tracts within the subdivision when the developer proposes to impose restrictions more strict than the requirements of the zoning ordinance in effect, as to the use of the lots, yard requirements, open spaces or building lines, a statement of the provisions and means whereby such restrictions are to be imposed shall be listed on the plat and filed with the plat, unless otherwise approved by the director.

2. Filing. After all signatures have been affixed to the final plat ~~T~~ the applicant or their designee shall record the final plat, along with all associated attachments, with the Cowlitz County Auditor and pay the county auditor recording fees for the final plat and associated attachments. ~~to the Community Development Director. Said payment shall be made at the time application for final plat approval is made. Upon approval of the final plat by the city council the director shall file the original drawing of the final plat for recording with the county auditor.~~ One reproduced full copy of mylar material shall be furnished to the city engineer. One reproduced full copy of mylar material shall be furnished to the county engineer's office.

(Ord. 3090 § 2, 2009).

19.80.180 Modification to adopted standards.

(1) To provide opportunities for unique development designs and the ability to accommodate site constraints, the city council, upon recommendation from the planning commission, may consider modifications to the adopted standards of this title, including the public works specifications and those standards set forth in Chapter 12.50 LMC, if the applicant demonstrates that four or more of the following criteria are met:

(a) There are topographical or physical conditions such as steep slopes, wetlands, water area structures, streets, utilities, lot patterns, street patterns or other conditions that justify departure from strict adherence to the standard to be modified;

(b) That the modification is consistent with sound engineering principles and it will be safe, practical and efficient;

(c) That the proposed modification is consistent with the intent and purpose of the standard being modified;

(d) That the proposed modification is consistent with the goals and policies of the comprehensive plan;

(e) Hardship, as distinguished from mere inconvenience would result from strict compliance with the standards of this chapter;

(f) The modification complies with the spirit and intent of this chapter and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity; and

(g) In the case of a modification to sidewalk standards, adequate provision will be made for pedestrian and bicyclist movement and safety.

(2) Requested modifications shall be included in the preliminary plat application and will be reviewed concurrently with the preliminary plat application.

(3) Variances to Zoning Standards. Requested zoning variances that are submitted and processed in conjunction with a preliminary plat shall be reviewed and a decision issued concurrently by the city council utilizing the criteria

above and Chapter 19.12 LMC. A single combined public hearing notice and notice of application/SEPA notice should be utilized. Petitioners for variances shall describe fully the variance sought and the grounds for the application. The planning commission shall develop separate recommendations on variance applications and forward such recommendations to the city council along with the recommendation and the council's action may be for a lesser degree of variation from a standard than sought by the applicant, and may include conditions. (Ord. 3090 § 2, 2009).

19.80.190 Modifications to approved preliminary plats.
Modifications to an approved preliminary plat prior to final plat approval and recording may be approved consistent with this section. For the purposes of this section, "modification" shall mean any change to an approved preliminary plat and associated conditions required by the community development director.

(1) Modifications that result in an increase in density or a change in design that has the potential to substantially impact abutting properties or result in a substantial departure from the approved preliminary plat, as determined by the community development director, shall be referred to the planning commission for recommendation, with final decision issued by the city council and shall require public notice and hearing in accordance with the preliminary plat process outlined in this chapter. At the community development director's discretion, modification requests that are considered minor in scope will be processed administratively by the city, upon review by city staff;

(2) Any decision granting or denying a modification request shall be in writing and supported by findings of fact and conclusions which address the criteria for modification as follows:

(a) There will be no significant adverse impact to neighboring property or the general public as a result of the modification;

(b) The modification is not contrary to the purpose section of this title or to any policy or provision of the zoning code or applicable sewer, water, storm drainage or transportation plans;

(c) The modification protects the public interest and will result in a preferred design as determined by the community development director; and

(3) Conditions may be required to protect the public interest, achieve compliance with the comprehensive plan, and to mitigate any adverse impacts resulting from approval of the modification. (Ord. 3090 § 2, 2009).

19.80.200 Alteration or vacation of approved subdivisions.
Alterations or vacations of approved, recorded subdivisions shall be processed pursuant to RCW 58.17.215 and all applicable portions of this title. (Ord. 3090 § 2, 2009).

19.80.210 Assurance for completion and maintenance of improvements.
(1) Responsibility for Construction and Installation of Improvements.

(a) It shall be the responsibility of the applicant to construct and install permanent and interim improvements required by this section or this chapter or as otherwise required by the city council, with the expense of making such improvements to be borne solely by the applicant. However, the city council may form a local improvement district when an improvement will serve a wider area than the subdivision alone. Work performed within current or future public right-of-way shall comply with the bonding requirements of this section, public works department policies and standards, and this chapter.

(b) Construction, repair, expansion, improvements or other provision of off-site improvements required by the city council as part of preliminary plat approval shall be the responsibility of the applicant, unless the city council resolves to share the responsibility and cost with the applicant or to create a local improvement district to bear the entire cost or a portion thereof.

(c) The city council may defer construction or installation of any improvement required as part of a proposed subdivision when in its judgment, future planning considerations, lack of connecting facilities, or other circumstances make the improvement inappropriate at the time. In such event, the council may require one or more of the following prior to final plat approval:

(i) That the applicant dedicate land for future construction or installation of the improvement;

(ii) That the applicant pay to the city their share of the cost, as estimated by the city engineer, of constructing or installing the improvement at a later date; said payment shall be held in an account reserved for future improvement, and any unused portion shall be returned to the applicant; and/or

(iii) That the applicant post a bond or other security in conformance with this chapter assuring completion of said improvement by the applicant at the demand of the city.

(2) Options for Completion of Permanent and Interim Improvements.

(a) Permanent Improvements. No final plat shall be approved by the city council unless one or a combination of the following methods assuring completion and maintenance of permanent improvements required of the applicant is satisfied:

(i) All improvements of the applicant have been completed to the satisfaction of the city engineer; or

(ii) The applicant posts a plat performance bond, in an amount and with surety and conditions satisfactory to the city, in a form approved by the city attorney, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city, and expressed in the bond. All bonds must be consistent with the standards of this chapter and all public works standards; or

(iii) The applicant submits a letter of credit from a bank, on a form approved by the city attorney, authorizing a draft from the bank for an amount sufficient to assure satisfactory completion of improvements; said letter shall be accompanied by an agreement between the applicant and the city as set forth in this section; or

(iv) The applicant submits a certified or cashier's check or assignment of funds, on a form approved by the city attorney, securing to the city the satisfactory completion of the incomplete portion(s) of the improvements required of the applicant. Such check or assignment shall be made payable to the city, and shall be accompanied by an agreement between the city and applicant as set forth in this section.

(b) Maintenance Bonds. As assurance against defective workmanship or materials used in constructing or installing permanent improvements dedicated to the public, the applicant shall be responsible for maintenance of and correction of any defects in said improvements for a period of two years following certification of completion by the city engineer. The maintenance bond shall be for 15 percent of the cost of the improvements. If improvements are not maintained or if defects are not corrected as requested by the engineer, the city may cause the work to be done and may recover the full cost thereof from the applicant or may seek another remedy. The developer shall be responsible for maintenance of interim improvements and at the time deemed appropriate by the city engineer, for their removal. The form must be approved by the city attorney.

(c) Warranty bond will be required before final acceptance of the project, to cover the one-year warranty period for specialty items such as pump stations and associate appurtenances, reservoirs and traffic signals and other defects in the workmanship.

(d) Interim Improvements. In any case when an applicant is required to construct an interim improvement, one or a combination of the forms of security set forth in this section shall be required to assure maintenance of the interim improvements until the permanent improvements are constructed, and, at the appropriate time as determined by the city engineer, removal of the interim improvement.

(3) Conditions of Bond or Agreement.

(a) Any plat performance bond or other security posted in conformance with this chapter shall be subject to the conditions of this section. In the event of personal bonds, letters of credit, checks or assignments of funds, there shall be executed a formal agreement between the city and the applicant prior to final plat approval fulfilling the conditions of this section.

(b) The improvements to be completed and maintained, and in the case of interim improvements, the improvements to be maintained and removed by the developer shall be specified in the bond or agreement.

(c) The amount of any bond or other security posted or submitted shall be at least 150 percent of the cost of completion of improvements as estimated by the city engineer. In the event of interim improvements, the amount shall include the cost of their completion, maintenance and removal as estimated by the city engineer. The developer may provide cost estimates to the city engineer.

(d) The period in which improvements must be completed shall be specified in the plat performance bond or agreement, which period shall not exceed 18 months from date of final plat approval. Requests for extension shall be made to the planning commission for consideration at a public meeting and shall require a recommendation from the city engineer. The commission shall determine whether sufficient progress has been made and good faith indicated to warrant an extension. The commission shall forward a recommendation to the city council, which shall have sole authority to grant extensions.

(e) Any plat performance bond or agreement shall provide that in the event the specified improvements are not completed within the time limit, the city may declare the bond or agreement to be in default, may complete the work to city specifications, and may recover the full cost thereof from the developer, surety company, bank or cosigner of the security. If the amount of the plat performance bond or other security is less than the cost incurred by the city, the developer shall be liable to the city for the difference. If the amount is greater than the cost incurred by the city, the city shall release the remainder. In the case of any suit or action to enforce provisions of this chapter, the applicant shall pay to the city all costs incidental to litigation, including reasonable attorney fees.

(f) Any plat performance bond or agreement posted or secured under this chapter shall be binding upon the applicant, their heirs, successors and assigns.

(g) Inspection, Maintenance and Removal. Any plat performance bond and any agreement accompanying other secure methods shall include inspection costs.

(4) Inspection and Maintenance of Improvements.

(a) Improvements shall be inspected by the city engineer or designee at the start, during, and at completion of construction and installation. The person, firm or contractor actually performing the work shall notify the city engineer at least 24 hours in advance of commencing operations or commencing any construction phase.

(b) Inspection Fee. After completion of improvements, the applicant shall reimburse the city for the actual cost of the inspections. Such inspection fee shall be paid to the city in accordance with Chapter 12.10 LMC. Payment of inspection fees for improvements whose completion is deferred by plat bonding or other security shall be made to the city upon completion of the improvements.

(c) After completion of improvements, the applicant shall reimburse the city for the actual cost of the inspections. The city shall have authority to invoke any bond or other security posted by the applicant to recover actual inspection costs from the developer, surety company, bank or cosigner or to seek other remedy.

(d) As assurance against defective workmanship or materials employed in the construction or installation of permanent improvements dedicated to the public, the developer at their expense shall be responsible for maintenance of and correction of any defects in said improvements for a period of two years following certification of completion by the city engineer. If improvements are not maintained or if defects are not corrected as requested by the city engineer, the city may invoke any bond or other security posted by the applicant, may cause the work to be done, and may recover the full cost thereof from the applicant, surety company, bank or cosigner, or may seek other remedy.

(e) The developer shall be responsible for maintenance of interim improvements, and, at the time deemed appropriate by the city engineer, for their removal. If interim improvements are not adequately maintained, and at the appropriate time removed, the city may invoke any bond or other security posted by the applicant, may

cause the work to be done, and may recover the full cost thereof from the developer, surety company, bank or cosigner, or may seek other remedy.

(5) Issuance of Building Permits. No building permit shall be issued prior to final plat approval and until completion of essential site improvements including but not limited to water distribution system including fire protection, sanitary sewer system, storm drain system, final street surfacing, traffic-control devices and street lighting, and other infrastructure as deemed adequate by the city engineer. No occupancy permit shall be issued prior to satisfactory completion of required improvements unless otherwise bonded for and approved by the city.

(6) As-Built Plans. After completion of all required improvements but prior to acceptance of completed work by the city engineer, the applicant shall furnish the city engineer with an acceptable set of reproducible plans indicating the as-built condition of the work. Such plans shall show all changes, additions and deletions in alignments, grades and other engineering detail from the original detailed construction plans, all which shall be certified by a civil engineer registered in the state of Washington responsible for the work. The spatial data (e.g., C.A.D. drawings, etc.) shall also be supplied to the city. (Ord. 3090 § 2, 2009).

19.80.220 Latecomer reimbursement.
Latecomer agreements are allowed as provided in Chapter 14.18 LMC, Latecomers Agreements. (Ord. 3430 § 2, 2020; Ord. 3090 § 2, 2009).

19.80.230 Appeals.
(1) Subdivisions. Any judicial appeals of the city council's final decision on a preliminary subdivision may be filed as set forth in Chapter 36.70C RCW. (Ord. 3090 § 2, 2009).

Chapter 19.81

AMENDMENTS*

Sections:

19.81.010 Procedure.
19.81.020 Notice of public hearing.
19.81.030 Initiation by planning commission – Procedure.
19.81.040 Initiation by property owner – Procedure – Fees.
19.81.050 Initiation by planning commission – Call for hearing.
19.81.060 Notice of hearing – Publication.
19.81.070 Notice of hearing – Contents.
19.81.080 Site-specific rezones – Public hearing.
19.81.090 Approval criteria for site-specific rezones.

*For the statutory provisions regarding the calling of a public hearing when amending the zoning ordinance, see RCW 35A.63.100 and 35A.63.070.

19.81.010 Procedure.
In accordance with RCW 35A.63.100 the city council may, pursuant to public hearing called by it upon application therefor by any interested party or upon its own order, amend, supplement or modify this title or any part thereof, including the classifications shown on the use district maps which are a part of this title; provided, however, all proposed amendments, supplementation, or modifications shall first be heard by the planning commission and the decision of the planning commission thereon shall be made and reported by said commission to the city council within 90 days of the time that the proposed amendments, supplementations, or modifications were first submitted to the planning commission. (Ord. 1334, 1967).

19.81.020 Notice of public hearing.
(1) Notice of the aforesaid public hearing to be held by the city council shall be given by publishing the same twice in the official newspaper of the city, said publication to be at least seven days apart and the second such publication to be made not more than three days prior to the date fixed for such public hearing.

(2) The notice to be published shall set forth the date, time and place of the public hearing and shall state in general terms the nature of the proposed amendment, supplementation or modification and the area or areas as shown on said use district map, affected by the same. (Ord. 1334, 1967).

19.81.030 Initiation by planning commission – Procedure.
The planning commission, by affirmative vote of a majority of the entire membership of the commission, may initiate any proposal for amending, supplementing or modifying the provisions of this title. In such event, the planning commission shall proceed to call for a public hearing, in the manner hereinafter provided, on said proposal and shall submit to the city council a written report of its decision on said proposal after such public hearing but within 90 days from the time such proposal was first initiated by said planning commission in the manner aforesaid. (Ord. 1334, 1967).

19.81.040 Initiation by property owner – Procedure – Fees.
The owner or owners of any property within the city may submit to the planning commission proposed amendments, modifications or supplementations to this title. Proposals for changes in zone classifications shall be signed by the owner or owners of not less than 51 percent of the area of property for which a change in zone classification is sought. All proposals shall be in writing, signed by the property owner or owners submitting such proposal and shall include their mailing addresses, a clear and concise statement of the nature of the proposed amendment, modification or supplementation and reasons for proposing the same. Simultaneously with the filing of any such proposal or proposals, the property owner or owners submitting the same shall pay to the community and economic development department a fee as ~~established in LMC 19.06.060~~ established in the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such proposal or proposals, including the publication of public hearing notices as required by this chapter. (Ord. 2907 § 7, 2004;

Ord. 2774, 2000; Ord. 2722 § 6, 1999; Ord. 2328 § 6, 1988; Ord. 1542 § 1, 1972; Ord. 1435 § 4, 1969; Ord. 1334, 1967).

19.81.050 Initiation by planning commission – Call for hearing.
Upon receipt of any such proposal the planning commission shall call for a public hearing thereon, in the manner hereinafter provided, and following said public hearing shall submit said proposal, together with the written report of the planning commission giving its decision thereon to the city council, said public hearing and report to be completed within 90 days from the time any such proposal was first submitted to the planning commission at one of its regular meetings. (Ord. 1334, 1967).

19.81.060 Notice of hearing – Publication.
The planning commission shall give notice of all public hearings required to be held by said commission under the provisions of this chapter by publishing such notice twice in the official newspaper of the city, said publications to be at least seven days apart and the second publication to be made not more than three days prior to the date fixed for such public hearing. (Ord. 1334, 1967).

19.81.070 Notice of hearing – Contents.
The notice to be published by the planning commission shall set forth the date, time and place of the public hearing and shall state, in general terms, the nature of the proposed amendment, supplementation or modification and area or areas, shown on said use district maps, affected by the same. (Ord. 1334, 1967).

19.81.080 Site-specific rezones – Public hearing.
Per RCW 36.70B.050, no more than one open-record hearing shall be held for a site-specific rezone. The planning commission is responsible for holding the open-record public hearing for a site-specific rezone. The city attorney is responsible for determining whether the proposed rezone is:

(1) A site-specific rezone involving a specific parcel or small group of parcels and is a quasi-judicial decision; or

(2) An area-wide rezone that involves broad public policy and is a legislative decision. (Ord. 3161 § 4, 2011).

19.81.090 Approval criteria for site-specific rezones.
In its review of an application for rezoning, the city shall consider subsections (1) through (5) of this section. No single factor is controlling; instead, each must be weighed in relation to the other standards. The city shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested zoning designation. Rather, the city shall consider whether the entire range of permitted uses in the requested designation is more appropriate than the range of uses in the existing designation.

(1) The proposal is in accordance with the adopted city of Longview comprehensive plan, any relevant sub-area plans, and the purpose section of the proposed zoning district.

(2) The proposal must bear a substantial relationship to the public health, safety, morals, or general welfare, or protect and preserve historical and cultural places and areas. The rezone may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner(s) of the land will also benefit.

(3) The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the zoning designation, or such facilities, services and transportation networks can be adequately provided in an efficient and timely manner (or are planned to be provided within six years).

(4) The proposal shall not have a substantial adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.

(5) Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area. (Ord. 3297 § 11, 2015).

Chapter 19.90

BINDING SITE PLAN

Sections:

19.90.010 Purpose.
19.90.015 Definitions.
19.90.020 Applicability of provisions.
19.90.025 Approval authority.
19.90.030 Binding site plan components.
19.90.040 Application requirements.
19.90.050 Review procedures.
19.90.060 Planning commission public hearing.
19.90.070 *Repealed.*
19.90.080 Approval criteria.
19.90.090 Recording.
19.90.095 Appeal of Type A binding site plan decision.
19.90.100 Amendment.
19.90.110 Vacation.

19.90.010 Purpose.
The purpose of a binding site plan is to provide an alternative method of land division as provided for in RCW 58.17.035 for the sale or lease of commercial and industrial properties, condominiums, and manufactured home parks. A binding site plan includes a survey together with covenants detailing the performance or nonperformance of certain acts or the use or non-use of property. The option to subdivide property in accordance with standard subdivision procedures provided in Chapter 19.80 LMC is also available. (Ord. 3091 § 2, 2009).

19.90.015 Definitions.
"Binding site plan" means a drawing to a scale specified by local ordinance which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (3) contains provisions making any development be in conformity with the site plan.

"Type A binding site plan" means a binding site plan proposed for the sale or for lease of commercially or industrially zoned property. Type A binding site plans are approved administratively.

"Type B binding site plan" means a binding site plan proposed for the sale or lease of residential property either in a manufactured home park, recreational vehicle park or condominiums. Type B binding site plans are approved by the planning commission after an open-record hearing. (Ord. 3395 § 6, 2019; Ord. 3161 § 5, 2011; Ord. 3091 § 2, 2009).

19.90.020 Applicability of provisions.
This chapter applies to the following:

(1) An alternative method of subdividing land for sale or lease of property in the commercial or industrial zone classifications;

(2) Condominiums authorized under Chapter 64.34 RCW and where allowed in the zoning code;

(3) Manufactured home parks where allowed in the zoning code; and

(4) Recreational vehicle parks where allowed in the zoning code. (Ord. 3395 § 7, 2019; Ord. 3091 § 2, 2009).

19.90.025 Approval authority.
(1) Type A Binding Site Plan. The community development director shall be the approval authority of a Type A binding site plan.

(2) Type B Binding Site Plan. The planning commission shall be the approval authority of a Type B binding site plan. (Ord. 3161 § 6, 2011; Ord. 3091 § 2, 2009).

19.90.030 Binding site plan components.
(1) A binding site plan means a record of survey and associated covenants formalizing a development agreement. The covenants include a written narrative together with a scaled drawing (commonly known as a site plan) which together address the development details required by this chapter.

(2) The covenants shall incorporate: the requirements of the community development director for binding site plans requiring administrative approval; or, for residential uses, the requirements of the planning commission, after consideration of the comments received during the public hearing on the binding site plan.

(3) The community development director may waive lot frontage requirements for Type A binding site plans, if adequate means of lot access in compliance with the fire code is provided. The community development director may also waive the requirement that all signs be located on each business premises for Type A binding site plans for commercial developments that are part of one binding site plan application. Such waivers must be requested by the applicant as part of the binding site plan application and must be incorporated into the written covenant narrative. (Ord. 3161 § 7, 2011; Ord. 3091 § 2, 2009).

19.90.040 Application requirements.
An application for a binding site plan shall include a written narrative and a scaled drawing:

(1) Preapplication Conference. A preapplication conference is not required for a binding site plan, but is strongly encouraged. Prospective developers who do not arrange for a conference may encounter delay or denial. A preapplication conference is nonbinding and advisory in intent and effect. A request for a preapplication conference shall be submitted on forms prepared by the city.

(2) Application Contents. The applicant shall submit the following application materials for a preliminary binding site plan:

(a) Completed preliminary binding site plan application on form supplied by the city;

(b) Payment of all required fees as established in the Community and Economic Development Department Master Fee Schedule;

(c) Completed SEPA environmental checklist, when required by LMC Title 17;

(d) If critical areas exist on the subject site, the permit and report requirements of Chapter 17.10 LMC shall be adhered to and submitted with the preliminary binding site plan application;

(e) Precise drawings showing sanitary and storm sewer cross-sections and grade profiles of the existing ground and proposed streets;

(f) Twenty-five copies of the preliminary binding site plan, conforming to the specifications of this chapter, including 11-inch by 17-inch copies of all large plans so that copies can be made;

(g) If the property is to be developed in phases, each phase shall be clearly labeled and demarcated on the preliminary binding site plan;

(h) A copy of a recent title report for the property issues within the last 60 days, including a legal description according to the official records in the office of the county auditor;

(i) A verified statement with original signatures that the property affected by the applicant is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;

(j) Traffic impact analysis report as required by the city pursuant to Chapter 12.50 LMC;

(k) If it has been determined that a zoning map amendment or variance or waiver from zoning code requirements is required for approval of the preliminary binding site plan, completed applications for a zoning map amendment or variance, or a request for a waiver, if not previously submitted and reviewed;

(l) A tree survey and preservation plan, report or drawing that complies with LMC 19.80.130; provided, that Type A binding site plans are exempt from this requirement;

(m) Preliminary stormwater report;

(n) Project Narrative. A preliminary binding site plan application shall include a narrative that addresses the following topics:

(i) Description of the uses proposed for the site;

(ii) Phasing plan, if applicable;

(iii) Construction schedule;

(iv) Existing covenants or restrictions and easements, if applicable;

(v) Other items required pursuant to applicable portions of LMC;

(vi) For a Type A binding site plan, any requested waivers of the zoning code.

(3) Drawing Specifications. Binding site plan drawings shall be presented on a sheet or sheets having dimensions no larger than 18 inches by 24 inches and shall be drawn at a scale of one inch equals 50 feet or larger. Other scales may be used if approved by the city engineer and community development director. The following information shall be shown on the preliminary binding site plan in one or more sheets:

(a) General. The following general items shall be included:

(i) The proposed name of the development, together with the words “binding site plan”;

(ii) The tract/lot designation(s) of the proposed binding site plan as shown in the records of the Cowlitz County assessor, including lot numbers, section, township and range;

(iii) Date, north-pointing arrow, and scale of drawing;

(iv) Name and address of the owner(s) of the property to be subdivided, of the subdivider or subdivision agent; if other than the owner, and of the surveyor and engineer; and

(v) A vicinity map sufficient to define the location and boundaries of the proposed binding site plan with respect to surrounding property and streets.

(b) Existing Features. The following existing features shall be shown:

(i) Existing structures and other site improvements (parking, driveways, pedestrian/bicycle paths, etc.) and any proposed structures to remain;

(ii) Location, pavement and right-of-way widths, and names of existing public or private streets, roads or alleys within or abutting the tract;

(iii) Location and size of existing sewers, water mains and culverts;

(iv) Location of existing property lines, easements, railroads, monuments, property markers, section lines and city boundary lines within or abutting the tract;

(v) Watercourses, ditches, areas of flooding or ponding, rock outcroppings, and trees eight inches or more in diameter measured four feet above the ground;

(vi) The names and addresses of adjoining property owners from the latest assessment rolls within 300 feet of all boundaries of the proposed binding site plan, shown on the binding site plan in relationship to the property to be subdivided or provided in a separate document;

(vii) Contour lines illustrating topography at two-foot intervals for slopes less than 10 percent and at five-foot intervals for slopes over 10 percent. Contour lines shall extend at least 100 feet beyond the boundaries of the proposed binding site plan. Contours shall be relative to sea level and based on city datum;

(viii) All critical areas shall be shown including streams, wetlands, geological hazard areas and all associated buffers;

(ix) For a binding site plan proposed in the 100-year floodplain, base flood elevation benchmarks.

(c) Proposed Features. The following proposed features shall be shown on the binding site plan:

(i) The boundary of the proposed binding site plan drawn in a bold line;

(ii) Locations and dimensions of proposed streets, alleys, other public and private ways, easements, lot lines and utilities, with the purpose of easements stated;

(iii) Locations, dimensions and area of public and common park and other open space areas;

(iv) Proposed number assigned to each lot and block, with lots numbered consecutively in a block; proposed names of all streets;

(v) Identification of all areas proposed to be dedicated for public use, with designation of the purpose thereof and any conditions;

(vi) When more than one type of use is proposed, the location, dimensions and area for each type of use (such as commercial or industrial uses);

(vii) If the binding site plan borders a river or stream, the approximate mean high and mean low water elevation and the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of the waterway. (Ord. 3091 § 2, 2009).

19.90.050 Review procedures.

Binding site plans shall be reviewed in accordance with the process set forth below and shall also be consistent with the provisions set forth in Chapter 58.17 RCW:

(1) The community development director shall approve, approve with conditions or deny an application for a Type A binding site plan within 30 days from the date a complete application is submitted. The review period may be stayed upon the request of additional information or at the applicant's request. The approval authority shall base its decision on the criteria set forth in LMC 19.90.080. Type A binding site plans are not subject to the notice or hearing requirements set forth in the remaining portions of this section.

(2) The planning commission is the approval authority for Type B binding site plans. Preliminary drawings of any proposed binding site plan and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from date of filing a complete application thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the

environmental impact statement by the local government agency. The approval authority shall base its decision on the review criteria set forth in LMC 19.90.080.

(3) Public Hearing – Type B Binding Site Plan. The preliminary Type B binding site plan shall be filed not less than 21 days prior to any planning commission meeting. The community development director shall set the hearing date and cause notice to be prepared. Only one open-record public hearing is allowed. Public notice of complete Type B binding site plan applications shall adhere to the following standards:

(a) Publication of Notice of Public Hearing. When processing a Type B binding site plan application, the city shall publish at least one public notice of the public hearing before the planning commission in the city's official newspaper, which notice shall be published at least 10 days prior to the hearing date. A combined SEPA/public hearing notice requires publication at least 14 days prior to the hearing date. Notice of such hearing shall also be mailed to the applicant and to all adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, to be located within 300 feet of any portion of the boundary of the proposed binding site plan. If the owner of the real property proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. The records of the Cowlitz County assessor shall be used in notifying owners of adjacent property. Persons requesting notice of the city's action on an application shall also be notified.

(b) Integrated Notice of SEPA Decision and Public Hearing. The city shall provide notice of the threshold determination as set forth in Chapter 17.20 LMC, and attempt to integrate such notice in the notice for the planning commission's public hearing on the application. The planning commission's public hearing shall be held after expiration of any SEPA comment period, but in general should not be held more than 45 days after the city's SEPA determination. (Ord. 3161 § 8, 2011; Ord. 3091 § 2, 2009).

19.90.060 Planning commission public hearing.
The planning commission shall review Type B proposed binding site plans. Such review shall be made to ensure conformance of the proposed binding site plan to the general purposes of the comprehensive plan and the planning standards and specifications as adopted by the city. The planning commission will review the binding site plan application, make findings of fact and determine whether the binding site plan is approved, disapproved or approved with conditions. The planning commission, if it finds the binding site plan application to be incomplete, may return same to the applicant and request additional information. Written notice of the planning commission's decision should be provided to the applicant within 14 days. (Ord. 3161 § 9, 2011; Ord. 3091 § 2, 2009).

19.90.070 City council review.
Repealed by Ord. 3161. (Ord. 3091 § 2, 2009).

19.90.080 Approval criteria.
To grant approval of a preliminary binding site plan, the applicant must demonstrate compliance with all of the following criteria:

(1) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the city's current ordinances, standards and plans;

(2) Appropriate provisions have been made for but not limited to public health, safety and general welfare;

(3) Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the city's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

(4) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

(5) The design of the proposed binding site plan has taken into consideration the physical features of the site, including but not limited to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;

(6) Compliance with the following:

(a) State requirements including those set forth in Chapter 58.17 RCW;

(b) Longview parks and recreation plan;

(c) Longview zoning ordinance, except when a variance, amendment, or waiver is approved by the city;

(d) Cowlitz County shoreline master program;

(e) Other plans and programs as the city has adopted;

(f) The standards of this chapter and this title; the International Fire Code and other adopted codes; and

(g) Plans and specifications adopted by the public works department including those set forth in Chapter 12.50 LMC. (Ord. 3091 § 2, 2009).

19.90.090 Recording.
The survey and approved developer agreement shall become effective only upon recording with the Cowlitz County auditor. The lots, parcels or tracts created through this procedure are legal lots of record. The face of the survey and the developer agreement shall indicate that the documents are dependent upon one another and together constitute the binding site plan. ~~The applicant shall pay the county auditor recording fee for the final binding site plan to the community development director. Said payment shall be made at the time application for final binding site plan approval is made.~~ Upon approval of the final binding site plan by the planning commission, the ~~community development director~~ applicant or their designee shall file the original drawing of the final binding site plan, along with any associated attachments, for recording with the county auditor. One reproduced full copy of Mylar material shall be furnished to the city engineer. One reproduced 11-inch by 17-inch copy shall be provided to the community development director. (Ord. 3161 § 11, 2011; Ord. 3091 § 2, 2009).

19.90.095 Appeal of Type A binding site plan decision.
(1) Any person aggrieved by the decision of the community development director under LMC 19.90.050(1) may appeal the decision to the appeal board of adjustment in a manner described in Chapter 19.12 LMC.

(2) Appeals shall be submitted to the community development department in writing within 14 calendar days following the date of mailing the decision to the applicant. (Ord. 3161 § 12, 2011).

19.90.100 Amendment.
The recorded binding site plan may be amended at the city's discretion. Amendments to a binding site plan shall be processed pursuant to this title and must be recorded. (Ord. 3091 § 2, 2009).

19.90.110 Vacation.
The planning commission may authorize the vacation of a recorded binding site plan after approval of a new binding site plan. (Ord. 3161 § 13, 2011; Ord. 3091 § 2, 2009).

Chapter 16.02

BUILDING CODE

Sections:

16.02.010 Adoption of International Building Codes.
16.02.020 Administrative provisions.
16.02.030 Additions, insertions, deletions and changes to Chapter 51-51 WAC.
16.02.040 Additions, insertions, deletions and changes to Chapter 51-52 WAC.
16.02.060 Additions, insertions, deletions and changes to Chapter 51-56 WAC.

16.02.010 Adoption of International Building Codes.
Chapters 51-11R and 51-11C WAC (2021 International Energy Conservation Code), Chapter 51-50 WAC (2021 International Building Code), including the Appendix Chapter E, as further amended by Chapter 51-50 WAC, I and J, Chapter 51-51 WAC (2021 International Residential Code), including the Appendix Chapters G and H, Chapter 51-52 WAC (2021 International Mechanical Code), and Chapter 51-56 WAC (2021 Uniform Plumbing Code and Uniform Plumbing Code Standards), together with amendments thereof and additions thereto, one copy of each of which is on file in the office of the city clerk of the city of Longview, shall be and is hereby adopted as the building code of the city of Longview for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the city clerk of the city of Longview are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter. (Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

16.02.020 Administrative provisions.
For the purpose of providing administrative provisions for the building code of Longview, including Chapters 51-11R, 51-11C, 51-50, 51-51, 51-52 and 51-56 WAC, Subchapter 1 of Chapter 51-50 WAC is hereby amended to read as follows:

> Section 101.1 These regulations shall be known as the Building Code of the City of Longview, Washington, sometimes hereinafter referred to in this chapter as “this code.”

Section 101.4.2, Mechanical, is amended to read as follows:

> The provisions of the International Mechanical Code as amended by WAC 51-52 as adopted herein shall apply to the installation, alteration, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Section 101.4.3, Plumbing, is amended to read as follows:

> The provisions of the Uniform Plumbing Code as amended by WAC 51-56 as adopted herein shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. Exception: When requested in writing by the permit applicant, on the permit application, the 2021 International Plumbing Code shall be considered an approved alternate for plumbing installations governed under the Uniform Plumbing Code. When approved Alternate plumbing codes are utilized, the entire plumbing installation shall be installed and governed under the provisions of the alternate code. The provisions of the State of Washington requirements for private sewage disposal shall apply to private sewage disposal systems.

Section 101.4.4, Property Maintenance, is amended to read as follows:

The provisions of the International Property Maintenance Code and Longview Municipal Code Chapter 16.32 (Unfit Dwellings and Structures) shall apply to all structures and premises; all equipment and facilities; all light, ventilation, space heating, sanitation, life and fire safety hazards; the responsibilities of owners, operators and occupants; and the occupancy of existing premises and structures.

Section 101.4.6, Energy, is amended to read as follows:

The provisions of the International Energy Conservation Code as amended in WAC 51-11R and WAC 51-11C as adopted herein shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 101.4.8, Electrical, is deleted.

Section 102.6, Existing Structures, is amended to read:

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the International Fire Code as set forth in LMC Title 18, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section 103.3, Deputies, is deleted.

Section 104.1, General, is amended to read:

The building official is hereby authorized and directed to enforce the provisions of this code, including any requirements or regulations imposed on a project as a condition of a land use approval process, as those conditions relate to permit issuance as required in Section 105.3.1 and issuance of a certificate of occupancy as required in Section 111.2. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Section 105.2, Work Exempt from Permit, is amended as follows:

Subsections 1, 2, 4, 6 and 12 of Section 105.2 are deleted.

Subsection 11 of Section 105.2 is amended to read as follows:

Swings and other playground equipment.

Section 108.3, Temporary Power, is deleted.

Section 109.2, Schedule Permit Fees, is amended as follows:

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be charged and paid in accordance with the established fee schedules as set forth in Sections 109.2.1, 109.2.1.1, 109.2.1.2, 109.2.1.3, 109.2.2, and 109.2.3.

Section 109.2.1 is hereby added, reading as follows:

Section 109.2.1 Building Permit Fee

The fee for each building permit shall be as set forth in the Community and Economic Development Department Master Fee Schedule.

Section 109.2.1.1 is hereby added, reading as follows:

Section 109.2.1.1 Inspection Fee – Manufactured Housing

The fees for inspections of manufactured housing situated in a mobile home park shall be as set forth in the Community and Economic Development Department Master Fee Schedule.

Section 109.2.1.2 is hereby added, reading as follows:

Section 109.2.1.2 Inspection Fee – Wood Stoves

The fees for inspection of free-standing wood stoves shall be as set forth in the Community and Economic Development Department Master Fee Schedule.

Section 109.2.1.3, Plan Review Fees, is added as follows:

When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee for reviews relating to the provisions of the International Residential Code for One- and Two-Family Dwellings shall be 65 percent of the building permit fee and said plan review fee for all other reviews shall be 70 percent of the building permit fee as shown in the Community and Economic Development Department Master Fee Schedule. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2.1 and are in addition to the permit fees.

A building plan for one and two-family dwellings may be used repetitively upon request of the applicant and approval of the building official. When approved, the “Same As” plan shall be retained on file as a master plan. A building master plan may be used repetitively provided:

1) All “Same As” development shall occur within the code cycle under which the master plan is approved.

2) All “Same As” development shall occur within the same subdivision.

3) The initial application submittal shall include three (3) complete sets of plans, including all supporting documentation, and one (1) limited set of plans consisting of a site plan, floor plan and exterior elevations only.

4) All subsequent “Same As” applications shall not deviate from the approved master plan.

5) Payment of all appropriate fees. The plan review fee for “Same As” plans submitted subsequent to the initial submittal shall be reduced to 30% of the building permit fee.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A.

Section 109.2.2 is hereby added, reading as follows:

Section 109.2.2 Mechanical Permit Fee

The fee for each mechanical permit shall be Community and Economic Development Department Master Fee Schedule.

Section 109.2.3 is hereby added, reading as follows:

Section 109.2.3 Plumbing Permit Fee

The fee for each plumbing permit shall be as set forth in the Community and Economic Development Department Master Fee Schedule

Section 109.6 is amended to read as follows:

Section 109.6 Fee Refunds

The Building Official may authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 113, Board of Appeals, is amended to read as follows:

Section 113.1 General – Appeal Board of Adjustment. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the Appeal Board of Adjustment, as established by LMC chapter 19.12, shall have jurisdiction as provided in said chapter 19.12.

Section 114, Violations, is amended to read as follows:

Section 114.1 Unlawful acts. It shall be a misdemeanor for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

(Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3308 § 1, 2015; Ord. 3247 § 1, 2013; Ord. 3231 § 1, 2012; Ord. 3196 § 1, 2012; Ord. 3187 § 1, 2011; Ord. 3153 § 1, 2010; Ord. 3137 § 1, 2010; Ord. 3067 §§ 1 – 5, 2008; Ord. 3025 §§ 1 – 5, 2007; Ord. 3004 § 1, 2007; Ord. 2969 §§ 1 – 5, 2006; Ord. 2945 §§ 1 – 5, 2005; Ord. 2941 §§ 2, 3, 2005; Ord. 2906 § 1, 2004; Ord. 2894 § 1, 2004).

16.02.030 Additions, insertions, deletions and changes to Chapter 51-51 WAC.

The following sections of the International Residential Code as set forth in Chapter 51-51 WAC are hereby amended to read as follows:

Chapter 1 of Chapter 51-51 WAC is deleted in its entirety.

Table R301.2(1) Climatic, and Geographic Design Criteria established:

Ground Snow Load:	25 psf
Wind Speed (mph):	110 IRC

	Section 301.2
Seismic Design Category:	D1
Subject to Damage From Weathering:	Moderate
Frost Line Depth:	6 inches
Termite:	Slight to Moderate
Decay:	Slight to Moderate
Winter Design Temp.:	20 Degrees F
Ice Shield Underlayment Req.:	No
Flood Hazards:	FIS December 16, 2015 FIRM December 16, 2015
Air Freezing Index:	N/A
Mean Annual Temperature:	50 Degrees F

(Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3122 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

16.02.040 Additions, insertions, deletions and changes to Chapter 51-52 WAC.
Chapter 1 of Chapter 51-52 WAC is deleted in its entirety. (Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

16.02.060 Additions, insertions, deletions and changes to Chapter 51-56 WAC.
Chapter 1 of Chapter 51-56 WAC is deleted in its entirety.

Section 719.1, Cleanouts, is amended to read as follows:

Cleanouts shall be placed outside the building near the connection between the building drain and the building sewer and extended to grade. Additional building sewer cleanouts shall be installed at intervals not to exceed one hundred (100) feet (30,480 mm) in straight runs, for each aggregate horizontal change in direction exceeding one hundred thirty-five (135) degrees (2.36 rad), and at the property line. Cleanouts located at the property line shall be provided with an approved cleanout access box.

Sec. 1011.0, Auto Wash Racks, is amended to read as follows:

Minimum Requirements for Auto Wash Racks.

Every private or public wash rack and/or floor or slab used for cleaning machinery or machine parts shall be adequately protected against storm or surface water and shall drain or discharge

into an approved oil/water separator (clarifier), acceptable to the jurisdiction, connected to the sanitary sewer system.

(Ord. 3511 § 1, 2024; Ord. 3437 § 1, 2020; Ord. 3321 § 1, 2016; Ord. 3247 § 1, 2013; Ord. 3137 § 1, 2010; Ord. 3004 § 1, 2007; Ord. 2894 § 1, 2004).

Chapter 16.13

UNIFORM SIGN CODE

Sections:

16.13.010 Uniform Sign Code – Adopted by reference – Amendments and supplements.
16.13.015 Uniform Sign Code – Section 304 amended – Permit fees.
16.13.020 Amendments to Uniform Sign Code.
16.13.030 Additions to Uniform Sign Code.
16.13.040 New chapter added to Uniform Sign Code.

16.13.010 Uniform Sign Code – Adopted by reference – Amendments and supplements.
As authorized by RCW 35A.12.140 and 35A.13.180, the city council of the city of Longview hereby adopts by reference as and for the sign code of the city, as if set forth herein in full, the 1997 Edition of the Uniform Sign Code as prepared and published by the International Conference of Building Officials, as hereafter amended and supplemented in this chapter, together with future amendments thereof and additions thereto. One copy of said Uniform Sign Code, with amendments and additions, shall be filed in the office of the city clerk/director of finance for use and examination by the public. (Ord. 2838 § 1, 2002; Ord. 2762, 2000; Ord. 2701 § 1, 1998; Ord. 2489 § 8, 1992).

16.13.015 Uniform Sign Code – Section 304 amended – Permit fees.
Section 304 is amended to read as follows:

Sec. 304 Fees

(1) For the installation, erection, re-erection, construction, alteration or maintenance of a sign, the permit fee shall be as set forth in the Community and Economic Development Department Master Fee Schedule.

(2) The plan review fee for sign installation, erection, re-erection, construction, or alteration shall be 70% of the permit fee.

(Ord. 2848 § 1, 2002).

16.13.020 Amendments to Uniform Sign Code.
The Uniform Sign Code is hereby amended as follows:

Section 103.3. Board of Appeals.

In order to provide for reasonable interpretation of the provisions of this Chapter, the Appeal Board of Adjustment shall have the authority and powers provided by LMC Section 19.12.140, in accordance with the provisions of LMC Chapter 19.12.

In order to provide for reasonable interpretation of the provisions of this Chapter, and in order to approve the placement, construction, erection and maintenance of Wayfinding Signs as defined in LMC 16.13.040, the Appeal Board of Adjustment shall have the authority and powers provided by LMC section 19.12.050 to grant Special Property Use permits for the placement, construction, erection and maintenance of Wayfinding Signs in all use districts.

Section 304. Fees.

For the installation, erection, re-erection, construction, alteration or maintenance of a sign, the permit fee shall be as set forth in the Community and Economic Development Department Master Fee Schedule.

The plan review fee for sign installation, erection, re-erection, construction, or alteration shall be 70% of the permit fee.

Section 402.4. Restrictions on Combustible Materials.

All signs and sign structural members shall be constructed of noncombustible materials.

EXCEPTIONS:

Signs fronting on streets or yards. Regardless of fire resistive requirements for exterior walls, certain elements of signs fronting on streets or yards having a width of 50 feet may be constructed as follows: Wood veneer of boards not less than 1 inch nominal thickness or exterior type plywood panels not less than 3/8 inch nominal thickness may be applied to walls provided the veneer does not exceed 15 feet above the grade, and further provided that such veneer shall be placed either directly against noncombustible surfaces or furred out from such surfaces not to exceed 1-5/8 inches with all concealed spaces firestopped as provided by this Code.

The display surface of a projecting sign may be of wood provided such sign is not more than 42 square feet in area, is constructed of materials not less than 2 inches in nominal thickness, and is not over 15 feet in height, from ground level to the top of such sign.

(Ord. 2967 § 3, 2006; Ord. 2838 § 1, 2002; Ord. 2701 § 2, 1998; Ord. 2489 § 8, 1992).

16.13.030 Additions to Uniform Sign Code.

Chapter 14 of the Uniform Sign Code is amended by the addition of the following provisions:

Section 1403. Temporary Political Signs – Requirements.

(1) As used in this section, “temporary political signs” include those pertaining to nonpartisan elections, bond measures, initiatives, and similar matters as well as to the customary partisan politics. The term “signs”, as used in this section, shall not be deemed to include permanent outdoor advertising structures or billboards, which are regulated by other sections of the Longview Municipal Code, regardless of whether political advertising is carried on such outdoor advertising structures or billboards.

(2) Temporary political signs are subject to the following requirements:

(a) The face of any such sign shall not exceed four feet in height or width and eight feet in length;

(b) It is unlawful to erect any such sign on public property, except within the public right-of-way adjoining a street whereby the person approving the installation of the sign owns the underlying fee of such public right-of-way; however, any such sign within the public right-of-way shall comply with the following:

i.) Have no part of the sign interfering with or hanging over the portion of the right-of-way within four feet of the paved portion of a roadway;

ii.) Have no part of the sign interfering with or hanging over a sidewalk; and

iii.) Shall not block or interfere with the sight distance of any intersection or driveway as set forth in paragraph (4) below;

(c) The person desiring to erect any temporary political signs shall, before doing so, deposit the sum of fifty (50) dollars with the City Clerk to cover all such signs erected, as a guaranty that the same will be removed within ten (10) days after the election for which such signs are displayed and thus will not contribute to visual pollution in the city; provided all such signs

are removed within such time, which determination shall be made by the Police Department of the city, said fifty (50) dollars will be refunded, without interest, to the person presenting to the City Clerk the deposit receipt issued by the City Clerk at the time of the deposit. If such signs are not so removed within said ten (10) days, the fifty (50) dollar deposit shall be deemed forfeited to the city to help defray the cost to the city of removing such signs. At the time of making such deposit, the person making the same shall designate to the City Clerk the signs, by name of the individual or proposition listed on such signs, for which such deposit is being made.

(d) Temporary Political signs that are six (6) feet or more above grade are subject to the design and construction requirements contained in Chapter 4 of the Uniform Sign Code.

(3) For purposes of this section the term “public property” shall mean: (a) all land and buildings owned and/or occupied by the city or any governmental agency; (b) the portion of dedicated rights-of-way between the centerline of the street and the edge of the sidewalk farthest away from such centerline; (c) the portion of the dedicated rights-of-way between the centerline of the street and a point that is four feet from the nearest edge of the improved surface of the street where there are no sidewalks; and (d) all median areas within dedicated rights-of-way.

(4) Sight triangle requirements concerning sight distance at street intersections and driveways shall be as follows:

(a) In all areas of the city where yards or open space are required in front yards or side yards, sight triangles shall be maintained at intersections of streets, and intersections of driveways and other entrances to streets in order that visibility may exist from one to the other, enabling operators of motor vehicles, bicycles, pedestrians, and others using such streets, driveways and sidewalks, to observe other motor vehicles, bicycles, pedestrians and others before entering streets or crossing sidewalks from other streets, or driveways.

(b) Intersections and Entrances.

(i) Driveways from Private Property Emerging onto Streets Where There Are No Sidewalks. At all locations in the city of Longview where front or side yards are required by LMC Title 19, where driveways emerge onto streets, and where, on both sides of such driveway, there are no improved sidewalks existing between the land abutting such street and the paved portion thereof, there shall be maintained a clear field of vision between a point which is 42 inches above the edge of roadway where the driveway intersects or merges, and 96 inches above such point. Such field of vision shall be of such distance as to enable the operator of any motor vehicle, bicycle or other transportation device to clearly see onto the intersecting street from a distance which is 10 feet back from the point where such driveway intersects with such street, and along the intersecting street for a distance of not less than 10 feet, providing for a clear field of visibility. Said field of vision area is described as a triangular-shaped area determined by measuring from the point where the driveway and the paved portion of the street intersect, a distance of 10 feet along the driveway and 10 feet along the nearest edge of the pavement of the street onto which such driveway emerges, in both directions.

Property which adjoins a property with a required sight distance triangle for a driveway shall be required to maintain temporary signs consistent with the requirements of this chapter.

(ii) Driveways and Other Entrances From Private Property Emerging onto Streets Where There Are Sidewalks. At all locations in the city of Longview where front or side yards are required by LMC Title 19, where driveways emerge onto streets, and where on both sides of such driveway there are improved sidewalks, on either side, existing between the land abutting such street and the paved portion thereof, there shall be maintained a clear field of vision between a point which is 42 inches above the edge of roadway where the driveway

intersects or merges, and 96 inches above such point. Such field of vision shall be of such distance as to enable the operator of any motor vehicle, bicycle or other transportation device to clearly see onto the intersecting street from a distance which is 10 feet from the edge of the sidewalk which is nearest the property line and along the intersecting sidewalk for a distance of not less than 10 feet, providing for a clear field of vision. Said field of vision area is described as a triangular-shaped area determined by measuring from the point where the driveway and the paved portion of the sidewalk intersect, a distance of 10 feet from the edge of sidewalk, along the driveway and 10 feet along the nearest edge of the pavement of the sidewalk onto which such driveway emerges, in both directions.

Property which adjoins a property with a required sight distance triangle for a driveway shall be required to maintain temporary signs consistent with the requirements of this chapter.

(iii) Streets Intersecting Other Streets. At all locations in the city of Longview where front or side yards are required by LMC Title 19, where streets intersect with other streets, there shall be maintained a clear field of vision between a point which is 42 inches above the highest level of such streets and 96 inches above such point. Such field of vision shall be of such distance as to enable the operator of any motor vehicle, bicycle or other transportation device to clearly see onto the intersecting street from a distance which is 20 feet along the property line from the point where such street rights-of-way intersect, providing for a clear field of visibility from each of said streets. Said field of vision area is described as a triangular-shaped area determined by measuring from the point where one street right-of-way intersects with another street right-of-way a distance of 20 feet along the right-of-way of one street and 20 feet along the intersecting edge of the intersecting street right-of-way.

Section 1404. Temporary Neighborhood Signs.

As used in this section, the term “Temporary Neighborhood Sign” means a temporary sign advertising a garage sale, rummage sale, estate sale, yard sale, a community event such as an organized “walk”, “run”, “jog”, bicycle activity, that is not scheduled by the proponents for a duration exceeding four (4) successive days. Temporary Neighborhood Signs may advertise off-premises events, and may be located on premises only with the specific permission of the owner or occupant of the real property where such signs are placed; provided, however, that a sign advertising or announcing a garage sale, rummage sale, estate sale or yard sale may not be placed in a location that is more than six (6) city blocks, or 2,400 feet from the location of such sale.

Temporary Neighborhood Signs may be erected and maintained for a period of not to exceed two days before the scheduled event, and must be removed within twenty-four (24) hours after the event has concluded. Temporary Neighborhood Signs may be placed in the locations permitted for Temporary Political Signs in Section 1403 of this Chapter 16.13. Failure to remove a Temporary Neighborhood Sign as required herein or placement of a Temporary Neighborhood Sign in a location other than as specified herein is a class II Civil Infraction.

Section 1405. Temporary Construction Signs.

One temporary sign identifying an engineer, architect, contractor, bank, or other professional service engaged in or used in the construction of a home or a utility within the subdivision may be erected on a lot within the subdivision when construction commences on that lot, provided such sign does not exceed eight (8) square feet in area and thirty-six (36) inches in height. Such sign shall be removed prior to occupancy of the structure or when construction on that lot is substantially complete. Such sign shall not be illuminated, nor located within fifty (50) feet of any property line of an existing residence.

Section 1406. Temporary Real Estate Signs.

Temporary real estate signs shall be permitted on the lot or series of contiguous lots under the same ownership being offered for sale, rent or lease, subject to the provisions contained within the zoning ordinance relative to the district in which the subject property is located. The sign shall be removed not later than seven (7) days after closing of a sale of the real estate, or occupancy thereof by a tenant or lessee.

Section 1407. Temporary Promotion Signs.

(1) As used in this section, the term "Temporary Promotion Sign" means a temporary sign promoting the activities of a legally-sited business/organization, such as, but not limited to, special sales events, membership drives, limited time offerings, new professional services, availability of rental units and the like. Temporary promotion signs shall relate to the business/activities of the occupant of the premises on which the sign(s) is located and for which a current business license exists or is otherwise legally sited.

(2) Temporary promotion signs may be used in all zoning districts except for the R-1, R-2 and TNR zoning districts. Home occupations shall not use temporary promotion signs. In the case of conflict between Section 1407 and requirements for promotion signs in zone-specific chapters of Title 19, Title 19 shall take precedence.

(3) Temporary promotion signs shall comply with the following:

(a) A maximum of two signs per street frontage shall be allowed at any one time;

(b) The maximum total area for these sign(s) shall not exceed 64 square feet per street frontage and 32 square feet per sign;

(c) These signs may remain in place for a period not exceeding 60 days, concurrent or non-concurrent, in any given year, except when temporary promotion signs are utilized during periods of construction, in which case they shall be allowed throughout the period of construction for which a building permit has been issued and shall be removed at the time of project completion or upon expiration of said building permit;

(d) Temporary promotion signs shall not be placed on or encroach over public property or right-of-way unless otherwise allowed per LMC Chapter 12.04, Banners, and LMC Chapter 12.30, Use and Occupancy of Rights-of-Way; and

(e) These signs shall not be illuminated.

Section 1408. Authority of Traffic Engineer.

For all temporary signs (Sections 1403 thru 1407), the city of Longview traffic engineer shall have the authority where, in his/her professional opinion, a hazard to pedestrians or motorists exists due to the placement or height of temporary political signs to require the removal or relocation of said signs.

(Ord. 3283 § 1, 2014; Ord. 3017 § 1, 2007; Ord. 2838 § 1, 2002).

16.13.040 New chapter added to Uniform Sign Code.
The Uniform Sign Code is amended by the addition of a new chapter thereto, to be designated as Chapter 15, reading as follows:

Chapter 15

Additional Provisions

Section 1501. Application of Sign Code to all nonexempt signs throughout city – Specific Zone District provisions.

The provisions of this Chapter 16.13 of the Longview Municipal Code are applicable to all signs in the City of Longview. In addition thereto, in each Zoning District described in and provided for in Title 19 of said code in which provisions are set forth with reference to allowable and permissible signs in such Zoning Districts, the provisions of this Chapter 16.13 and the provisions of said Title 19 are applicable to signs within such Zoning Districts.

Section 1502. Abandoned Signs.

Signs identifying or directing attention to a business, service or profession which has been closed, abandoned or relocated shall be removed or obliterated within thirty (30) days of the business closure, abandonment or relocation. The removal or obliteration of such sign shall be the responsibility of the owners of the property upon which the sign is located.

Any sign which identifies or directs attention to a closed, abandoned or relocated business, service or profession which has not been removed or obliterated shall be considered a public nuisance, and in addition to any other remedies available at law, may be abated in the manner provided in this Longview Municipal Code.

Section 1503. Exempt Signs.

The following signs and/or devices are exempt from the requirement of a sign permit and from the provisions of this Chapter 16.13 except as otherwise provided herein or except as provided in provisions that are set forth with reference to allowable and permissible signs in specific Zoning Districts in Title 19 of the Longview Municipal Code.

(1) Informational signs placed by the City of Longview or by the State of Washington in the publicly owned right-of-way.

(2) Memorial tablets, cornerstones, or similar plaques.

(3) Official national, state, or local government flags.

(4) Religious symbols not exceeding twelve (12) square feet in area.

(5) Historical and landmark signs, subject to review and issuance of a Certificate of Appropriateness by the Historic Preservation Commission, for signs up to thirty (30) square feet in area and less than six (6) feet above grade.

(6) Window displays of merchandise which are not affixed to the window surface, provided that the display is located inside the business and does not involve the use of search lights and laser lights, or revolving or rotating beams of light or stroboscopes.

(7) Building or street address numbers, not exceeding two (2) square feet in area.

(8) Affiliation signs for auto-related uses, motels, and hotels that show notices of service provided or required by law, trade affiliations, credit cards accepted, and the like, provided the signs are attached to an otherwise approved freestanding sign or structure. Signs or notices shall not exceed 1/2 square foot in area per sign, and no more than six (6) such signs are allowed per business.

(9) Names of structures or buildings, commemorative plaques, tables, dates of construction, and the like when carved in stone, concrete or similar materials or made of bronze, aluminum, or other similar permanent material and mounted permanently on a structure. These signs shall not exceed four (4) square feet in area and not mounted higher than six (6) feet in height. Existing building name signs of a historic nature shall be exempt from meeting the specified dimensional requirements.

(10) Billboards as provided in LMC Chapter 16.40.

(11) Temporary Political Signs, subject to the provisions of section 1403 of this Chapter 16.13.

(12) Temporary Neighborhood Signs, subject to the provisions of section 1404 of this Chapter 16.13.

(13) Temporary Construction Signs, subject to the provisions of section 1405 of this Chapter 16.13.

(14) Temporary Real Estate Signs, subject to the provisions of section 1406 of this Chapter 16.13.

(15) Historically significant signs declared exempt by Resolution of the City Council.

(16) Wayfinding signs as approved by the Appeal Board of Adjustment.

Section 1504. Prohibited Signs.

No person shall erect, maintain, alter, repair, remove, use (or cause or allow the same to be done) or continue to use any sign not permitted by this Chapter 16.13, Longview Municipal Code Chapter 16.40, or exempt under section 1503. The following signs are prohibited throughout the city, and the erection, maintenance, use or allowance thereof constitutes a class II Civil Infraction:

(1) Signs which bear or contain statements, words, or pictures in which the dominant theme appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material, that is utterly without redeeming social value.

(2) Signs which resemble any regulatory sign used by the city, county, state or federal government.

(3) Signs or advertising devices located on pedestrian benches containing off-premises advertising or copy.

(4) Signs that are attached to, painted on or otherwise a part of any truck, trailer, semi-trailer, van or other motor vehicle, parked or left standing on private property for more than forty-eight (48) hours (2 days), advertising, promoting or announcing any business, service, activity, belief, or other matter that is not provided upon the premises where such vehicle is parked or left standing; provided, however, that this provision shall not apply to Temporary Political Signs that are attached to, painted on or otherwise a part of any truck, trailer, semi-trailer, van or other motor vehicle.

(5) *Repealed by Ord. 3202.*

(6) Signs that utilize search lights and laser lights, or signs utilizing revolving or rotating beams of light or stroboscopes.

(7) Signs using flame or an open fire as a source of light.

(8) Signs designed or used for the purpose of emitting sound or dispersing smells. No public address system or other sound device shall be used in conjunction with any sign or advertising device.

(9) Awning signs that project over or under the face or valance of the awning.

(10) Signs affixed to a tree, shrub, rock, or any other natural object.

Section 1505. Nonconforming Signs.

(1) Any sign which does not conform to the provisions of this chapter, for which a permit was issued by the City of Longview, and which was constructed, erected, and maintained in compliance with then applicable City of Longview regulations shall be regarded as a legal nonconforming sign; excluding those signs that are prohibited under section 1504.

(2) Any legal nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into conformance with all of the provisions of this title. Normal maintenance shall be permitted on any part of a sign or sign structure without loss of nonconforming status. Sign face changes that do not result in an increase of the nonconformity shall be allowed, except as specifically prohibited in this chapter.

(3) Changes in copy shall be permitted if no structural changes to the sign are necessary, except that no change in copy shall be permitted for nonconforming painted wall signs.

(4) Nonconforming signs shall be removed or brought into conformance under the following conditions:

(a) Within ninety (90) days of damage of the sign by catastrophic events, such as earthquakes, floods and wind, vandalism, fire or other casualty such that the cost of repair and restoration of the sign, to the same or a more conforming design, exceeds twenty-five (25) percent of the cost of placing the sign into conformity, as determined by the Building Official. The Building Official may require that such a sign be removed or repaired in less than ninety (90) days if the sign is deemed to be an immediate danger to the public.

(b) Upon notice by the City that the sign is in a state of disrepair, is unsafe, or may become a danger to the public, providing the costs of repair and restoration of the sign exceeds twenty-five (25) percent of the cost of repairing or restoring the sign and placing the sign into conformity as determined by the Building Official.

(5) Nonconforming signs not subject to removal or conformance to the requirements of subsection (4) above may be repaired or restored to their original design or placed into conformity.

Section 1506. Additional Definitions.

(1) Advertising.
"Advertising" means any display of letters, numerals, characters, words, symbols, emblems, illustrations, objects or registered trademarks which serve to call the attention of the public to products, services, businesses, buildings, premises, events, candidates or ballot propositions.

(2) A-Frame or T-Frame sign.
"A-Frame or T-Frame sign" means a temporary, portable, freestanding, and self-supporting sign which may be either single- or double-faced, forming an "A" shape, or on a pole attached to a flat base.

(3) Alteration.
"Alteration" means any change in size, shape, illumination, position, location, construction, or supporting structure of any sign. A change in copy is not an alteration.

(4) Animated sign.
"Animated sign" means a sign having any visible moving part, flashing or oscillating lights, visible mechanical movement of any description or an intermittent or continuing variation in the illumination or physical position of any part of the sign or device, except such variations necessary for displaying time-of-day information or temperature information.

(5) Architectural projection.
"Architectural projection" means any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including, without limitation, a roof overhang, mansard, unenclosed exterior balcony, marquee, canopy, awning, pilaster, and fascia, but not including a sign.

(6) Assistant Director.
"Assistant Director" means the Assistant Director of the Community Development Department or their designee.

(7) Awning.
"Awning" means a temporary or fixed shelter supported entirely from the exterior wall of a building without other means of support to the ground which is constructed of rigid or nonrigid materials, and that may be retracted, folded, or collapsed against the face of the supporting building.

(8) Awning sign.
"Awning sign" means any sign erected on, painted on or attached to or supported by an awning.

(9) Building frontage.
"Building frontage" means the length of the face or wall of a completely enclosed building which fronts directly upon a public street or right-ofway.

(10) Business identification sign.
"Business identification sign" means a sign which serves to identify only the name, address, and use of the premises upon which it is located and provides no other advertisements or product identification.

(11) Business promotional sign.
"Business promotional sign" means a temporary sign erected or placed on a business to promote the sale of new products, new management, new hours of operation, a new service, or a special sale for that business.

(12) Cabinet sign.
"Cabinet sign" means a one or two-faced sign which contains all the text and/or logo symbols within a single enclosed cabinet, box or can, and may or may not be internally illuminated.

(13) Changeable copy sign.
"Changeable copy sign" means a sign designed to allow for the message it displays to be periodically changed through manual, mechanical, or electrical means. A changeable copy sign does not include time and temperature signs.

(14) Canopy.
"Canopy" means a functional rigid roof-like multi-sided shelter structure which is wholly or partially supported by a building structure and/or columns, braces or poles extending to the ground. For the purpose of these regulations, a canopy shall be considered an extension of the wall to which it is attached.

(15) Canopy sign.
"Canopy sign" means any sign erected on, painted on or attached to or supported by a canopy.

(16) Commemorative plaque.
"Commemorative plaque" means a memorial plaque, sign, plate or tablet which is permanently affixed to or near the structure, object or event it is intended to commemorate and which displays no advertising.

(17) Commercial sign.
"Commercial sign" means a sign which identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any sign naming a brand of good or service and any sign which is not a noncommercial sign.

(18) Community event sign.
"Community event sign" means an informational or directional sign pertaining exclusively to a specific upcoming event sponsored by a governmental entity or nonprofit organization.

(19) Concealed illumination.
"Concealed illumination" means an artificial light source either internal to a sign structure or shielded from public view and from the surrounding properties used to illuminate only the face of the sign and not any area beyond the sign face.

(20) Copy.
"Copy" means the wording, symbols, graphics or numbers on a sign surface in either permanent or removable form.

(21) Cultural, historical or architecturally significant sign.
"Cultural, historical or architecturally significant sign" means a sign with unique local characteristics or a landmark sign that has historical significance, or a sign designed to be an integral part of the building to which it is attached.

(22) Department.
"Department" means the Community Development Department of the City of Longview.

(23) Directional sign.
"Directional sign" means a sign which contains specific directional information and contains no advertising. Also known as an "Informational sign".

(24) Directly illuminated lighting.
"Directly illuminated lighting" means exposed lighting or neon tubing on the sign face.

(25) Directory sign.
"Directory sign" means a sign which displays exclusively the names, logos and locations of occupants or uses of a building or complex; which includes, but may not be limited to, signs for office buildings, church directories and signs for malls, arcades, and similar commercial buildings. No advertising other than the name, logo and locations of occupants or uses is included.

(26) Electronic Message Center.
"Electronic Message Center" means a changeable copy sign that uses a matrix of electronic illumination elements, digital or analog, to display or project copy which can be modified by electronic processes.

(27) Erect.
"Erect" means to build, construct, raise, assemble, create, alter, display, relocate, attach, hang, place, suspend, affix, paint, draw, engrave, carve, cast, or in any other way bring into being or establish any sign, other than to replace changeable copy and other than in the course of normal sign maintenance as described in this chapter.

(28) Externally illuminated lighting.
"Externally illuminated lighting" means a light source which is separate from the sign and is directed so as to shine onto the sign.

(29) Flashing sign.
"Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a repetitive pattern, or uses electrical or mechanical energy to provide motion or the optical illusion of motion, either direct, indirect or internal.

(30) Flat sign.
"Flat sign" see "Wall sign".

(31) Freestanding sign.
"Freestanding sign" means a sign which is supported by uprights or braces connected permanently to the ground and which is not connected to a building or structure. Also referred to as detached, ground or post signs. See "Pole sign" and "Monument sign".

(32) Grade.
"Grade" means the average elevation of the ground surface immediately below the sign after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. See "Height of a sign".

(33) Height of a sign.
"Height of a sign," "high," or "in height" mean the vertical distance measured from the elevation of the nearest sidewalk, or, if there is no sidewalk within twenty-five feet, from the lowest point of the finished grade on the lot upon which the sign is located and within twenty-five feet of the sign, to the uppermost point on the sign or the sign structure, whichever is higher.

(34) Historic Preservation Commission.
"Historic Preservation Commission" means the Historic Preservation Commission of the City of Longview, as established by the City Council.

(35) Identification sign.
"Identification sign" means an on-site sign which indicates the premises, occupants, addresses, neighborhood or entrance location to the premises. Identification signs may be monument or freestanding signs.

(36) Illuminated sign.
"Illuminated sign" means any sign illuminated in any manner by an artificial light source.

(37) Indirect lighting.
"Indirect lighting" means nonflashing illumination which is cast on a sign from a source outside the sign with the source of the light being shielded from direct view or from being projected into residences or onto a public right-of-way.

(38) Informational sign.
"Informational sign" means a noncommercial sign of which the sole purpose is to convey information or directions with respect to the premises or site on which it is maintained. Examples include a sign whose copy is limited to the name and address of a building, home or farm, designating the entrance or exit from a parking area, prohibiting trespassing, indicating danger or giving similar information, caution or directions. See "Directional sign".

(39) Internal lighting.
"Internal lighting" means a concealed light source which is recessed within or contained within any element of a sign.

(40) Legal nonconforming sign.
"Legal nonconforming sign" means any sign that was lawfully erected and maintained under the law governing such sign before adoption of this chapter but which does not conform to the provisions of this chapter, or which was lawfully erected and maintained under the law of the

city, but which does not comply with the provisions of this chapter because of subsequent changes in such law.

(41) Main entry.
"Main entry" means the entrance from outdoors into a primary building through which most customers or other visitors pass or are expected to pass. Each building shall be considered to have no more than one main entry, excepting a multiple tenant building, in which case each physically separate business which has no internal passageway to any other business premises shall be considered to have one main entry.

(42) Maintenance.
"Maintenance" means the replacing, repairing, or repainting of a portion of a sign structure or renewing of copy that has been made unusable by ordinary wear and tear, weather, or accident.

(43) Marquee.
"Marquee" means a permanent roof-like structure which projects beyond the building wall and is attached to and supported by the building and projecting over public or private property.

(44) Marquee sign.
"Marquee sign" means any sign which is attached to or supported by a marquee.

(45) Monument sign.
"Monument sign" means a ground-mounted, freestanding sign which is attached to the ground or to its base on grade by a solid structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face.

(46) Multiple-tenant building.
"Multiple-tenant building" means a building or structure housing at least two separate businesses or agencies.

(47) Mural.
"Mural" means a drawing or graphic which consists exclusively of paint applied to the wall of a building or alternate surface without application of any other material or framing, that depict a scene or scenes that are based on an accurate historical research of a local person or event, or are painted areas on a building wall that are designed and intended as a decorative or ornamental feature. A mural shall not be considered a sign if it contains no advertising, logos, trademarks, or references to any information, products or services whatsoever, either on or off premises.

(48) Neon sign.
"Neon sign" means lettering, numerals, symbols, logos, emblems or illustrations which are directly visible and are constructed of and illuminated solely by glass tubes filled by neon gas, argon gas or equivalent light emitting gaseous elements which are electrified by a current.

(49) Official governmental information sign.
"Official governmental informational sign" means any temporary or permanent sign erected and maintained by the City, County, State or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

(50) Parapet wall.
"Parapet wall" means any portion of the vertical extension of a perimeter wall, constructed of materials similar in appearance to those used on the exterior wall below, and extending above, but not enclosed by a roof.

(51) Permanent sign.
"Permanent sign" means a sign constructed of durable materials and intended to exist for the duration of time for the use or occupancy located on the premises.

(52) Pole sign.
"Pole sign" means any freestanding sign composed of a sign cabinet, backboard, frame or base and the sign pole, or pylon by which it connects to the ground. See "Freestanding sign".

(53) Premises.
"Premises" means the real property on which the business or other entity advertised by the sign or signs mentioned in this chapter is situated.

(54) Projecting sign.
"Projecting sign" means a business identification sign affixed to an exterior wall of a building or structure and extending perpendicularly in whole or part beyond the surface of the wall to which the sign is attached. Projecting signs are best distinguished from flat wall signs by the fact that they are mounted perpendicular rather than parallel to the building face. Also referred to as bracket signs. Hanging bracket signs are projecting signs suspended by chain, link or cable from a projecting architectural feature or support bracket fastened to the primary structure. Projecting signs do not include awning signs, canopy signs, marquee signs, or roof signs and may not be attached to or supported by such signs.

(55) Public entrance.
"Public entrance" means an entrance to a building or premises that is customarily used or intended for use by the general public and excludes a fire exit, an employee entrance or exit, and a loading dock entrance, in each case if not used by the public.

(56) Public right-of-way.
"Public right-of-way" means the entire area between property boundaries: which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes, without limitation, the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, and any public way including an alley.

(57) Reader board.
"Reader board" or "Changeable message sign" means a sign or that portion of a sign on which copy may be easily changed by manual/mechanical means or by lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign.

(58) Revolving sign.
"Revolving sign" means a sign which rotates or turns in motion in a circular pattern.

(59) Roof sign.
"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure, including any sign mounted on a pitched or sloping wall and extending higher than the lowest portion of the adjoining roof. A roof sign includes any sign affixed to any structure erected upon a roof, such as a structure housing mechanical and/or building equipment.

(60) Sandwichboard sign.
"Sandwichboard sign" means a sign constructed in such a manner as to form an "A" or a tent-like shape, either hinged or not hinged at the top, with each angular face held at an appropriate distance by a supporting member, and which is easily movable from site to site.

(61) Sign area.
"Sign area" means the entire area of a sign or device on which the copy is to be placed, expressed in square feet. In the case of an irregularly shaped sign, the area of the sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8)

straight lines enclosing the extreme limits of the sign copy area together with any material or color forming an integral part or background of the display. Sign supporting structures which are part of the sign display shall be included in the area calculation. Architectural embellishments and decorative features which contain no written or advertising copy shall be included in determining the sign area, and may include the area of the surface upon which the sign is mounted to or affixed to, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.

(62) Sign copy.
"Sign copy" means the message or image conveyed by a sign.

(63) Sign face.
"Sign face" means any surface of any sign or device upon which information or advertising is placed, displayed or illustrated. The term "sign face" does not include any portion of the support structure for the sign; provided that no message, symbol, graphic, logo, or any of the elements of a "sign" is placed on or designated as part of the support structure (see "Sign" and "Sign area").

(64) Sign graphics.
"Sign graphics" means any lettering, numerals, figures, designs, symbols or other drawings or images used to create a sign.

(65) Sign height.
"Sign height" see "Height of a sign".

(66) Special event sign.
"Special event sign" means a temporary sign directing attention to an activity of limited duration. Examples include grand opening, special sales, promotions, community events or similar activities. A special event sign shall not include real estate signs, garage/yard sale signs or other types of incidental signs.

(67) Street and sidewalk furnishings.
"Street and sidewalk furnishings" means benches, advertising kiosks, lamps, pavilions, bus and cab shelters, trash receptacles, landscape planting boxes and other similar fixtures commonly permitted in pedestrian walkways and passageways.

(68) Street.
"Street" means a public or private way open to the general public including all classes of roadways, excepting alleys and driveways.

(69) Street frontage.
"Street frontage" means the lineal distance for that portion of a property or parcel that adjoins or abuts a public right-of-way.

(70) Street frontage, primary.
"Street frontage, primary" means the lineal length of the street frontage on which the main entry is located; provided that, in the event the main entry is located on a corner of the building or on a side other than a side which abuts a more heavily traveled street, primary street frontage shall be determined as if the main entry were on the side which abuts the more heavily traveled street.

(71) Time and temperature sign.
"Time and temperature sign" means a sign which displays only the current time and temperature, either digitally or analog, and which carries or displays no advertising message. A time and temperature sign shall not be considered a flashing or animated sign, or a changeable copy sign.

(72) Wall.
"Wall" means the exterior of the vertical face or facade of a building. For the purpose of determining the allowable area of a wall sign for a multi-occupancy building, the wall shall be determined to be the portion of the vertical face or facade of the building which would be delineated by the imaginary extension of the interior walls, defining the unit of occupancy through to the exterior of the vertical face or facade.

(73) Wall sign.
"Wall sign" means a business identification sign which is attached parallel to, and within six (6) inches of, a wall, which is supported by and confined within the limits of such wall, and which displays only one sign surface. Wall signs are not projecting signs, cabinet signs, roof signs, awning signs, canopy signs, marquee signs or fence signs.

(74) Wayfinding sign.
"Wayfinding sign" means a permanent sign used for the purpose of identifying a neighborhood or district, such as the downtown district, either freestanding or attached to a wall, identifying the name of the neighborhood or district. Wayfinding signs may also include embellishments, such as an architectural design feature, or a small-scale scene. These signs do not carry any advertising of any kind.

(75) Wind sign.
"Wind sign" means a sign or part of any sign, or series of signs, designed or erected in such a manner as to move when subjected to wind pressure.

(76) Window sign.
"Window sign" means any sign posted, painted, placed, or affixed in or on any window exposed to public view. A window sign does not include any window shading or window display.

(Ord. 3406 § 2, 2019; Ord. 3202 § 5, 2012; Ord. 3063 § 1, 2008; Ord. 2967 § 4, 2006; Ord. 2964 § 1, 2006; Ord. 2895 § 1, 2004; Ord. 2838 § 1, 2002).

Chapter 16.30

PROPERTY MAINTENANCE CODE

Sections:

16.30.110 International Property Maintenance Code adopted – Purpose.
16.30.140 Amendments to International Property Maintenance Code.
16.30.170 Severability.

16.30.110 International Property Maintenance Code adopted – Purpose.
That a certain document, one copy of which is on file in the office of the city clerk of the city of Longview, being marked and designated as the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city of Longview, in the state of Washington, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city of Longview are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in LMC 16.30.140. (Ord. 3044 § 2, 2008).

16.30.140 Amendments to International Property Maintenance Code.
The following sections of the International Property Maintenance Code, 2006 Edition, as adopted in LMC 16.30.110 are hereby amended as follows:

Section 101.1, Title, is amended to read as follows:

> **101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Longview, hereinafter referred to as “this code.”

Section 101.3, Intent, is amended to read as follows:

> **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be declared a public nuisance and shall be abated by repair, rehabilitation, vacation, demolition or removal as to provide a minimum level of health, welfare and safety as required herein. This code is an exercise of the City’s police power, and it shall be liberally construed to effect this purpose.

Section 102.3, Application of other codes, is amended to read as follows:

> **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, the National Electrical Code and other applicable codes as adopted by this jurisdiction. Nothing in this code shall be construed to cancel, modify or set aside any provision of LMC Title 19, Zoning Code of Longview.

Section 103.1, General, is amended to read as follows:

> **103.1 General.** This code shall be administered by the Community Development Department and the executive official in charge thereof shall be known as the code official.

Sections 103.2, Appointment; 103.3, Deputies; and, 103.4, Liability, are deleted.

Section 103.5, Fees, is amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

The fees for requested site inspections of properties within the city, for compliance as set forth herein, shall be based on the hourly building inspection rates as established in the Community and Economic Development Department Master Fee Schedule.

Section 107.2, Form, is amended to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with Chapter 1.33 LMC.

Section 107.3, Method of service, is amended to read as follows:

107.3 Method of service. Notice and orders shall be served in accordance with Chapter 1.33 LMC.

Section 109.6, Hearing, is amended to read as follows:

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the hearings examiner, be afforded a hearing as described in this code.

Section 111.1, Application for appeal, is amended to read as follows:

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal in accordance with Chapter 1.33 LMC.

Sections 111.2, Membership of board; 111.3, Notice of meeting; 111.4, Open hearing; 111.5, Postponed hearing; 111.6, Board decision; 111.7, Court review; and 111.8, Stays of enforcement, are deleted.

Section 201.3, Terms defined in other codes, is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, LMC Title 19 – Zoning Code of Longview, International Plumbing Code, International Mechanical Code, the National Electrical Code or other applicable codes as adopted by this jurisdiction, such terms shall have the meanings ascribed to them as stated in those codes.

Section 201.5, Parts, is amended to read as follows:

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit,” “story,” “structure” or “vehicle” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

Section 202, the following definitions are hereby added or amended to read as follows:

APPROVED SURFACE. Permitted parking and/or storage spaces for all motorized or non-motorized vehicles, machinery and equipment shall be made permanently available for such purposes and be constructed using either asphaltic or Portland cement concrete, and shall be maintained and repaired or replaced if found to be in disrepair.

ATTRACTIVE NUISANCE. All premises within the city which cause the circumstance and/or condition that would reasonably attract any person and such circumstance and/or

condition which may constitute a danger to the person(s). Attractive nuisances include, but are not limited to, unused or abandoned refrigerators, freezers or other such large appliances or equipment or any parts thereof; any structurally unsound or unsafe fence or building edifice; any unsecured or abandoned excavation pit, well, cistern, storage tank or shaft; any collection of scrap lumber, trash, vegetation or other similar items; or unattended machinery or equipment, unsecured, abandoned or vacant buildings, open and unattended vehicles or vehicle trunks, or other similar unguarded conditions or situations that would injure or cause injury to any person(s).

BLIGHTED AREA. As defined in Chapter 16.32 LMC.

CAR COVER. A cover that is specifically manufactured and commercially retailed for the purpose of covering a vehicle. This cover can be a cover designed for the specific vehicle or type of vehicle or may be designed for a generic vehicle. The cover must be completely opaque, conceal the vehicle entirely and be securely fastened at all times. Generic tarps are not a permitted car cover.

DIRT AND FILTH. Dirt and filth means and includes, but is not limited to, floor, sidewalk, street and other surface sweepings; discards from vacuum cleaners; soot; ashes; matter removed from gutters and downspouts; accumulations of dust, residue from fire other than soot and ashes; hair from humans and animals; and all other discarded, unused and seemingly worthless goods and commodities not otherwise described in this chapter.

DRIVEWAY. The driveway is the permitted surfaced roadway leading from the public right-of-way to a legal parking space.

GARBAGE. Waste and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food and food products including, but not limited to, discarded food wrappings and containers, paper, plastic and metal products used or intended for use in connection with the storage, sale, preparation or “clean-up” relating to food items; egg shells; used coffee grounds; used tea bags; meat trimmings; entrails of animals, poultry or fish; offal; medical wastes including bandages, syringes, medicines, plaster or other casts; and decomposed putrid material; whether such items are alone or in combination with other materials.

INOPERABLE VEHICLE. A vehicle, either motorized or non-motorized, and/or its parts which cannot be driven or operated upon the public streets for reasons including but not limited to being unlicensed, unroadworthy, wrecked, abandoned, in a state of disrepair, or if motorized, incapable of being moved at least 100 feet under its own power in both forward and reverse gears; except, vehicles specifically designed for off-road use and that are unlicenseable such as ATV’s, snowmobiles, and dirt bike motorcycles, will not have their license status used to determine operability.

JUNK. Scrapped, broken, or neglected items and materials. Junk includes items such as plastic, cloth, glass, rags, paper or metals that can be converted into usable articles or stock, or articles that have outlived their usefulness in their original form. Examples of “junk” include, but are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; cardboard; discarded and/or pre-used building materials; discarded and/or pre-used electrical and plumbing materials; broken pieces of concrete; discarded, broken, or neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

JUNK VEHICLES. Any vehicle meeting at least three (3) of the following requirements: (a) Is three years old or older; (b) Is extensively damaged, such damage including but not limited

to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission; (c) Is apparently inoperable; or (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

LITTER. Tangible personal property which has been unlawfully scattered and/or abandoned in a public place, typically outdoors, as a form of solid waste – material which, if thrown or deposited, creates a danger to public health, safety and welfare. Litter is further defined as either hazardous, reusable-recyclable, non-hazardous, or non-usable material. Litter includes, but is not limited to, polystyrene foam, plastics, cigarette butts, candy and gum wrappers, paper towels, food wastes, chip bags, aluminum and steel beer/soda cans, leather, rubber, clothing, textiles, wood, glass, metal, abandoned tires, vehicle parts, or other such debris that has fallen onto a public right-of-way as a result of negligent litter; litter from trash-hauling vehicles, unsecured loads, or construction sites.

PLANTING, PARKING STRIP. The area of the right-of-way between the constructed curb or edge of the roadway and the adjoining property line, exclusive of any improved sidewalk or any established pedestrian path.

PUBLICLY VISIBLE OR PUBLIC VIEW. Anything that can be seen by a person with normal vision from any sidewalk, street, alley or other public place, or from any building situated on an adjoining property.

PUBLIC NUISANCE. A nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which intrudes, annoys, injures or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which interferes with or disrupts a neighbor's or citizen's ability to freely use or enjoy their properties or public property adjacent to where the nuisance occurs. Such nuisances include, but are not limited to, the following:

A. Unsecured attractive nuisances;

B. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others;

C. Conditions or acts which are offensive to the senses;

D. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the city;

E. Illicit discharges into the municipal storm drainage system;

F. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly owned restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto;

G. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property;

H. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property;

I. The improper parking or storage of vehicles on any residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping;

J. A violation of any City of Longview ordinance; and

K. Those acts or omissions defined in RCW 7.48.140 and 9.66.010.

PREMISES. Any building, lot, parcel, alley, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, parking strips and street.

PUBLIC RIGHT-OF-WAY OR RIGHT-OF-WAY. "Right-of-way" means all real property owned or held by the city in fee, or by way of easement, or dedicated to the public and located within the city, and used or intended for use as a street, alley, sidewalk, public way or easement for public or private utilities, whether developed or undeveloped.

SCREENING/SCREENED. A permitted continuous solid fence, landscape planting of sufficient density that is not affected by seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at 90% plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at 90% plus sight obscuring or combination thereof that is at least 6-feet in height that would effectively screen a property from public view in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged. All gates leading into the enclosed area must also effectively screen the property and be kept closed. Where inoperable vehicle(s) within a screened area are visible from a neighboring structure, a car cover as defined herein, or a permitted temporary structure, must be used to further screen the vehicle. A covering/barrier such as a tarp or similar material is not permitted screening.

SPECIAL INTEREST VEHICLE and/or HISTORIC AUTOMOBILE. Any vehicle as defined above, at least 30 years old on the date of any attempt by Code Official, or a motor vehicle which meets any of the following definitions: (a) A make of motor vehicle which is no longer manufactured; or, (b) A make or model of motor vehicle produced in limited or token quantities; or, (c) A make or model of motor vehicle in the special interest market which has appreciated in value during the past year.

TRASH AND WASTE. Trash and waste means, but is not limited to ashes; leaves; branches and trimmings from trees, shrubs and hedges; discarded Christmas trees; excrement and undigested residue of food eliminated by humans, animals, fish and birds; lawn, yard, garden, shrub and tree trimmings; garbage, junk and filth; discarded clothing of all descriptions; decayed or decaying materials of all kinds and descriptions; and insect-infested materials of all kinds and descriptions; whether such items are alone or in combination with other materials.

UNROADWORTHY. Any vehicle shall be deemed unroadworthy if such vehicle does not have all operational and safety-related components maintained in a manner that makes it legal and safe to operate on the public streets.

VEHICLE. A vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including but not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles.

WATERCRAFT. A watercraft means any boat, vessel, or other craft used for navigation on or through water. (Does not include kayaks or canoes).

WEEDS. Weeds shall be defined as those plants designated as Class A, B, and C Noxious weeds by the state noxious weed control board, including but not limited to all grasses, dandelions, morning glory, uncontrolled berry bushes, and other weeds, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

YARD. Any open space on a lot or lots.

Section 302.1, Sanitation, is amended to read as follows:

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition free of junk, garbage, trash, rubbish, filth and waste.

Section 302.3, Sidewalks and driveways, is amended to read as follows:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking and/or planting strips, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from encumbrances and hazardous conditions as specified, but not limited to those in Chapter 12.20 LMC.

Section 302.4, Weeds, is amended to read as follows:

302.4 Weeds, grass or vegetation. All premises and exterior property including any unimproved portion of any street or alley to the center thereof, and the portion of any improved street within the area known as the parking strip, bordering on any such lot or lots, land or lands, shall be maintained free from weeds or plant growth in excess of 12 inches or in a state of having gone to seed. All noxious weeds shall be prohibited. All grasses in excess of 12 inches in height shall also be prohibited subject to applicable zoning requirements. Weeds shall be defined as those plants designated as Class A, B, and C Noxious weeds by the state noxious weed control board, including but not limited to all grasses, dandelions, morning glory, uncontrolled berry bushes, and other weeds, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens not in violation of Chapter 16.46 LMC.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.8, Motor Vehicles, is amended to read as follows:

302.8 Motor vehicles/vehicles/watercraft. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle, vehicle, watercraft or parts thereof shall be parked, kept or stored on any premises, and no vehicle or watercraft shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Such vehicles shall be declared to be public nuisances which shall be abated and removed as specified in this code; provided that this section shall not apply to the following:

1. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed auto wrecker or licensed vehicle dealer and is fenced according to the provisions of RCW 46.80.130;

2. Any historic automobile, special interest vehicle or inoperable vehicle that is in the process of being restored; provided that all such vehicles and parts thereof which are not licensed or not operable shall be stored or parked within a building in a lawful manner where they are not publicly visible; or properly “screened” from public view and parked or stored on an approved surface outside of required property setbacks; or

3. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes or is "screened" where it is not publicly visible. This work shall be performed in compliance with Section 302.12 and in accordance with applicable zoning regulations.

Section 302.10, Vehicles and/or machinery parts, is added to read as follows:

302.10 Vehicles and/or machinery parts. Except where permitted and licensed as a wrecking yard, all premises within the city shall be maintained free of the existence and maintenance of a storage area, junkyard or dumping ground for the wrecking or dismantling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind or of any major parts thereof.

Section 302.11, Vehicle parking/storage, is added to read as follows:

302.11 Vehicle parking/storage. Limitations on the parking of vehicles, boats, trailers, commercial and heavy commercial equipment.

302.11.1 Vehicles. Motor vehicles, or other vehicles not covered in this section, shall be parked or stored on an approved parking surface, shall not be parked in the required property setbacks and shall be in conformance with Chapter 19.78 LMC.

302.11.2 Recreational vehicles, boats, trailers. Recreational vehicles, boats, and trailers shall be parked or stored on an approved parking surface, shall not be parked or stored in required property setbacks and shall be in conformance with Chapter 19.78 LMC.

302.11.3 Machinery and equipment. Machinery and equipment shall be parked, kept or stored on an approved parking surface, shall not be parked or stored in required property setbacks and shall be in conformance with Chapter 19.78 LMC.

302.11.4 Truck tractors, semi-trailers and commercial equipment. Truck tractors, as defined in RCW 46.04.655, and semi-trailers, as defined in RCW 46.04.530, or commercial equipment, shall not be parked or stored in residentially zoned areas, on residential property in other zones, or on sites that have not been permitted, improved and approved for such use. This requirement shall not apply to the parking or storage of agricultural machinery on residential premises to be used for agricultural use allowed by Chapter 19.20 LMC or when equipment is used in conjunction with a permitted or allowed project. These vehicles shall be parked or stored on an approved surface outside of required property setbacks.

Section 302.12, Vehicle and equipment repair on residential premises, is added to read as follows:

302.12 Vehicle and equipment repair on residential premises. Servicing, repairing, assembling, modifying, restoring, or otherwise working on any vehicle on any residential premises shall be subject to the following:

302.12.1 Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance currently registered as specified in the Washington Vehicle Code to the occupant or a member of the occupant's family.

302.12.2 Work is limited to the approved parking surface or garage or approved accessory structure; at no time can repairs be made on the lawn, sidewalk, planting strip or the street.

302.12.3 Only minor repairs such as an oil change, tire repair, small parts change, or minor routine maintenance may be performed outside of a garage or approved accessory structure and only then on an approved parking surface. The associated vehicle(s) in which such minor

repairs exceed seven (7) days shall be moved inside of a building that meets applicable code and zoning requirements or be properly "screened" from public view and parked on an approved surface outside of property setbacks.

302.12.4 Work which creates a nuisance shall not be permitted.

Section 302.13, Dangerous fences and structures, is added to read as follows:

302.13 Dangerous fences and structures. All premises within the city shall be maintained free of any fence or other structure which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition.

Section 302.14, Dangerous trees, is added to read as follows:

302.14 Dangerous trees. All premises within the city shall be maintained free of any dead, diseased, infested or dying tree that constitutes a danger to street trees, streets, alleys or sidewalks.

Section 302.15, Obscured public facilities, is added to read as follows:

302.15 Obscured public facilities. All premises within the city shall be maintained free of any object blocking, vine or climbing plants growing into, onto or over any street, tree growing within a public right-of-way or any public hydrant, utility meter, pole, street light, utility device, street sign or public facility or device; or the existence of any uncontrolled, uncultivated or untended shrub, vine or plant growing on, around or nearby any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto.

302.15.1 Overhanging trees and shrubs. Every property owner having any tree or shrub overhanging any street, alley or right-of-way within the city shall prune the branches so that such branches shall not interfere with the unobstructed use of the street, alley, sidewalk or right-of-way or obstruct the view of any street intersection. Trees and shrubs overhanging the street and alley shall be pruned to allow a minimum 14-foot clearance above the entire surface of the street or alley. Trees and shrubs overhanging the sidewalk and/or right-of-way shall be pruned to allow a minimum 8-foot clearance above the entire sidewalk surface and/or right-of-way to the adjoining property line. No person shall, without a written permit of the superintendent of the park department or city manager, cut, prune, rake, climb, injure or remove any living tree in any public right-of-way, park, planting/parking strip or other public place in the city in accordance with LMC 10.32.

Section 302.16, Privies, vaults, cesspools, etc., is added to read as follows:

302.16 Privies, vaults, cesspools, etc. All premises within the city shall be maintained free of any privies, vaults, cesspools, sumps, pits, trenches or like places which create a dangerous condition or are not securely protected from flies and rats, or which are foul or malodorous.

Section 302.17, Hedges, is added to read as follows:

302.17 Hedges. The existence on any real property within the city of a hedge in violation of Chapter 16.46 LMC is a public nuisance.

Section 302.18, Fences, is added to read as follows:

302.18 Fences. The existence on any real property within the city of a fence in violation of Chapter 16.48 LMC is a public nuisance.

Section 302.19, Outdoor wood storage, is added to read as follows:

302.19 Outdoor wood storage. Outdoor wood and firewood shall be neatly stacked not to exceed six (6) feet in height, shall be adequately supported so as not to pose a hazard to person or property, and shall not be placed in any setback or other restricted area on the property in which it is being stored.

Section 302.20, Attractive nuisance, is added to read as follows:

302.20 Attractive nuisance. All premises within the city shall be maintained free of any accessible attractive nuisance.

Section 302.21, Accumulation of dangerous materials, is added to read as follows:

302.21 Accumulation of dangerous materials. All premises within the city shall be maintained free of the existence of any accumulation of materials, substances or objects in a location when the same endangers property, health, safety or constitutes a fire hazard.

Section 302.22, Open storage of materials and furnishings, is added to read as follows:

302.22 Open storage of materials and furnishings. No person shall openly store or keep any equipment, materials or furnishings; or any item that creates an unsightly condition or one that promotes urban blight or public nuisance. This may include, but is not limited to, indoor furniture, household appliances, auto parts, shopping carts or building materials.

Exception: Building materials neatly stacked and stored for no less than sixty (60) days for a construction project permitted with the city. The material must be weather protected, shall not be placed within property setbacks or placed in such a manner that would create a danger to property, health and/or safety.

Section 302.23, Nuisance premises, is added to read as follows:

302.23 Nuisance premises. All premises within the city shall be maintained free of any structure allowing or maintaining prostitution, or where there is the use, sale, manufacturing or distributing of any illegal narcotics or controlled substance, or at which there is a pattern of criminal activity.

Section 302.24, Alley/Public right-of-way maintenance, is added to read as follows:

302.24 Alley/Public right-of-way maintenance. The owner, lessee, occupant or agent thereof, or any person having the care or charge of any property that has alley access or an alley right-of-way easement, shall be responsible for maintaining that portion of the alley that fronts said property up to and including one-half of the apparent alley centerline, and shall keep said alley or alley easement maintained in a clean, safe and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare. Public right-of-way maintenance shall also include utility easements or parking and/or planting strips. Such blighting problems shall include, but are not limited to: overgrown trees, shrubs, vegetation, weeds and/or grasses; garbage; junk; rubbish; dirt and filth; litter; trash; and waste. This definition shall also include, but not be limited to, such items as couches, loveseats, chairs, mattresses, and other similar household furniture. Such items, if placed in any city alleyway or alley easement, shall be considered a public nuisance and abated within the time established by the city in accordance with Section 106.

Section 302.25, Garage sales, is added to read as follows:

302.25 Garage sales. Sales of secondhand merchandise, conducted from residences, and designated as “garage sales,” “estate sales,” “yard sales,” and/or “moving sales” are allowed without a permit provided they are conducted under the following requirements:

(a) Shall be in conformance with LMC 5.05.110(22), LMC 10.40.060, LMC 11.40.070, Chapter 12.04 LMC, and Chapter 16.13 LMC;

(b) Shall be in conformance with LMC 16.13.030 §1404;

(c) Garage sale displays, signs and merchandise must be removed after/between sales events.

Section 303.1, Swimming pools, is amended to read as follows:

303.1 Swimming pools, spas, and ponds. Swimming pools, spas, hot tubs and/or ponds shall be maintained in a clean and sanitary condition in good repair and shall comply with the provisions of the International Residential Code, Appendix G. Except for regulated wetlands and City-approved structures related to storm drainage systems, all premises within the city shall be maintained free of the existence of all stagnant, pooled water in which mosquitoes, flies or other insects may multiply.

Section 303.2, Enclosures, is amended to read as follows:

303.2 Enclosures. See the International Residential Code, Appendix G, Section AG105, Barrier Requirements.

Section 304.2, Protective treatment, is amended to read as follows:

304.2 Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. Tarp use for weather protection may not exceed 30 days. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.3, Premises identification, is amended to read as follows:

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, and at the rear of the property if there is an improved alley. Additionally, structures not fronting a public street or an alley shall also have approved numbers placed at the front and back of the building so as to be plainly visible from points as determined by the city building official. These numbers shall contrast with their background. Address numbers shall be a minimum of 5 inches (127 mm) high with a minimum stroke width of 0.5 inch and shall not be sight obscured.

Section 304.7, Roofs and drainage, is amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Tarp use for weather protection may not exceed 30 days. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 304.14, Insect screens, is deleted.

Section 307.1, Accumulation of rubbish or garbage, is amended to read as follows:

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, junk, trash, filth, waste or garbage.

Section 307.2, Disposal of rubbish, is amended to read as follows:

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish, junk, trash, filth, waste or garbage in a clean and sanitary manner by placing such rubbish, junk, trash, filth, waste or garbage in approved containers as provided for in Chapter 7.12 LMC, or by taking it to an approved disposal facility.

307.2.1 Rubbish/garbage storage facilities. The owner of every occupied premises shall maintain approved covered containers for rubbish, junk, trash, filth, waste or garbage, and the owner of the premises shall be responsible for the removal of rubbish, junk, trash, filth, waste or garbage from the premises.

307.2.2 Dangerous and/or discarded appliances. Except when stored within a building, as defined in Section R202 of the International Residential Code, refrigerators, household appliances, and similar equipment shall not be discarded, abandoned or stored on any premises within the City.

Section 307.3, Disposal of garbage, is amended to read as follows:

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage container as provided for in Chapter 7.12 LMC or by taking it to an approved disposal facility.

307.3.1 Containers. The operator of every establishment producing garbage shall maintain, and at all times cause to be utilized, approved containers as set forth in Chapter 7.12 LMC.

307.3.2 Undumped garbage or rubbish containers. All premises within the city shall be maintained free of the existence of any garbage or rubbish containers or any can, bag, box or other device, which is filled to 50 percent or more of its capacity with garbage, trash, rubbish, waste, dirt or filth, and which has remained upon such premises for more than 14 successive days.

Section 307.4, Containers – within the public right-of-way, is added to read as follows:

307.4 Containers – within the public right-of-way. No residential or commercial solid waste or recycling cart shall be placed along a public street, alley or right-of-way, on a public sidewalk, or on other public property any sooner than 24 hours before the time of collection. All residential and commercial solid waste and recycling carts placed in the public right-of-way for collection shall be removed from those public areas within 24 hours of the time of collection, except when such established day for collection falls on a designated holiday in which case collection will be conducted on the next succeeding workday, and the containers shall be removed and replaced to their appropriate storage location by the morning following collection.

Section 307.5, Rubbish and garbage exceptions, is added to read as follows:

307.5 Rubbish and garbage exceptions. The following shall not be a violation of this section.

A. Compost piles less than four feet in height and six feet in diameter at ground level, and 30 feet or more from any dwelling, and four feet or more from adjoining properties.

B. Storm debris within 30 days following a storm event.

C. Construction residue and debris during and for 14 days following completion of work.

D. Fallen leaves, tree needles, tree fruit and similar vegetation, during the months of October through April, inclusive.

E. The accumulation and temporary storage, in containers designated for such purposes, of "recyclable" materials pursuant to a program of recycling adopted by the city; provided, however, that such containers must not be publicly visible or they must be made available to the city's garbage or "recycle contractor" within 14 days after having been filled to 50 percent or more of their capacity.

F. Uncultivated, uncut or untended weeds, grass, bushes or other vegetation not constituting a health or fire hazard, existing in a natural state on undeveloped, agricultural, industrially zoned, "open space" or "green belt" areas.

Section 505.1, General, is amended to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

Section 507.1, General, is amended to read as follows:

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

A. It is a Class I Civil Infraction for any person to break, damage, destroy, uncover, deface or tamper with any structure or facility which is part of the stormwater runoff and erosion control system.

B. It is a Class I Civil Infraction for any person who is responsible to do so, to fail to maintain stormwater runoff and/or erosion control facilities and structures as required by this chapter and by the Guidelines. Each calendar day that a violation occurs constitutes a separate offense. In addition, the City may institute injunctive, mandamus, or other appropriate action or proceedings for the enforcement of this chapter.

Section 602.2, Residential occupancies, is amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.3, Heat supply, is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in LMC 16.02.030.

Section 602.4, Occupiable work spaces, is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 °F (18° C) during the period the spaces are occupied.

Section 604.2, Service, is amended to read as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

Section 606.1, General, is amended to read as follows:

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1 and the L&I Elevator rules. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

Section 702.3, Locked doors, is amended to read as follows:

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Uniform Building Code.

Section 704.2, Smoke alarms, is amended to read as follows:

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-1, R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations…

Section 704.4, Interconnection, is amended to read as follows:

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-1, R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(Ord. 3122 § 4, 2010; Ord. 3087 §§ 1 – 5, 2009; Ord. 3044 § 2, 2008).

16.30.170 Severability.

If any one or more section, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter and the same shall remain in full force and effect. (Ord. 3044 § 2, 2008).

Chapter 16.48

FENCES

Sections:

16.48.010 Definitions.
16.48.020 Height regulated.
16.48.030 General requirements.
16.48.040 Waiver or reduction of requirements.
16.48.050 Nonconforming fences declared public nuisance.
16.48.060 Enforcement of chapter – Abatement of nuisance.
16.48.080 Exemptions.

16.48.010 Definitions.
As used in this chapter:

(1) “Corner lot” means a lot or plot of land which abuts on at least two streets;

(2) “Fence” means any artificial barrier erected, constructed or placed on a lot or plot of ground and shall include masonry walls and ornamental constructions as well as the commonly known wire, board, metal, wood, wood picket or wood rail fences;

(3) “Front yard” means the open space required by LMC Title 19, as now in effect or as hereafter may be enacted by amendment, revision or new enactment, between the front property line and the nearest part of any building on the lot or plot of ground;

(4) “Lot” means the parcel of land on which one or more structures are placed or are to be placed, together with the required open spaces; or a lot designated as such on an officially recorded plat;

(5) “Rear yard” means the open space, required by LMC Title 19, as now in effect or as hereafter may be enacted by amendment, revision or new enactment, extending along the rear property line throughout the whole width of the lot or plot of land between the rear property line and the nearest part of the main building upon said lot or plot of ground;

(6) “Side street property line” means the property line of a lot or plot of land which lies between the required open side yard of a building and a street;

(7) “Side yard” means the open space required by LMC Title 19, as now in effect, or as hereafter may be enacted by amendment, revision or new enactment, between the side wall line of a building and the side property line of a lot or plot of land;

(8) “Street” means a dedicated thoroughfare 21 feet or more in width, usable for both vehicular and pedestrian traffic. (Ord. 1038, 1960).

16.48.020 Height regulated.
(1) Fences built along any front property line or in the required front yard area, shall be permitted a maximum height of 42 inches above the established grade of the sidewalk.

(2) All other fences shall not exceed eight feet in height. (Ord. 2184 § 1, 1984; Ord. 1038, 1960).

16.48.030 General requirements.
(1) No fence shall extend beyond the front, side or rear property lines of any lot or plot of land.

(2) No fence shall be erected in the parking strip of any public street.

(3) *Repealed by Ord. 2772.*

(4) No fence shall be constructed or maintained so as to be a menace to life or limb of any person moving against it. Barbed stock-type wire fencing shall not be permitted in any congested residential district.

(5) Every fence built along the alley property line or within the required rear yard, shall be provided with a gate at least three feet in width so as to provide accessibility to the rear of any building in case of any emergency. (Ord. 2772 § 3, 2000; Ord. 1038, 1960).

16.48.040 Waiver or reduction of requirements.
(1) Recognizing that there may be situations in which the height and location of fences do not affect safety or the public welfare, it is provided that notwithstanding any provisions in this chapter to the contrary, where any of the hereinafter specified conditions exist, the owner or tenant of real property may request the appeal board of adjustment to waive or reduce the requirements of this chapter. Such appeal board of adjustment, upon determining that any provision of this chapter shall be waived or reduced for any such applicant, may impose such restrictions as they deem necessary in view of the particular facts as represented by the owner or tenant, taking into consideration the prevention of fires, the public health and safety and the surrounding neighborhood. The fee for processing a fence waiver or reduction of requirements shall be as set forth in the Community and Economic Development Department Master Fee Schedule.

(2) The conditions under which the appeal board of adjustment may waive or reduce the requirements of this chapter are as follows:

(a) Where no improved alley exists at the rear of the lot of the applicant; or

(b) Where the lot of the applicant is other than rectangular in shape; or

(c) Where the lot of the applicant contains more than one front yard as shown by the plat thereof; or

(d) Where the distance from the nearest property line of a corner lot to the traveled portion of the street is 11 feet or more. (Ord. 3314 § 1, 2015; Ord. 1166 § 1, 1963).

16.48.050 Nonconforming fences declared public nuisance.
All existing fences and new fences hereafter erected in violation of the provisions of this chapter are public nuisances. (Ord. 1038, 1960).

16.48.060 Enforcement of chapter – Abatement of nuisance.
The provisions of this chapter shall be enforced in accordance with Chapter 1.33 LMC. (Ord. 3044 §§ 4, 8, 2008; Ord. 2449 § 2, 1991; Ord. 1038, 1960).

16.48.080 Exemptions.
The provisions of this chapter shall not apply to special property uses as defined by LMC Title 19, nor to any fence constructed around a tennis court on private property where the tennis court fence complies with the location requirements for private garages as established by LMC Title 19. (Ord. 1038, 1960).

Chapter 16.75

WIRELESS COMMUNICATION FACILITIES

Sections:

16.75.010 Purpose.
16.75.020 Exemptions.
16.75.030 Applicability, review, and permits required.
16.75.040 Types of permits – Priority – Preferences – Restrictions.
16.75.050 General requirements.
16.75.060 Landscaping/screening.
16.75.070 Electrical transmission structure collocation – Specific development standards.
16.75.080 Adding antennas to an existing wireless communication facility tower.
16.75.090 Utility/distribution pole collocation – Specific development standards.
16.75.095 Double pole prevention.
16.75.100 Building-mounted concealed facility – Specific development standards.
16.75.110 Request to use nonconcealed facilities attached to a building in lieu of a concealed building attachment.
16.75.120 Nonconcealed building-mounted specific development standards.
16.75.130 Requests for new towers.
16.75.140 Tower-specific development standards.
16.75.150 Modifications to wireless standards.
16.75.160 Expiration.
16.75.170 Removal of abandoned wireless communication facilities.
16.75.180 Landscaping – Screen types and description.
16.75.190 Definitions.

16.75.010 Purpose.

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities in order to protect the health, safety, and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city of Longview. The purpose of this chapter will be achieved through adherence to the following objectives:

(1) Encourage the location of wireless communication facilities in nonresidential areas;

(2) Allow wireless communications facilities in residential areas when necessary to meet the functional requirements of the telecommunications industry;

(3) Minimize the total number of wireless communication facilities throughout the community;

(4) Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historic resources, flight corridors, and health and safety of persons and property;

(5) Require cooperation between competitors and, as a primary option, encourage the joint use of new and existing wireless communication facility sites and structures to the greatest extent possible in order to reduce cumulative negative impact upon the city;

(6) Allow wireless communication companies to use city property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the city;

(7) Encourage providers of wireless communication facilities to locate these facilities in areas where the adverse impact on the community is minimal;

(8) Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the wireless communication facilities, as viewed from different vantage points, through careful design landscape

screening, minimal impact siting options and camouflaging techniques, and through assessment of current location options, siting, future available locations, innovative siting techniques, and siting possibilities beyond the jurisdictional boundaries of the city;

(9) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(10) Provide for the removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the city to cause these abandoned wireless communication facilities to be removed to protect citizens from imminent harm and danger;

(11) Avoid potential damage to adjacent properties from tower failure through engineering, careful siting, and maintenance of wireless communication facilities;

(12) Provide a means for public input on major wireless communication facility placement, construction, and modification; and

(13) Establish clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with federal and state laws and regulations pertaining to telecommunications providers. (Ord. 3333 § 2, 2016).

16.75.020 Exemptions.
The following are exempt from the provisions of this chapter:

(1) Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

(2) Radar systems for military and civilian communication and navigation.

(3) Any wireless Internet facility or supervisory control and data acquisition (SCADA) system that is owned and operated by a federal, state, or local municipality.

(4) Antennas for the receiving and sending of licensed amateur (HAM) radio stations and citizen band stations; provided, that the antennas do not exceed the base height requirements of the applicable zoning district and are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas. In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communications Commission of September 1985 and RCW 35A.21.260, a licensed amateur radio operator may locate a tower not to exceed the base height requirements of the applicable zoning district, provided the following requirements are met for such towers located in a residentially zoned district:

(a) The tower and any antennas located thereon shall not have any lights of any kind on them and shall not be illuminated either directly or indirectly by any artificial means;

(b) The color of the tower and any antennas located thereon shall all be the same and such that they blend into the sky to the extent allowed under the requirements set forth by the Federal Aviation Administration;

(c) No signs shall be used in conjunction with the tower, except for one sign no larger than eight and one-half inches high and 11 inches wide, or as required by federal regulations;

(d) No advertising logo, trademark, figurine, or other similar marking or lettering shall be placed on the tower or any wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith;

(e) A telescoping tower and any antennas may exceed the base height of the underlying zoning district when fully extended, up to a maximum 75 feet in height, if the tower and any antennas attached do not exceed the base height of the zoning district when it is retracted; when the antenna is not in use it must be fully retracted (nested);

(f) The tower shall be located a distance equal to or greater than its height, at full extension, from any existing residential structure located on adjacent parcels of property, including any attached accessory structures;

(g) A tower shall be located a distance at least three-quarters of its height, at full extension, from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that, in the event of collapse, it falls within itself, and, in that event, it shall be located at least one-third of its height, at full extension, from any property line;

(h) Towers shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes; and

(i) All towers shall meet all applicable state and federal statutes, rules, and regulations, including obtaining a building permit from the city, if necessary.

(5) An antenna that is designed to receive or send direct broadcast satellite or terrestrial service and/or broadband signals, or other means for providing Internet service including direct-to-home satellite services, and that is 3.28 feet (one meter) or less in diameter or diagonal measurement, and the antenna is associated with the residence or business that is utilizing the service.

(6) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint data distribution services, and that is 3.28 feet (one meter) or less in diameter or diagonal measurement.

(7) An antenna that is designed to receive television broadcast signals.

(8) Routine maintenance, repair or replacement of wireless communication facilities, excluding changes in height or dimensions of antennas, towers, or buildings; provided, that the wireless communication facility received approval from the city of Longview or Cowlitz County for the original placement, construction, or subsequent modification. Changing of antennas on wireless communication facilities is permitted, provided the new antennas have the same area or less as those removed. The total number of antennas must remain the same. Additional ground equipment shall be placed within an approved equipment enclosure, provided the height of the equipment does not extend above the screen fence.

(9) Emergency communications equipment during a declared public emergency. In the event a building permit is required for any emergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall occur within 30 days after the commencement of such emergency activities. The work performed must constitute a true emergency. Scheduled replacement or repair work does not constitute an emergency. In the event a building permit is required for nonemergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.

(10) A temporary, commercial wireless facility installed for providing coverage of a special event such as a fair, news coverage or sporting event, subject to approval by the city. The wireless facility shall be exempt from the provisions of this chapter for up to two weeks before and after the duration of the special event.

(11) A temporary, commercial wireless facility installed for a period of 180 days, subject to renewals at the city's discretion, to provide service during repair, replacement, or relocation of an existing facility or construction of a new facility.

(12) Antennas and related equipment used by electric utility providers for the noncommercial communication, operation, and monitoring of their utility system may be collocated on their transmission structures or utility poles, provided the color of the antennas and equipment shall be the same as the pole or structure they are located on or a color that blends into the sky. (Ord. 3333 § 2, 2016).

16.75.030 Applicability, review, and permits required.

The standards and process requirements of this chapter shall apply to the placement, construction, or modification of all wireless communication facilities, except as specifically exempted in LMC 16.75.020.

(1) No person may place, construct, or modify a wireless communication facility subject to this chapter without first obtaining the required permit(s), issued in accordance with this chapter. Except as otherwise provided herein, the requirements of this chapter are in addition to the applicable requirements of LMC Titles 16, 17 and 18.

(2) Any land use or other permit application submitted pursuant to this chapter shall be reviewed and evaluated by the director of community development or his/her designee for all wireless communication facility projects located on public or private property.

(3) The applicant shall be responsible for obtaining any necessary local, state, and federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on the application by local or other state or federal permits or approvals.

(4) No provisions of this chapter shall be interpreted to allow the installation of a wireless communication facility to reduce the minimum parking or landscaping requirements on a site.

(5) Wireless communication facilities that are governed under this chapter shall not be eligible for variances under LMC 19.12.140. Any request to deviate from this chapter shall be based on the modifications set forth in this chapter.

(6) The city may, at its discretion, contract with independent engineering and/or technical review consultant(s) to review the permit application. The applicant shall be responsible for actual costs charged by the consultant, in addition to any base fees and application fees set forth in the Community and Economic Development Department Master Fee Schedule. Based on the results of the independent technical review, the city may require changes or request additional information to complete the application review. The independent consultant shall only review and comment on those items within its expertise. For instance, a radio frequency engineer shall not review and comment on the structural integrity of a tower, but shall limit its review to reports prepared by the applicant's radio frequency engineer.

(7) No alterations or changes shall be made to an approved wireless communications land use permit, except as allowed under Chapter 16.80 LMC or this chapter. Modifications which exceed the conditions of approval will require a new wireless communications land use permit and shall be reviewed based on the laws and rules in effect at the time of application or under Chapter 16.80 LMC. (Ord. 3333 § 2, 2016).

16.75.040 Types of permits – Priority – Preferences – Restrictions.

(1) Applications will be reviewed based on the type of wireless communication facility requested to be permitted. Each wireless communication facility requires a specific type of project review as provided for in the table in subsection (2) of this section.

(2) Table.

Type of Permit Required Based on Type of Wireless Communication (WC) Facility

	Zoning		
Type of WC Facility[1]	Residential	Commercial/Miscellaneous	Industrial
	R-1, R-2, R-3, R-4, TNR	GC, NC, D-C, CBD, O/C, RC, C-C, RF-1, C-D, CEC	L-1A, L-1B, MU-C/I, HI
Transmission tower collocation	Type 1	Type 1	Type 1
Adding antennas to an existing tower	See Chapter 16.80 LMC	See Chapter 16.80 LMC	See Chapter 16.80 LMC
Utility pole collocation	Type 3	Type 2	Type 1
Concealed building attached	Type 2[2]	Type 1[2]	Type 1[2]
Nonconcealed building attached	Type 2	Type 2	Type 1

	Zoning		
Type of WC Facility[1]	Residential	Commercial/Miscellaneous	Industrial
	R-1, R-2, R-3, R-4, TNR	GC, NC, D-C, CBD, O/C, RC, C-C, RF-1, C-D, CEC	L-1A, L-1B, MU-C/I, HI
New tower or modification request (LMC 16.75.150)	Type 3; must be concealed.[3]	Permitted only in C-C[4], RC[5], C-D[5] and CEC[5] zones: Type 3 and must be concealed.	Type 2

Notes:

(1) In the event of uncertainty on the type of wireless facility, the director shall have the authority to determine how a proposed facility is incorporated into the above table and the type of permit required.

(2) An applicant may request to install a nonconcealed building-attached facility under LMC 16.75.110.

(3) In residential districts, concealed towers can only be located on land that is:

(a) Owned and managed by the city of Longview, or

(b) Unplatted, undeveloped, and not reasonably suitable for development by reason of topography or similar constraints, or

(c) Owned and managed by a governmental agency, including special districts, school districts, public utility districts, or by a religious organization and used for nonresidential purposes.

(4) In the civic center district, a tower can only be located north of Maple Street but no closer than 200 feet to the Maple Street right-of-way or an R-3 residential district.

(5) In the regional commercial, country club and county event center/CEC districts, a tower cannot be located within 200 feet of a residential zoning district (including residential districts located in the city of Kelso). The 200-foot distance may be reduced if the residentially zoned land is school district property.

(3) Priorities. The priorities for the type of wireless communication facility shall be based upon their placement in subsection (2) of this section; most desirable facilities are located toward the top of the table and the least desirable facilities toward the bottom. An application for a wireless communication facility shall follow the hierarchy provided in subsection (2) of this section. For example, an applicant shall demonstrate that collocation on an electrical transmission structure is not feasible before moving to a utility pole collocation, and so forth, with the last possible siting option being a new wireless communication facility tower or height modification request.

(4) Location Preferences. The city's preferences for locating new wireless communications facilities are as follows:

(a) Place wireless communication facilities in nonresidentially zoned districts and on nonresidential property.

(b) Place wireless communication facilities on public property and on appropriate rights-of-way; provided, that no obligation is created herein for the city to allow the use of city property or public right-of-way for this purpose. The placement of wireless communication facilities on city-owned property and public right-of-way will be subject to other applicable sections of the Longview Municipal Code and review by other city departments. A wireless communication facility mounted to any city-owned property, utility pole, or other structure shall be removed if the city deems removal is necessary for the undergrounding of utilities, the sale, development, or redevelopment of city-owned property, or the demolition or alteration of a city-owned building or other structure. The wireless communication facility shall be removed at no expense to the city. While attaching antennas to facilities already in the public right-of-way (e.g., utility poles) is preferred, placing new wireless communication towers in the public right-of-way is not preferred.

(5) Application Procedure. The applicant shall submit a completed application in a form established by the director along with the initial application fee as set forth in the Community and Economic Development Department Master Fee Schedule. The application shall contain such information as the director may deem necessary or useful, and shall include:

(a) Type 1 Permit Requirements.

(i) A written description outlining the proposed project and an evaluation of how the proposal meets the city's code requirements;

(ii) Applicants who are not the property owner of record of the land and/or structure on which a wireless communication facility is to be located are required to have the application co-signed by the property owner(s) and provide a signed statement by the property owner(s) and/or building or structure owner(s) (if different) authorizing the submittal of the application by the applicant;

(iii) Plan sets prepared by a design professional that include a vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project and existing conditions or as otherwise determined necessary by the director;

(iv) Documented evidence that the facility meets Federal Communications Commission requirements for allowed radio frequency emissions;

(v) A vicinity map depicting the proposed extent of the service area;

(vi) Critical areas study and proposed mitigation (if required);

(vii) If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with those standards established within the state noise law, including Chapter 70.107 RCW and Chapter 173-60 WAC and those applicable standards of LMC 9.22.050; and

(viii) SEPA application (if required).

(b) Type 2. The applicant shall submit all of the information required for a Type 1 application, plus the following:

(i) Photo simulations that depict the existing and proposed view of the proposed facility;

(ii) Data sheet depicting the materials, textures, and colors proposed for use;

(iii) Landscaping plan prepared by a Washington State-licensed landscape architect (if required);

(iv) If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility. Additionally, the applicant shall provide detailed discussions on why the wireless communication facility cannot be located within a commercial or industrial/resource zone; and

(v) Mailing labels for all property owners and tenants/residents within 500 feet of the subject property.

(c) Type 3. The applicant shall submit all of the information required for Type 1 and Type 2 applications, plus the following:

(i) All information required for new towers under LMC 16.75.130 and 16.75.140;

(ii) All information required for a modification request under LMC 16.75.150 (if applicable);

(iii) The radio frequency engineer report shall include a discussion of the information required under LMC 16.75.050. The report shall also explain why a tower must be used instead of any of the other location options outlined in the table in subsection (2) of this section;

(iv) Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three wireless service providers, including the applicant, and including a description of the number and types of antennas the tower can accommodate;

(v) A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the director and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility; and

(vi) Evidence of compliance with Federal Aviation Administration standards for height and lighting and certificates of compliance from all affected agencies. (Ord. 3333 § 2, 2016).

16.75.050 General requirements.
The following shall apply to all wireless communication facilities regardless of the type of facility:

(1) Noise. Any facility that requires a generator or other device that will create noise must demonstrate compliance with those standards established within the state noise law, including Chapter 70.107 RCW and Chapter 173-60 WAC and those applicable standards of LMC 9.22.050. A noise report prepared by an acoustical engineer shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The city may require that the report be reviewed by an independent technical expert at the sole expense of the applicant.

(2) Signage. Only safety signs or those mandated by other public agencies may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

(3) Parking. Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

(4) Finish. A tower shall either maintain a galvanized steel finish or, subject to the applicable standards of the FAA or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.

(5) Design. Where required, wireless communication facilities shall be screened, concealed, or camouflaged. The design of all antennas, towers, support structures, buildings, and ancillary structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment.

(6) Color. All antennas and ancillary wireless communication facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

(7) Lighting. Wireless communication facilities shall not be artificially lighted unless required by the FAA, FCC, or other applicable government authority. If lighting is required, the reviewing authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas. No strobe lighting of any type is permitted on any tower.

(8) Advertising. No advertising is permitted at wireless communication facility sites or on any ancillary structures or facilities equipment compound.

(9) Ancillary Wireless Communication Facilities. All ancillary wireless communication facilities shall meet the underlying zoning district's setback requirements unless a modification is granted pursuant to LMC 16.75.150.

(10) Equipment Enclosures. If feasible, equipment enclosures shall be located within existing buildings. If some other placement is proposed the applicant shall demonstrate to the satisfaction of the city that it is not feasible to locate the equipment within a building. All equipment and cabinets that will be visible to the traveling public,

workers, or residents shall be as small and unobtrusive as is practicable and designed to blend in with existing surrounds. The applicant shall size any equipment enclosure and other facilities to minimize visual clutter.

(11) Owner Approval. At the time of application the applicant must submit proof that they have contacted and received approval for the placement of the antenna at the specified location from the support structure owner (e.g., building, utility pole, electrical transmission structure, monopole) and, if different, the land owner upon which the structure is located.

(12) Building Standards. Wireless communication support structures shall be constructed so as to meet or exceed the most recent Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled: "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), and as it may be updated or amended. Utility poles and transmission structures that are owned and/or maintained by the serving electric utility shall be designed to meet the National Electric Safety Code. Prior to issuance of a building permit the building official and the pole owner shall be provided with an engineer's certification that the support structure's design meets or exceeds the preceding applicable standards.

(13) Maintenance. Wireless communication carriers shall maintain their wireless communication facility in a good and safe condition. They shall preserve its original appearance and concealment, disguise, or camouflage elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping.

(14) Critical Areas. Wireless communication facilities shall not be allowed in designated critical areas (except aquifer recharge areas) unless they are collocated on existing facilities.

(15) Radio Frequency Emissions. The applicant shall demonstrate that the wireless communication facility will comply with the radio frequency emission standards adopted by the Federal Communications Commission (FCC).

(16) State or Federal Requirements. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. (Ord. 3333 § 2, 2016).

16.75.060 Landscaping/screening.

(1) The visual impacts of wireless communication facilities shall be mitigated and softened through landscaping or other screening materials at the base of the tower, equipment compounds, equipment enclosures, and ancillary structures, with the exception of wireless communication facilities located on electrical transmission structures or utility poles, or if the antenna is mounted on an existing building or camouflaged as part of the building and ancillary equipment is housed on or inside an existing structure. The use of appropriate native plant species is encouraged. The director may reduce or waive the standards for those sides of the wireless communication facility that are not in public view and when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; or in locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer; or when landscaping is not needed for compatibility with the surrounding area, such as in a parking lot within an industrial area.

(2) Landscaping shall be installed on the outside of fences associated with wireless communication facility equipment compounds and around equipment enclosures located at ground level. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

(a) Screening landscaping shall be placed around the perimeter of the equipment compound, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

(b) The landscaping area shall be Type 1 landscaping as described in LMC 16.75.180(1) and a minimum of eight feet in depth around the perimeter of the enclosure in all zoning districts; except that Type II landscaping as defined in LMC 16.75.180(2) may be used in residential zoning districts and shall be a minimum of 10 feet in depth.

(c) The applicant shall utilize evergreens that shall be a minimum of six feet tall at the time of planting, unless located in a transmission or utility corridor where clearance requirements apply; then landscaping that will be appropriate in size at maturity so as not to grow into the clear zone shall be planted.

(3) The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal plan and shall maintain all landscaping materials in a healthy growing condition for the life of the facility. Landscape areas shall be kept free of trash. (Ord. 3333 § 2, 2016).

16.75.070 Electrical transmission structure collocation – Specific development standards.
The following requirements shall apply to collocation of antennas on an existing electrical transmission structure (as defined in LMC 16.75.190(4)):

(1) Height. The height requirements for antennas that are collocated on electrical transmission structures are limited to 23 feet above the existing tower or pole height. If a replacement electrical transmission structure is proposed, the maximum height shall be no greater than 23 feet above the original electrical transmission structure's height.

(2) Antenna Aesthetics. There are no city designated restrictions on the type of antenna(s) that may be collocated on the electrical transmission structure. The antenna(s) must be a similar color to the electrical transmission tower/pole.

(3) Antenna Intensity. There is no city designated limit on the number of antennas that may be collocated on an electrical transmission structure.

(4) Feed Lines and Coaxial Cables. Feed lines and coaxial cables shall be attached to the existing pole or to one of the legs of the electrical transmission tower. The feed lines and cables must be a similar color to the electrical transmission structure. If a replacement structure is proposed the feed lines and coaxial cables shall be located within the structure or in a covered raceway of similar color and material to the tower or pole.

(5) Equipment Enclosures. Cabinet equipment shall be located directly under the electrical transmission tower where the antennas are located, or in a concealed location.

(6) Setbacks. Setback requirements shall not apply to wireless communication facilities collocated on an existing electrical transmission structure. (Ord. 3333 § 2, 2016).

16.75.080 Adding antennas to an existing wireless communication facility tower.
The requirements for adding antennas to existing wireless communication facility tower(s) (as defined in LMC 16.75.190(8)) are given in Chapter 16.80 LMC, Eligible Wireless Facilities Modifications. (Ord. 3333 § 2, 2016).

16.75.090 Utility/distribution pole collocation – Specific development standards.
The following requirements shall apply to all wireless communication facilities collocated on a utility/distribution pole (as defined in LMC 16.75.190(10)):

(1) Height. The antenna height of a pole collocation is limited to 20 feet above the existing pole. If a replacement pole is proposed, the maximum height shall be no greater than 20 feet above the original pole's height.

(2) Antenna Aesthetics. The first preference for any collocation is to utilize flush-mounted antennas. If the pole collocation includes an antenna array, the array shall be painted or otherwise colored to match the support structure.

(3) Replacement Pole. An existing pole may be removed and replaced with a new pole so long as the new pole is of similar color and material as the pole being replaced and adjacent pole(s), and is located within 10 feet of the existing pole (measured from the center point of the existing pole to the center point of the replacement pole) if feasible. The new pole must be used by the owner of the pole to support its utility lines. A replacement pole shall be designed such that coaxial cables and feed lines can be located within the pole where feasible (e.g., the replacement pole is hollow) or in a covered raceway of similar color and material as the pole.

(4) Coaxial Cables and Feed Lines. Coaxial cables limited to one-half-inch diameter may be attached directly to an existing pole. Coaxial cables greater than one-half inch must be placed within the pole or within a covered raceway of similar color and material as the existing pole. The size of the cables is the total size of all coaxial cables being utilized on the pole.

(5) Pedestrian Impact. The proposed wireless communications facility collocation shall not result in a significant change in the pedestrian environment or preclude the city from making pedestrian improvements. If a pole is being replaced, consideration must be made to improve the pedestrian environment, if necessary.

(6) Equipment Enclosures. Unless approved otherwise by the director of public works, all equipment enclosures must be placed outside of the city right-of-way. Equipment enclosures shall be located consistent with LMC 16.75.050(10) unless approved otherwise by the director of community development.

(7) Setbacks. Any portion of the wireless communication facilities located within city right-of-way is not required to meet setback requirements. The city will evaluate setback modifications on private property under LMC 16.75.150. (Ord. 3333 § 2, 2016).

16.75.095 Double pole prevention.
In the event that a wireless communication facility is placed on a pole, and said pole is in need of replacement, any and all communication facilities shall be relocated to the new pole within 180 days. (Ord. 3333 § 2, 2016).

16.75.100 Building-mounted concealed facility – Specific development standards.
The following requirements shall apply to wireless communication facilities that are attached to an existing building, or similar structure and concealed from view (as defined in LMC 16.75.190(13)):

(1) Height. The proposed concealed wireless communication facility may extend no more than 15 feet above the existing structure. Antennas may be located in existing church spires, clock towers, chimneys, elevator towers, mechanical equipment rooms, or other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area. Stand-alone antennas or towers shall not qualify as rooftop appurtenances.

(2) Antennas Aesthetics. Antennas must be concealed from view by blending with the architectural style of the building. This could include, but not be limited to, steeple-like structures and parapet walls. The screening must be the same color as the building. Antennas shall be painted to match the color scheme of the building(s).

(3) Feed Lines and Coaxial Cables. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

(4) Cabinet Enclosure. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the city's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, and architectural style.

(5) Setbacks. The proposed wireless communication facilities must meet the setback requirements of the applicable zoning category where the facility is to be located. (Ord. 3333 § 2, 2016).

16.75.110 Request to use nonconcealed facilities attached to a building in lieu of a concealed building attachment.
The use of concealed building facilities shall have first priority in all residential and commercial zones. However, an applicant may request to construct a nonconcealed building-attached wireless communication facility in lieu of a concealed wireless communication facility. The director will use the following criteria to determine whether to allow this request:

(1) Due to the size of the building and the proposed location of the antennas, the visual impact of the exposed antennas will be minimal in relation to the building.

(2) Cables are concealed from view and any visible cables are reduced in visibility by sheathing or painting to match the building where they are located.

(3) Equipment enclosure is adequately screened from view.

(4) Due to the style or design of the building the use of a concealed facility would detrimentally impact the visual appearance of the building.

(5) The proposal meets the development standards of LMC 16.75.120. (Ord. 3333 § 2, 2016).

16.75.120 Nonconcealed building-mounted specific development standards.
The following requirements shall apply to wireless communication facilities that are attached to an existing building and not concealed from view (as defined in LMC 16.75.190(12)):

(1) Height. The proposed wireless communication facility may extend no more than 10 feet above the existing structure.

(2) Antenna Aesthetics. The first preference for any proposed facility is to utilize flush-mounted antennas. Nonflush-mounted antennas may be used when their visual impact will be negated by the scale of the antennas to the building. Shrouds, canisters or other visually opaque, radio-frequency transparent materials which hide the wireless antennas from public view are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the building(s).

(3) Feed Lines and Coaxial Cables. Feed lines and coaxial cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible they must be painted to match the color scheme of the building(s).

(4) Equipment Enclosures. If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the city's first preference is to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, and architectural style. If the equipment enclosure cannot be located within the building or on the roof and is located on the ground, the enclosure shall be fenced with a six-foot-tall fence. The fence shall include slats, wood panels, or other materials to screen the equipment from view. (Ord. 3333 § 2, 2016).

16.75.130 Requests for new towers.
(1) Collocation or Attachment. New wireless communication facilities must, to the maximum extent feasible, collocate on or attach to existing towers or other structures of a similar height to avoid construction of new towers. Collocation or attachment is not feasible if it is precluded by zoning constraints such as height, precluded by engineering limitations such as structural capacity or electromagnetic interference, not possible to obtain authorization by the owner of an alternative location, or does not meet the service coverage objectives of the applicant. Each application for a new tower shall address the city's priorities in LMC 16.75.040(3).

(2) Location Preferences. The applicant for a new tower not meeting the city's location preferences in LMC 16.75.040(4) must demonstrate that such preferred locations are not available or feasible after considering the factors listed in subsection (3) of this section.

(3) The decision-making authority shall determine whether each of the above requirements is met. Examples of evidence the applicant shall provide demonstrating the foregoing requirements include, but are not limited to, the following:

(a) That no existing towers or structures or preferred alternative sites will meet its coverage or capacity objective (regardless of the geographical boundaries of the city);

(b) That the existing towers or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's coverage or capacity objective;

(c) That the existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;

(d) That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structure would cause interference with the applicant's proposed antenna;

(e) The applicant demonstrates other limiting factors that render existing towers and structures or other sites unsuitable;

(f) That the tower is located in a suitable zoning district per Table 16.75.130-1.

(4) When a proposed tower is subject to Type 3 review, the appeal board of adjustment, after holding a public hearing, shall approve, approve with conditions, or deny the application, or remand the application back to staff for further investigation in a manner consistent with the appeal board of adjustment order. (Ord. 3333 § 2, 2016).

16.75.140 Tower-specific development standards.
The following requirements shall apply to all wireless communication towers (as defined in LMC 16.75.190(8)):

(1) Height. In industrial zoning districts, the maximum tower height is 120 feet. In all other applicable zoning districts, the maximum tower height is the maximum building height for that zoning district plus 35 feet with the exception of country club and civic center districts. In the country club district the maximum tower height is 100 feet. In the civic center district the maximum tower height is 85 feet. A height modification may be applied for under LMC 16.75.150.

(2) Antenna and Tower Aesthetics. Where required, the applicant shall utilize a concealed facility as defined in LMC 16.75.190(13). The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.

(3) Setbacks. The proposed wireless communication facilities must meet the setback requirements of the underlying zoning district. If a height modification is granted under LMC 16.75.150, the setback of the proposed wireless communication facility shall increase two feet for every foot in excess of the maximum permitted height in the zoning district.

(4) Color. The color of the tower shall be based on the surrounding land uses and type of concealment proposed.

(5) Feed Lines and Coaxial Cables. All feed lines and coaxial cables must be located within the tower. Feed lines and coaxial cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.

(6) Tower Design. Any new tower constructed shall be designed to meet the minimum structural standards for future collocation of wireless communication facilities by a minimum of three wireless service providers (including the applicant). Guy towers and lattice towers are only allowed in the city's industrial districts. (Ord. 3333 § 2, 2016).

16.75.150 Modifications to wireless standards.
(1) Applicability. Except as otherwise provided in this chapter, no wireless communication facility shall be used or developed contrary to any applicable development standard unless an modification has been granted pursuant to this section. These provisions apply exclusively to wireless communication facilities, and are in lieu of the city's generally applicable variance provisions.

(2) Submittal Requirements. An application for a wireless communication facility modification shall include:

(a) A written statement demonstrating how the modification would meet the criteria.

(b) A site plan that includes:

(i) Description of the proposed siting's design and dimensions, as it would appear with and without the modification.

(ii) Elevations showing all components of the wireless communication facility, and its connection to utilities, as it would appear with and without the modification.

(iii) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the modification.

(3) Criteria. An application for a modification shall be granted if the following criteria are met:

(a) The modification is consistent with the purpose of the development standard for which the modification is sought.

(b) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(c) The applicant demonstrates the existence of either of the following:

(i) Gap in Service.

(A) A gap in the coverage or capacity of the service network exists;

(B) The gap can only be filled through a modification in one or more of the standards in this chapter; and

(C) The modification is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's standards to the greatest extent possible.

(ii) Minimization of Impacts. The modification would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(A) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(B) Better preservation of views or view corridors;

(C) A decrease in negative impacts on property values; or

(D) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

(4) A request for any such modification shall be submitted in writing by the applicant with the application for appeal board of adjustment's review. The applicant shall state fully the grounds for the modification and all of the facts relied upon by the applicant. (Ord. 3333 § 2, 2016).

16.75.160 Expiration.

Any permit to install or operate a wireless communication facility shall expire exactly two years from the date of issuance of the director or appeal board of adjustment's decision, unless significant progress has been made to construct the facility. The city may extend the expiration period by up to one additional year due to circumstances outside of the control of the applicant. However, the city shall not issue an extension if any revisions have occurred to the city's municipal code that would affect the wireless communication facility approved. (Ord. 3333 § 2, 2016).

16.75.170 Removal of abandoned wireless communication facilities.

Any antenna or tower that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of 12 months shall be considered abandoned. The wireless telecommunication carrier of such abandoned antenna or tower and ancillary wireless communication facilities shall remove the same within 90 days of receipt of a notice from the city notifying the owner or operator of such abandonment. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, and electronic equipment. The concrete pad shall be removed to a minimum of one foot below ground level and no longer be visible, unless

otherwise approved by the director. Failure to remove such an abandoned facility shall result in declaring the antenna and/or tower a public nuisance. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower. (Ord. 3333 § 2, 2016).

16.75.180 Landscaping – Screen types and description.
The two types of landscaping screens are described and applied as follows:

(1) Type I Landscaping Screen.

(a) Type I landscaping is a full screen that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas.

(b) Type I landscaping shall minimally consist of:

(i) A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;

(ii) Between 70 and 90 percent evergreen trees;

(iii) Evergreen shrubs provided at the rate of one per linear four feet of landscape strip and spaced no more than eight feet apart on center; and

(iv) Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.

(2) Type II Landscaping Screen.

(a) Type II landscaping is a filtered screen that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street.

(b) Type II landscaping shall minimally consist of:

(i) A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;

(ii) At least 50 percent deciduous trees and at least 30 percent evergreen trees;

(iii) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and

(iv) Ground covers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years. (Ord. 3333 § 2, 2016).

16.75.190 Definitions.
As used in this chapter the following terms shall have the meanings indicated:

(1) “Ancillary wireless communication facilities” means any facilities, component, part, equipment, mounting hardware, feed lines, or appurtenance associated with, attached to, or a part of a tower, pole, antenna, ancillary structures, equipment enclosures, or facilities equipment compound, and located within, above, or below the facilities equipment compound. Also includes any form of development associated with a wireless communications facility, including but not limited to foundations, concrete slabs on grade, guy anchors and transmission cable supports.

(2) “Antenna(s) array” means one or more antennas and their associated ancillary facilities that share a common attachment device, such as a mounting frame or mounting support.

(3) “Antennas, flush-mounted” are antennas or antenna array attached directly to the face of the tower, pole, or building, such that no portion of the antenna extends above the height of the tower, pole, or building.

(4) “Structure, electrical transmission” means any facility (including a pole or a tower) owned by an electric utility that supports electrical lines that carry a voltage of at least 115 kV.

(5) “Tower, guy” means a tower that is supported with cable and ground anchors to secure and steady the tower.

(6) “Tower, lattice” means a tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas or similar antenna devices.

(7) “Tower, monopole” means a freestanding tower that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground.

(8) “Tower, wireless communication facility” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopoles. The term includes, without limitation, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

(9) “Tower-mounted facilities” means a wireless communication facility that is mounted to a tower.

(10) “Utility/distribution pole” is any facility owned by an electric utility that supports electrical lines that carry a voltage of less than 115 kV, or other public utility, such as coaxial cables for cable and fiber optic cable for telephone lines.

(11) “Wireless communication facility” means any tower, antenna, ancillary structure or facility, or related equipment or component thereof, that is used for the transmission of radio frequency signals through electromagnetic energy for the purpose of providing phone, Internet, video, information services, specialized mobile radio, enhanced specialized mobile radio, paging, wireless digital data transmission, broadband, unlicensed spectrum services utilizing part 15 devices, or other similar services that currently exist or that may in the future be developed.

(12) “Wireless communication facility, building-mounted” means a wireless communication facility that is attached to an existing commercial, industrial, residential, or institutional building or structure such as a tower.

(13) “Wireless communication facility, concealed facility” means a wireless communication facility that is not readily identifiable as such and is designed to be aesthetically and architecturally compatible with the existing building(s) or structures on a site; or a wireless communication facility disguised, hidden, or integrated with an existing structure that is not a monopole or tower; or a wireless communication facility that is placed within an existing or proposed structure or tower or mounted within trees, so as to be significantly screened from view or camouflaged to appear as a nonantenna structure or tower (e.g., tree, light pole, clock tower, flagpole with flag, church steeple).

(14) “Wireless communication facility equipment enclosure” means any structure above or below ground, including without limitation cabinets, shelters, pedestals and other devices or structures, that is used exclusively to contain radio or other equipment necessary for the transmission and/or reception of wireless communication signals including, without limitation, air conditioning units and generators.

(15) “Wireless communication facility equipment compound” means an outdoor fenced area occupied by all the towers, antennas, ancillary structure(s), ancillary facilities, and equipment enclosures, but excluding parking and access ways.

(16) “Wireless communication facility, feed lines or coaxial cables” means cables used as the interconnection media between the transmission/receiving base station and the antenna.

(17) “Wireless telecommunication carrier” means any person or entity that directly or indirectly owns, controls, operates, or manages any plant, equipment, structure, or property within the city for the purpose of offering wireless telecommunication service within the city. (Ord. 3333 § 2, 2016).

Chapter 17.02

GENERAL PROVISIONS

Sections:

17.02.010 Effective date, application, severability.
17.02.020 Adoption by reference.
17.02.030 Applicability of this title.
17.02.040 Inapplicability of this title.
17.02.050 Savings.
17.02.060 Severability.
17.02.070 Fees.

17.02.010 Effective date, application, severability.
The ordinance codified in this title, hereinafter referred to as "this title" or "this code," shall be known and may be cited as the Longview environmental code and shall become effective on December 1, 2000. (Ord. 2786 § 1, 2000).

17.02.020 Adoption by reference.
Statutes of the state of Washington, regulations contained within the Washington Administrative Code, ordinances and resolutions of the city of Longview, and any standard code of technical regulations, or portions thereof, adopted by reference in this title, are adopted in accordance with the State Environmental Protection Act (SEPA), RCW 43.21C.120, and the SEPA rules (WAC 197-11-904).

The ordinance codified in this title contains the city's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with the ordinance codified in this title. (Ord. 2786 § 1, 2000).

17.02.030 Applicability of this title.
The provisions of this title shall apply to any violation of any of the provisions of this title occurring or committed on or after the effective date of the ordinance codified in this title. (Ord. 2786 § 1, 2000).

17.02.040 Inapplicability of this title.
The provisions of this title shall not apply to any violation of any provision of this code occurring or committed prior to the effective date of the ordinance codified in this title. (Ord. 2786 § 1, 2000).

17.02.050 Savings.
Any violation occurring prior to the effective date of the ordinance codified in this title or any prosecution for any violation commenced prior to the effective date of the ordinance codified in this title shall be prosecuted and punished under the provisions of law and this code existing at the time of commission thereof as if this title had not been enacted. (Ord. 2786 § 1, 2000).

17.02.060 Severability.
If any section, subsection, clause, phrase or any portion of this title, whether set forth herein in full or adopted by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The city council declares that it would have adopted the provisions of this title and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 2786 § 1, 2000).

17.02.070 Fees.
Upon filing of a petition or application relating to environmental protection review, critical areas reviews, associated permits, or other administrative actions, fees shall be paid according to the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended.
When submittal documents are incomplete or changed so as to require additional review or when the project involves deferred submittal documents, an additional review fee may be charged at the rate shown on the Community and Economic Development Department Master Fee Schedule. (Ord. 3313 § 1, 2015; Ord. 3232 § 1,

2012; Ord. 3188 § 1, 2011; Ord. 3155 § 1, 2010; Ord. 3068 § 1, 2008; Ord. 3023 § 1, 2007; Ord. 2989 § 1, 2007; Ord. 2972 § 1, 2006; Ord. 2948 § 1, 2005; Ord. 2905 § 1, 2004).

Chapter 17.10

CRITICAL AREAS

Sections:

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17.10.030 Statutory authorization.
17.10.040 Relationship to other regulations, interpretation, authority and fees.
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17.10.210 Amendments.

17.10.010 Introduction.

(1) This chapter implements the goals, policies, guidelines, and requirements of the Growth Management Act, as amended, and the city of Longview (city) comprehensive plan.

(2) The purpose of this chapter is to identify and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property. Critical areas are defined as wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas.

(3) The city finds that the beneficial functions, structure, and values of critical areas should be protected as identified in this chapter, and further that potential dangers or public costs associated with inappropriate use of such areas should be minimized by reasonable regulation of uses within, adjacent to, or directly affecting such areas.

(4) Review Procedures.

(a) This chapter establishes review procedures for development proposals in and adjacent to critical areas. Critical areas will be designated by definition and then classified through site assessments to confirm the actual presence, boundaries (or extent), and classification of critical areas.

(b) This chapter allows staff of the community development department (department) to provide site visits, preliminary reviews, and pre-application meetings to assist in identifying critical areas.

(c) Critical areas are dynamic natural systems that are a part of the city's changing landscape. While critical areas are present throughout the city, their exact location cannot be mapped accurately enough for regulatory purposes. Maps are useful primarily as an indicator of the distribution and extent of critical areas. Maps will be used whenever possible as a part of the screening process for evaluating permit applications. Although a number of map resources are referenced in this chapter, regulatory measures such as buffer requirements are based upon the identification of critical areas during the regulatory review process.

(d) If hardships and grievances occur, this chapter contains provisions to allow for reasonable use exceptions, variances, and appeals. Through this chapter, the city will work with the applicant to identify and manage critical areas.

(5) Best Available Science. Best available science shall be used in administering this chapter. A list of reference sources and literature cited in this chapter can be obtained from the department. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.020 Title and purpose.
This chapter shall be known as the city of Longview critical areas ordinance, and is adopted to assist in orderly development, conserve the value of property, safeguard the public welfare, and to protect the following critical areas:

(1) Wetlands. Wetlands serve many important ecological and environmental functions and help to protect public health, safety and welfare by providing flood storage and conveyance, erosion control, fish and wildlife habitat and production, recreation, water quality protection, water storage, education, scientific research, and other public benefits. It is the purpose of this chapter to protect these functions to prevent the continual loss of wetlands, and where practical, to enhance or restore wetland functions and values.

(2) Fish and Wildlife Habitat Conservation Areas. In addition to their intrinsic value, certain species of fish and wildlife represent important historic, cultural, recreational and economic resources. Many species serve as indicators of the condition of the environment and the quality of life that Longview residents have invested in, enjoy, and respect. It is the purpose of this chapter to protect, restore where practical, and enhance fish and wildlife populations.

(3) Frequently Flooded Areas. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas.

(4) Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to the effects of erosion, sliding, earthquake, ground swelling, or other geological events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development is sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development, or when occupied structures or facilities are sited in areas susceptible to natural or human-caused geologic events. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to health and safety become acceptable. When technology cannot reduce risks to acceptable levels, building and other construction within identified geologically hazardous areas may be prohibited.

(5) Critical Aquifer Recharge Areas. Potable water is an essential life-sustaining element. In many areas, drinking water comes from groundwater supplies. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean up. It is the purpose of this chapter to prevent contamination and depletion, avoid exorbitant clean up costs, hardships, and potential physical harm to people. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.030 Statutory authorization.
(1) The Legislature of the state of Washington has, in RCW 36.70A.060, mandated local governments to adopt development regulations precluding land uses or developments that are incompatible with critical areas. Critical areas to be regulated are designated under RCW 36.70A.170 and will be regulated through the application of best available science, as determined according to WAC 365-195-900 and RCW 36.70A.172(1). In addition, cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) The ordinance codified in this chapter is adopted under the authority of Chapters 36.70 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.040 Relationship to other regulations, interpretation, authority and fees.

(1) Relationship to Other Regulations. These critical areas regulations shall apply in addition to zoning and other regulations adopted by the city.

(a) The city shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement without satisfying the requirements of this chapter, including but not limited to the following: building permit; rezone; special property use permit; right-of-way use permit; shoreline conditional use permit; shoreline substantial development permit; shoreline variance; short subdivision; subdivision; planned unit development; grading and clearing permit; utility and other use permit; or any subsequently adopted permit or approval required by development regulations adopted subsequent to the adoption of this chapter not expressly exempted by this chapter.

(b) The city may approve, approve with conditions, or deny any development proposal to satisfy the requirements of and carry out the purposes and requirements of this chapter.

(c) If any conflict between this chapter and any other city regulations, including, but not limited to, shoreline management program, State Environmental Policy Act, Endangered Species Act and the Federal Clean Water Act, the regulation that provides more protection for the critical area shall apply.

(d) Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required.

(e) Many state, federal, and regional regulations apply to projects conducted within critical areas. Uses otherwise allowed by city codes do not eliminate other agency regulatory requirements. In cases where other agencies possess jurisdictional control over critical areas and it is determined by the director that the permit conditions are equivalent or more stringent than the requirements of this chapter, those requirements may substitute for the requirements of this chapter. Such agencies may include, but are not limited to, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Washington Department of Ecology, and the Washington Department of Natural Resources. The applicant is responsible for complying with other requirements apart from the requirements of this chapter. No permit granted pursuant to this chapter shall remove applicant's obligation to comply in all respects with the applicable provision of any other federal, state, or local law or regulation.

(f) In addition to the provisions established in this chapter, the city shall coordinate its own programs with those of other public and private agencies to enhance management of critical areas within the city as required by Chapter 365-196 WAC.

(2) Interpretation. In the interpretation and application of this chapter, its provisions shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purposes of this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

(3) Authority. The director or his or her designee(s) shall be the administrator of this chapter and is given the authority to interpret and apply, and the responsibility to enforce, this chapter to accomplish the stated purposes. The city may withhold, condition, or deny development permits or approvals to ensure that the proposed action is consistent with this chapter.

(4) Fees.

(a) The applicant shall be responsible for the initiation, preparation, submission, and expense of any required reports, assessments, studies, plans, and other work prepared in support of or necessary to review the application.

(b) Fees are as established in the Community and Economic Development Department Master Fee Schedule. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.050 Definitions.

The definitions contained in RCW 36.70A.030 insofar as they pertain to terms used herein, as they now exist or are hereafter amended, are hereby adopted by this reference to be used in the administration of this chapter.

For the purposes of this chapter, the following definitions shall apply unless the context clearly requires otherwise:

"Alluvial fan" means a fan-shaped alluvial deposit formed by a stream where its velocity is abruptly decreased, as at the mouth of a ravine.

"Alteration" means a human-induced action that materially affects a regulated critical area or its buffer, such as a physical change to the existing condition of land or improvements including but not limited to: construction, clearing, filling, and grading.

"Anadromous" means a life history characteristic of fish that spend time in both freshwater and saltwater, to complete necessary life functions.

"Applicant" means the person, party, firm, corporation, federal, state, tribal or local government, or any other entity that proposes any activity that could affect a critical area.

"Aquatic habitat" means those areas where juvenile and/or adult fish exist or are known to migrate, forage, reproduce, or inhabit.

"Bankfull width" means the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth for streams.

"Best available science (BAS)" means current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

"Best management practices (BMP)" means systems of practices and management measures that (1) control soil loss and reduce water quality degradation caused by high concentration of nutrients, animal waste, toxins, or sediment; (2) minimize adverse impacts to surface and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands or other water bodies; (3) protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and (4) provide standards for proper use of chemical herbicides within critical areas.

"Board" means the city of Longview appeal board of adjustment.

"Buffer or buffer area" means an area adjacent to a wetland, river, stream, pond, lake, geologically hazardous area, or riparian area that is established and managed to protect the integrity of functions and values of the critical areas from human caused disturbances, or to protect people and development from a geological hazard. "Buffer," when referring to geologically hazardous areas, means an area surrounding a geologic hazard consisting of naturally occurring or reestablished vegetation and having a width adequate to separate and protect people and development from the geologically hazardous area.

"City" means the city of Longview, Washington, a municipal corporation.

"Clearing" means the removal, redistribution, or disturbance to vegetation, soil or substrate that may include trees, brush, grass, groundcover, or other vegetative matter from a site.

"Commission" means the planning commission of the city of Longview.

"Conservation easement" means an interest or right of use over a property, less than fee simple, to protect, preserve, maintain, improve, restore, limit the future use of, or conserve for open space purposes, any land or improvement on the land.

"Critical aquifer recharge area" means areas that are determined to have a critical recharging effect on aquifers used as a source for potable water and that are vulnerable to contamination from recharge.

"Critical areas" include the following areas and ecosystems: (1) wetlands; (2) fish and wildlife habitat conservation areas; (3) frequently flooded areas; (4) geologically hazardous areas; and (5) areas with a critical recharging effect on aquifers used for potable water as defined in Chapter 36.80A RCW and this chapter.

"Critical areas permit" means a written authorization issued by the department via letter or other instrument, including issuance of a building permit, declaring that the identified development or regulated activity complies with the provisions of this chapter, and/or specifying the conditions with which such development or regulated activity must comply.

"Department" means the community development department of the city of Longview.

"Development" means any land use alteration consisting of the construction or exterior expansion of structures; grading, dredging, drilling, dumping; filling; clearing; removing sand, gravel, or minerals; bulk heading; driving of pilings; or any project of a temporary or permanent nature that modifies structures, land, wetlands, or shorelines and that does not fall within the allowable exemptions contained in this chapter.

"Director" means the director of the community development department of the city of Longview, or the director's designee.

"Dynamic settlement" means the vertical settlement of the ground surface due to earthquake-induced liquefaction. Settlement can range from less than one inch to several feet and can cause extensive damage to structures and underground utilities.

"Enhancement of wetlands" means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these activities.

"Erosion hazard area" means those areas containing soils that, according to the United States Department of Agriculture Natural Resources Conservation Service, are recognized as having high erosion potential. The soil types are indicated as having a severe or very severe erosion hazard.

"Establishment (creation) of wetlands" means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area and functions. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro-period, create hydric soils, and support the growth of hydrophytic plant species.

"Excavation" means mechanical removal, redistribution, or disturbance of soil or substrate from its point of origin.

"Feasible alternative" means an alternative that is available and reasonably capable of being accomplished after taking into consideration cost, existing technology, and logistics in light of overall project purposes. It may include an area not owned by the applicant, which could have been obtained, utilized, expanded, or managed to fulfill the basic purpose of the proposed activity.

"Field investigation" means an inspection of a site by a qualified expert and/or the director to document conditions and facts to ascertain if the site contains any critical or environmentally sensitive areas, as defined.

"Filling" means the act of placing fill material (on any critical area), including the temporary stockpiling of fill material.

“Fill material” means a deposit of earth or other natural or man made material placed by artificial means.

“Fish and wildlife habitat conservation areas” means those areas identified as being of critical importance to the maintenance and survival of both fish and wildlife. The definition of fish and wildlife habitat conservation areas does not include such artificial features or constructs as drainage ditches that lie within the boundaries of and are maintained by a port district.

“Frequently flooded areas” means lands in the flood plain subject to at least a one percent or greater chance of flooding in a given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.

“Functions and values” mean the services provided by critical areas to society, including but not limited to improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

“Geologically hazardous areas” mean areas susceptible to erosion, sliding, earthquake, ground swelling, or other geologic events.

“Geotechnical investigation report” means a study of geologically hazardous areas where the qualified expert evaluates the hazard areas by performing a subsurface investigation (i.e., borings, test pits, cone penetration tests). A subsurface investigation shall include obtaining soil samples and testing for soil strength. A subsurface investigation is required for landslide and seismic (i.e., liquefaction) hazards, unless the qualified expert can provide compelling evidence as to why a geotechnical investigation is not required.

“Geotechnical reconnaissance report” means a study of geologically hazardous areas where the qualified expert evaluates the hazard areas with a visual site reconnaissance. A subsurface investigation (i.e., borings, test pits, cone penetration tests) is not required. A reconnaissance level study is acceptable to evaluate erosion, volcanic and mine hazards, unless the qualified expert determines that a more thorough geotechnical investigation report is necessary. A geotechnical reconnaissance is not appropriate for evaluating landslide and seismic (i.e., liquefaction) hazards, unless compelling evidence can be provided by the qualified expert.

“Grading” means altering the degree of the slope by mechanical means including removal, redistribution, or disturbance to the soil or substrate from its point of origin.

“Hydrologic unit” means an area of land above or upstream from a specific point on a stream, which is enclosed by a topographic divide such that direct runoff from precipitation normally drains by gravity into the stream, or from the area above the specified point on the stream.

“Indigenous” means any native species of plant or wildlife that occurs naturally on a particular site or area.

“Lake” means a naturally existing or artificially created body of standing water, including reservoirs, 20 acres or greater in size, which exist on a year-round basis, and occurs in a depression of land or expanded part of a stream.

“Landfill” means a disposal facility or part of a facility at which solid waste is placed within or on land.

“Landslide hazard area” means areas at risk of mass movement due to combination of geologic, topographic, and hydrologic factors.

“Lateral spread” means the lateral movement of the ground surface due to earthquake-induced liquefaction. When soil liquefies, blocks of mostly intact, surficial soil move downslope or towards a free face along a shear zone that forms at the top of the liquefied soil. Lateral soil movement can be on the order of inches to several feet and can cause extensive damage to structures and underground utilities (Bartlett 1995).

“Liquefaction” means a phenomenon where the strength and stiffness of a saturated, generally loose/soft soil is reduced by earthquake shaking. Soils that are generally considered potentially liquefiable include sand, low plasticity silty sand, low plasticity clayey sand, and low plasticity silt, although other soil types have proven to also

be potentially liquefiable. Liquefaction and related phenomena such as dynamic settlement and lateral spreading have been responsible for tremendous amounts of damage to structures such as streets, underground and above ground utilities, underground tanks, buildings, and retaining walls in historical earthquakes around the world. A recent, local example of liquefaction occurred throughout the region affected by the 2001 magnitude 6.8 Nisqually Earthquake near Olympia (Johansson 2000).

“Mitigation” means actions designed to replace project-induced critical area losses or impacts; including, but not limited to, restoration, establishment (creation), enhancement, or preservation. Mitigation should be sequenced in the following order: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or (6) monitoring the impact and taking appropriate corrective measures.

“Mitigation bank” means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by critical areas permits. In general, a mitigation bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The operation and use of a mitigation bank are governed by a mitigation banking instrument.

“Mitigation plan” means a plan that outlines the activities that will be undertaken to avoid, minimize, and compensate project impacts to critical areas detailed in this chapter.

“Nonnative species” means a plant or animal species that is not indigenous to the local area.

“Oak woodlands” mean stands of pure oak or oak/conifer associations that are one-half acre or greater in size where canopy coverage of the oak component of the stand is 25 percent; or where total canopy coverage of the stand is less than 25 percent, but oak accounts for at least 50 percent of the canopy coverage present.

“Open space” means land satisfying the definition for “open space land” in the city of Longview, and eligible for tax assessment at its current use value as authorized by Chapter 84.34 RCW.

“Ordinary high water mark” means that mark that will be found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

“Pond” means a naturally existing or artificially created body of standing water less than 20 acres in size and not defined as “shorelines of the state” by Chapter 90.58 RCW (Shoreline Management Act). Ponds may include reservoirs that exist on a year-round basis and occur within a depression of land or expanded part of a stream. A pond is bounded by the ordinary high water mark or the extension of the elevation of the pond’s ordinary high water mark within the stream, where the stream enters the pond.

“Preservation of wetlands” means the removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of wetland area or functions.

“Priority habitats” means a habitat type with unique or significant value to many species with one or more of the following characteristics: comparatively high fish and wildlife densities, fish and wildlife species and/or diversity, fish and wildlife breeding habitat, fish and wildlife seasonal habitat, fish and wildlife movement corridors, limited

availability, high vulnerability to habitat alteration, or unique or dependent species as determined by the Washington Department of Fish and Wildlife's priority habitat and species list, as it now exists or as it is hereafter amended.

"Priority species" means fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation, as determined by the Washington Department of Fish and Wildlife's priority habitats and species list, as it now exists or as it is hereafter amended.

"Public ditches" means the ditches and associated diking and levee system that fall under the jurisdiction of, or where the water surface elevation is controlled by, the Consolidated Diking Improvement District (CDID) No. 1.

"Qualified expert" means a person with experience, education, and/or professional degrees and training pertaining to the critical areas in question, and who possesses experience with performing field investigations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The director shall require potentially qualified experts to demonstrate the basis for qualifications and shall make final determination as to qualifications. Demonstration of qualifications may include, but not be limited to, relevant professional experience, technical certification(s), and/or recognition through publication of technical papers or journals.

A "qualified expert for wetlands" means a biologist or ecologist who has a bachelor's degree in biology, ecology, wetland science, hydrology, soil science, botany, natural resource management, or a related field, from an accredited college or university; at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and regional supplement, preparing wetland reports and wetland ratings, conducting function assessments, and developing and implementing mitigation plans.

A "qualified expert for fish and wildlife habitat conservation areas" shall have a bachelor's degree in wildlife biology and/or stream ecology or related field from an accredited college or university and has at least two years of professional experience related to the subject species.

A "qualified expert for geological hazards" shall be a geotechnical engineer or engineering geologist licensed in the state of Washington. At least five years' work experience as a practicing geotechnical engineer or engineering geologist is preferred.

A "geotechnical engineer" means a person who has a bachelor's degree in civil engineering from an accredited college or university and is a registered professional engineer (P.E.) in the state of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting geotechnical investigations, analyzing geologic hazards, and preparing reports for the relevant type of hazard.

An "engineering geologist" means a licensed geologist in the state of Washington with a specialty license in engineering geology meeting the requirements of WAC 308-15-055. The licensed engineering geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.

A "qualified groundwater expert" means a hydrogeologist, geologist, engineer, or other scientist who meets all the following criteria:

(a) Has received a baccalaureate or post-graduate degree in the natural sciences or engineering from an accredited college or university; and

(b) Has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater vulnerability.

"Reestablishment of wetlands" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in rebuilding a former wetland and results in a net gain in wetland area and functions. Activities could include, but not be limited to, removing fill material, plugging ditches, or breaking drain tiles.

"Regulated activity" means activities occurring in or near and/or potentially affecting a critical area or associated buffer that is subject to the provisions of this chapter. Regulated activities include, but are not limited to, filling,

dredging, dumping or stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing, or harvesting.

“Rehabilitation of wetlands” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded wetland. Rehabilitation results in a gain in wetland function, but does not result in a gain in wetland area. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

“Resource agency” means a designated city, county, state, or federal agency with specific regulatory authority that provides technical information that may be used in the interpretation and enforcement of this chapter.

“Restoration of wetlands” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland area, restoration is divided into two categories: reestablishment and rehabilitation.

“Riparian” or “riparian habitat” means the area adjacent to channelized or flowing aquatic systems (e.g., rivers, perennial and intermittent streams, seeps, and springs) that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

“Seismic hazard areas” are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Areas mapped in the moderate to high risk category on the Liquefaction Susceptibility Map of Cowlitz County, Washington, should be considered in a seismic hazard area.

“Site” means any parcel or combination of contiguous parcels or right-of-way, or a combination of contiguous rights-of-way under the applicant’s ownership or control where the proposed project may impact a critical area or its buffer.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of vertical distance to horizontal distance. In these regulations, slopes are generally expressed as a percentage of the vertical distance to the horizontal distance. A 40 percent slope refers to a 40-foot rise in the vertical distance over a horizontal distance of 100 feet. An inclination of 45 degrees is a 100 percent slope.

“Stream” means those areas where surface water flows sufficiently to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined channel swales. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used to convey streams naturally occurring prior to construction. For regulatory purposes under this chapter, once streams are identified, the streams are typed according to WAC 222-16-031.

“Substrate” means the soil, sediment, decomposing organic matter, or combination of those located on the bottom surface of a wetland.

“Undisturbed buffer” means a protective area left in its natural state, except for any access and/or utility crossings approved by the director, between land development and critical areas.

“Utility line” means pipe, conduit, cable or other similar instrument by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, natural gas, communications, and sanitary sewer.

“Wetland” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas, and also include artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, such as irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds, and landscape

amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway.

"Volcanic hazard area" means areas subject to pyroclastic flows, lava flows, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. (Ord. 3352 § 1, 2017; Ord. 3092 § 1, 2009; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.060 Applicability and regulated activities.

(1) Applicability. This chapter shall be consistently applied to any land use or development under city jurisdiction within the geographical areas that meet the definitions and criteria for critical areas regulation as set forth in this chapter. The approximate location and extent of known or suspected critical areas are indicated on a series of maps adopted as part of this chapter and housed within the community development department of the city of Longview. These maps are approximate and other resources also will be used to identify critical areas. The following critical areas shall be regulated in accordance with this chapter:

(a) Wetlands;

(b) Fish and wildlife habitat conservation areas;

(c) Frequently flooded areas;

(d) Geologically hazardous areas; and

(e) Critical aquifer recharge areas.

(2) Regulated Activities. All persons proposing development or alteration, whether on public or private property, within critical areas: wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, critical aquifer recharge areas, or the largest regulated buffer for the applicable critical areas and proposed development or alteration, as described in this chapter, shall first apply for a critical areas permit pursuant to this chapter, except as exempted pursuant to LMC 17.10.070. All critical areas permit applications shall proceed in conformance with this section. Development activities shall include, but are not limited to, the following:

(a) Removing, clearing, grading, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;

(b) Dumping, discharging, or filling with any material;

(c) Any development or use that requires approvals under existing or subsequently adopted development codes of the city;

(d) Any project that requires a permit under the building code in effect at the time of application that alters the footprint of the building or increases impervious surfaces;

(e) New construction or any expansion of new public or private road or driveway;

(f) Destroying, planting, or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting nonnative species where these activities would alter the character of a critical area, or its buffer;

(g) Draining, filling, flooding, disturbing the water level, water table, or wetland area;

(h) Activities causing direct or indirect adverse changes in water temperature, physical, or chemical characteristics of wetland water sources, including water quantity and quality as stated in Chapter 90.03 RCW and Chapter 173.201A WAC to wetlands or surface water systems;

(i) Any other activities affecting a wetland or wetland buffer not otherwise exempt from the provisions of this chapter; and

(j) Wetlands, streams, lakes, or ponds created as mitigation for approved land use activities or that provide critical habitat are not exempt and shall be regulated according to the provisions of this chapter. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.070 Exemptions.

The following activities shall be exempt from the provisions of this chapter, provided they are otherwise consistent with the applicable provisions of other local, state, and federal regulations. For additional exemptions in wetlands and buffers, refer to LMC 17.10.110(4):

(1) Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, RCW 76.09.240 and WAC 222-12-030, where state law specifically limits local authority, except those developments requiring local approval for Class IV – General Forest Practices Permits (conversions) as defined in Chapter 76.09 RCW and Chapter 222-12 WAC.

(2) Development occurring within a volcanic hazard area as described in LMC 17.10.140 and containing no other critical areas as defined by this chapter.

(3) Development occurring within frequently flooded areas provided the development meets the requirements of Chapter 17.24 LMC, Flood Damage Prevention; except, other critical areas within the frequently flooded area will continue to be regulated by applicable provisions of this chapter.

(4) Maintenance.

(a) Maintenance, operation, and reconstruction of existing public and private roads, streets, driveways, and the installation, construction, or replacement of utility lines in improved city rights-of-way, not including electric substations; provided, that reconstruction of any such facilities are not expanded within, or do not extend outside, the previously disturbed areas within a critical area or designated buffer.

(b) Maintenance, operation, and reconstruction of existing structures and equipment operating areas; provided, that reconstruction of any such structures and facilities are not expanded within, or does not extend outside, the previously disturbed areas within a critical area or designated buffer.

(c) Maintenance of ground cover or other vegetation in a critical area or buffer area that was disturbed prior to the effective date of this chapter; provided, that no further disturbance is created. Maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures or utilities; provided, that such management actions:

(i) Do not expand farther into the critical area;

(ii) Are not the result of an expansion of the structure or utility; and

(iii) Do not directly impact an endangered or threatened species.

(d) Maintenance of intentionally created wetlands or surface water systems, including irrigation and drainage ditches, grass-lined swales and canals, detention facilities, and landscape or ornamental amenities created from upland/nonwetland areas. Wetlands, streams, lakes, or ponds created as mitigation for approved land use activities or that provide critical habitat are not exempt, and shall be regulated according to LMC 17.10.110(5), Tables 17.10.110-1, 17.10.110-2, or 17.10.110-3. State or federal regulations may apply to wetlands not regulated under this chapter.

(e) Ongoing operation and maintenance of diking, levees or drainage systems, sub-flood control zones, which are part of a system of existing dikes, levees, ditches, drains, or other facilities that were created, developed or used primarily as part of a drainage or diking system as defined by this chapter. The area exempt from review hereunder for maintenance and operation is the land occupied by an existing system of dikes and levees. This area shall be maintained in a manner that meets the federal standards for funding assistance for dike and levee repairs; provided further, that restoration of the riparian habitat, including revegetation of native species compatible with ongoing maintenance and protection of the diking system, occurs to the extent feasible.

Operation and maintenance does not include the expansion or creation of new dikes, levees, or drainage ditches and related facilities, which could contribute to degradation of existing wetlands.

(5) The removal or control of vegetation within stormwater or flood control sloughs and ditches maintained by the CDID, or the city on the effective date of the ordinance codified in this chapter, as deemed necessary by the public works director of the city and/or the CDID district engineer.

(6) Minimal site investigative work required by the city, state, or federal agency, or any other applicant such as surveys, soil logs, percolation tests, and other related activities provided impacts on environmentally critical areas are minimized and disturbed areas are restored to the preexisting level of function and value within one year after such tests are concluded.

(7) Scientific, educational, or low-impact recreational uses such as pedestrian trails less than five feet wide, wildlife viewing structures, and sport fishing that do not degrade the functions of the critical area. Trails must meet the requirements in LMC 17.10.110(4)(c)(i).

(8) Habitat restoration activities consistent with local watershed action planning efforts and designated a priority by the Lower Columbia Fish Recovery Board.

(9) Reconstruction of damaged or destroyed structures within the same building footprint. Expansion or reconstruction within a new or expanded footprint that affects a nonexempt critical area or critical area buffer is subject to the provisions of this title.

(10) Clearing, as minimally necessary, for:

(a) Stream bank restoration, for native replanting, or enhancements in critical areas or critical area buffers; and

(b) Soil, water, vegetation, and resource conservation projects having received an environmental permit from a public agency in critical areas or critical area buffers.

(11) The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.

(12) Enhancement of a wetland or its buffer through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to removal by hand labor or light equipment unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds shall be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(13) Existing Agricultural Activities and Structures.

(a) Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands not associated with a riparian corridor are exempt from regulation under this chapter; and

(b) Changes in agricultural practices within the same “footprint” as the existing agricultural activities, including reconstruction of existing agricultural structures, are exempt from regulation under this chapter.

(14) Stormwater Management Facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of a LID, runoff treatment or flow control BMP if all of the following criteria are met:

(a) The wetland is classified as a Category IV or a Category III wetland with a habitat score of three to four points;

(b) There will be “no net loss” of functions and values of the wetland;

(c) The wetland does not contain a breeding population of any native amphibian species;

(d) The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in Selecting Mitigation Sites Using a Watershed Approach (Washington Department of Ecology Publication No. 09-06-032); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a shoreline master program or other local or regional watershed plan;

(e) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing;

(f) All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits; and

(g) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost shall be compensated according to the standards in LMC 17.10.110(7).

Stormwater LID BMPs required as part of new and redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

(15) Emergency Actions. Emergency actions are those actions, which shall be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to:

• Prevent an imminent threat to public health or safety;

• Prevent imminent danger to public or private property; or

• Prevent an imminent threat of serious environmental degradation.

(a) All emergency activities undertaken within a critical area wetland or fish and wildlife habitat conservation area shall be fully mitigated in accordance with LMC 17.10.110, 17.10.120 17.12.020 and 17.12.030.

(b) In the event an agency with jurisdiction or emergency agency determines that the need to take emergency action is so urgent that there is insufficient time for review by the department, such emergency action may be taken immediately.

(c) Any person or agency undertaking such action shall notify the department within one working day following the commencement of the emergency activity. Following such notification, the department shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the department determines that the action taken or part of the action taken is beyond the scope of allowed emergency actions, then the enforcement actions of LMC 17.10.180 shall apply. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.080 Exception – Reasonable use.

Exceptions to this chapter may be made when the imposition of the standard would deny an applicant all reasonable use of the property. If an applicant asserts that application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use exception. This exception is intended to address those cases in which the application of this chapter unreasonably restricts all economic use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(1) The board shall have the power to grant reasonable use exceptions. A request for a reasonable use exception shall be made on forms provided by the director and shall accompany an application for a development permit. The application shall include, as applicable, a critical areas checklist, critical areas permit application (according to LMC 17.10.090(4)), critical areas report, and mitigation plan, if necessary. Before an application for a reasonable use exception is acted upon, all of the matters relating to the application shall be reviewed by the director and his/her findings and conclusions shall be transmitted to the board. The board shall review and act on the application following the procedures of Chapter 19.12 LMC, Appeal Board of Adjustment.

(2) Reasonable Use Review Criteria. The criteria for review and approval of reasonable use exceptions are:

(a) The application of this chapter will deny all reasonable economic use of the subject property as otherwise allowed by applicable law.

(b) The proposal will result in no net loss of critical area functions and values consistent with the best available science.

(c) The proposal is consistent with other applicable regulation and standards.

(d) No other reasonable use of the property has less impact on critical areas.

(e) Any alteration allowed is the minimum necessary to allow for reasonable use of the subject property.

(f) The inability of the applicant to derive reasonable use of the subject property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor.

(g) The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the proposed development site.

(h) Appropriate mitigation for the adverse effects to critical areas is incorporated into the project design.

(i) The following specific exceptions shall apply in implementing the standards of this chapter. Mitigation for unavoidable adverse impacts shall be required. The standards of this chapter shall not be used to preclude the following activities in wetland areas:

(i) The placement of a single-family residence, mobile or manufactured home and normal accessory structures as defined in Chapter 19.09 LMC, zoning, on an otherwise legally buildable lot of record. Standards may be applied on established properties to limit the proposed location and size of structures and proposed removal of vegetation.

(ii) The expansion of a legally established development area existing prior to May 2002 up to 250 square feet more than the May 2002 footprint may be located in a critical area buffer. Expansion toward the critical area should be avoided. The expansion shall be constructed using low impact development practices.

(iii) The replacement of a mobile or manufactured home with another dwelling and normal accessory structures.

(3) The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(4) Nothing in this chapter shall be used to prevent the construction of a structure, subject to the standards in this section, on a lot legally created prior to the establishment of this chapter. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.071).

17.10.090 Critical areas permits – Applications and approvals.

When an applicant submits an application for any development proposal, the application shall indicate whether any critical area is located on the site. The director or designee may visit the site and, in conjunction with the review of the information provided by the applicant and any other suitable information, shall make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the director shall notify the applicant that additional studies as specified in this chapter and Chapter 17.12 LMC, Standards for Preparing Critical Areas Reports and Mitigation Plans, shall be provided.

(1) Pre-application Conference. Any person preparing to submit an application for development or use of land that may be regulated by the provisions of this chapter shall first apply for a pre-application conference, unless waived by the director in concurrence with applicant. At this meeting, the director shall discuss the requirements of this chapter; provide applicable critical areas maps, scientific information and other source materials. He/she shall

summarize the application review process and work with the proponent to identify potential issues that may arise during the review process in addition to discussing other permit procedures and requirements.

(2) Critical Areas Permit: Coordination with Other Permits. To avoid duplication, the information required by this section shall be coordinated by the city with the assessments and requirements for other associated permits, including environmental reviews as directed by the director for activities otherwise categorically exempt from SEPA.

(3) Request for Determination of Critical Areas.

(a) The director will conduct a preliminary environmental review, based on existing in-house resources and data, to determine if critical areas are known or suspected to exist on the applicant's parcel; however, the ultimate burden of proof is on the applicant to provide sufficient data to the director should the director suspect critical areas are present. For the determination, the director will need the following:

(i) A completed master application and vicinity map;

(ii) An assessor's map of the property;

(iii) Critical areas checklist provided to the director and signed by the applicant; and

(iv) Other information as determined by the director.

(b) The director shall review the information on the forms submitted by the applicant, the critical areas maps, and any other resource information available as part of the determination process. Additionally, s/he shall conduct a site visit to ascertain the characteristics of subject property and to verify the presence of critical areas.

(c) The director shall have the option of soliciting comments or technical assistance on the critical areas determination from resource agencies. These agencies shall have 14 days from the date the application is circulated by the city for comments. If a response is not received from the resource agency within the 14-day review period, the city will assume there are no comments on the determination forthcoming from the resource agency.

(d) When the determination of critical areas has been completed, a written report will be issued to the applicant, placed in an address file, and a copy sent to the property owner if different from the applicant. A property owner may request a re-evaluation by the department once in any 12-month period when a change in physical conditions or government institutional actions warrants such re-evaluation.

(4) Critical Areas Permit Application Procedures. A critical areas permit is required if it is determined that the proposed alteration or development is located within a critical area or associated buffer.

The permit application shall at a minimum include the following:

(a) A completed master application, signed by the applicant and the property owner if different from the applicant, a vicinity map, a SEPA environmental checklist, and any supplemental information required by the director.

(b) A site plan drawn to scale. The site plan should clearly depict the following information:

(i) North arrow;

(ii) Property line dimensions; and

(iii) Location and dimensions of all existing and proposed development or alterations, including public and private roads, sewer and water lines, wells, utilities, easements, water sources, lakes and springs, drainage facilities, on-site sewage disposal and drain field areas within the property boundary, and the location of all critical areas and buffers.

(c) Critical Areas Reports. The city may require the applicant to submit a critical areas report according to the standards in Chapter 17.12 LMC, Standards for Preparing Critical Areas Reports and Mitigation Plans. The report shall be adequate for the director to evaluate the development proposal and all probable adverse impacts to critical areas regulated by this chapter. If adequate factual information exists to facilitate such evaluation, the director may determine that a critical areas report is not necessary. Critical areas reports shall be attached to the development permit application package.

(5) Expert Qualifications and City Review. All critical areas reports and mitigation plans required of the applicant by this chapter shall be prepared by a qualified expert. The director's decision to require additional studies will be based on the complexity of the project and/or a site inspection. The applicant for development shall be responsible for any cost associated with preparing critical areas reports and/or additional studies.

(6) Comments. The department shall have the option of soliciting comments or technical assistance on the critical areas permit application from resource agencies. These agencies shall have 14 days from the date the application is circulated by the city for comments. If a response is not received from the resource agency within the 14-day review period, the city will assume there are no comments on the project or activity forthcoming from the resource agency.

(7) Permit Action. For development permits where the land use decisions can be made administratively, the director may approve, approve with modifications and/or conditions, or deny a critical areas permit. For development permits where land use decisions are made by the planning commission, city council, or the board, the decision-making body may approve, approve with modifications and/or conditions, or deny a critical areas permit as part of the overriding action. Any notification of approval shall include the conditions, modifications and restrictions regarding the location, character, and other features of the proposed development that the director finds necessary to make the proposal compatible with the purposes and standards of this chapter. Prior to notification of approval, approval with conditions/modifications, or denial, the decision-maker(s) shall make findings that:

(a) Confirm the nature and type of critical areas;

(b) Determine if a proposed alteration critical areas meets the standards contained in this chapter; and

(c) Determine if the assurances for the mitigation proposed by the applicant are sufficient to protect or mitigate the critical areas consistent with this chapter.

(8) Permit Duration. Permitted construction shall start within the time limitations specified for the underlying development permit approval or final appeals decision. Permits may be extended concurrent with extensions for the underlying development permit. There shall be no limit on the number of critical areas permit extensions granted, recognizing that there may be limitations on the number of extensions of the underlying development permit. Permits run with the land.

(9) Notice on Title. The critical areas, associated buffer, and any mitigation areas shall be located in a critical areas tract or a conservation easement. Proof of establishment of notice on title for the critical areas, buffers, and mitigation areas shall be provided to the department. The notice shall state the presence of the critical areas, buffers, or mitigation area on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical areas or buffers may exist. The notice shall run with the land. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.072).

17.10.100 Critical areas inventory maps.

(1) The approximate location and extent of critical areas and lands within the city's planning area are shown on the maps adopted as part of this chapter. A summary of map sources is listed in Table 17.10.100. These maps are based on the best available information and are intended to be used as a general guide for the assistance of property owners and as information for the public. Since boundaries are generalized, field investigations and analysis by a qualified expert may be required to confirm the existence of critical areas.

(2) In addition, the Washington Department of Natural Resources base maps for stream types and topography provide an indication of the location of fisheries resources. Field conditions shall be used to determine the existence or extent of any classified stream area. Washington Department of Fish and Wildlife maps of threatened and

endangered species and habitat may be consulted. Wildlife critical areas shall be field located by a qualified expert based on applicable criteria.

(3) Flood hazard areas are mapped by the Federal Emergency Management Agency.

(4) In the event of any conflict between the location, designation, or classification of a critical area shown on the city maps and the criteria or standards of this section, the criteria and standards and the determination of any field investigation shall prevail.

Table 17.10.100 Summary of Map Sources

Topic	Map and Data Sources
Potential Wetland Indicators	Web Soil Survey, U.S. Department of Agriculture, Natural Resource Conservations Service
	National Wetlands Inventory Maps, Wetland Mapper, U.S. Department of Interior, U.S. Fish and Wildlife Service
Fish and Wildlife Habitat Conservation Areas	Priority Habitat and Species Maps, Washington Department of Fish and Wildlife
	Forest Practice Act Stream Type Maps, Washington Department of Natural Resources
	Washington Natural Heritage Data Set, Washington Department of Natural Resources
	StreamNet™ operated by the Pacific States Marine Fisheries Commission and funded by the Bonneville Power Administration
	SalmonScape, Washington Department of Fish and Wildlife (maps anadromous and resident salmonid distributions from the Salmon and Steelhead Habitat Assessment Program (SSHIAP))
Frequently Flooded Areas	Flood Insurance Rate Maps, Federal Emergency Management Agency, National Flood Insurance Program
Geologically Hazardous Areas	Digital Landslide Inventory for the Cowlitz County Urban Corridor, Washington, Washington Division of Geology and Earth Resources, Washington Department of Natural Resources, May 2006 (Wegmann 2006)
	Liquefaction Susceptibility Map of Cowlitz County, Washington, Division of Geology and Earth Resources, Washington Department of Natural Resources, September 2004 (Palmer 2004)
	2004 USGS Quaternary Fold and Fault Database for the United States, Hoquiam 1° x 2° Sheet (USGS 2004)
	Volcanic-Hazard Zonation for Mount St. Helens, Washington, 1995 (Wolfe and Pierson 1995)
	Interactive Geologic Maps and Geologic Information Portal, Washington Department of Natural Resources
	Web Soil Survey, U.S. Department of Agriculture, Natural Resource Conservations Service

(Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.110 Wetlands.

(1) Designation. Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation and applicable regional supplement or as revised. All areas within the city meeting the wetland designation criteria in that procedure are hereby designated critical areas and subject to the provisions of this chapter.

(2) Categorization. Wetlands shall be rated according to the Washington Department of Ecology's Washington State Wetland Rating System for Western Washington: 2014 Update (Publication No. 14-06-029, or as revised and approved by Ecology). The rating system document contains the definitions and methods for determining if the criteria below are met:

(a) Category I. Category I wetlands are:

(i) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program, Department of Natural Resources;

(ii) Mature and old growth forested wetlands larger than one acre;

(iii) Wetlands that perform many functions well, scoring 23 points or more on the rating form; or

(iv) Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.

(b) Category II. Category II wetlands are:

(i) Wetlands with a moderately high level of functions, scoring between 20 and 22 points on the rating form.

(c) Category III. Category III wetlands are:

(i) Wetlands with a moderate level of functions, scoring between 16 and 19 points on the rating form;

(ii) Can often be adequately replaced with a well-planned mitigation project; and

(iii) Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

(d) Category IV wetlands are:

(i) Wetlands with the lowest levels of functions (scoring fewer than 16 points on the rating form) and are often heavily disturbed.

(ii) These are wetlands that we should be able to replace or, in some cases, to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and should be protected to some degree.

(3) Development Standards. Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Alteration of all regulated wetlands and associated buffers should be fully mitigated and not be allowed unless the mitigation sequencing standards in subsection (7) of this section have been followed.

(a) In Category I wetlands, only the following activities may be allowed:

(i) Installation of utilities such as water, sewer, stormwater conveyance, gas, electric, cable, fiber optic cable or telephone, expansion of existing roads, utilities and railroads and maintenance of existing levees or dikes; provided, that impacts are minimized and that mitigation for any unavoidable impacts to wetland functions is conducted. New roads, dikes and levees shall only be allowed if compliance to LMC 17.10.160, Variances, is demonstrated.

(ii) Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

(b) In Category II wetlands, the following activities may be allowed:

(i) Activities allowed in Category I wetlands;

(ii) Activities that are mitigated in accordance with an approved critical areas report for wetlands and an approved mitigation plan per LMC 17.12.010 and 17.12.020.

(c) In Category III and IV wetlands, the following activities may be allowed:

(i) Activities allowed in Category I and II wetlands; and

(ii) Activities that are mitigated in accordance with an approved critical areas report for wetlands and an approved mitigation plan according to LMC 17.12.010 and 17.12.020.

(4) Wetland Exemptions, Partial Exemptions, and Allowed Activities in Wetland Buffers.

(a) Exempted Wetlands. The following wetlands are exempt from the buffer provisions contained in this chapter and the avoidance and minimization described in subsection (7)(a) of this section, Mitigation Sequencing. They may be filled if impacts are fully mitigated based on provisions in subsection (7) of this section, Compensatory Mitigation. To verify the following conditions, a critical areas report for wetlands, meeting the requirements in LMC 17.12.010 and 17.12.020, shall be submitted.

(i) Category III and IV wetlands less than 4,000 square feet may be exempted from the avoidance and minimization of mitigation sequencing in subsection (7)(a) of this section when compliance to the following is fully demonstrated by a qualified expert:

(A) Wetland is not associated with riparian areas or buffers;

(B) Wetland is not part of a wetland mosaic;

(C) Wetland does not score five or more points for habitat function based on the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology); and

(D) Wetland does not contain priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, does not contain federally listed species or their critical habitat, or species of local importance identified in LMC 17.10.120.

(ii) Artificial. Wetlands created from nonwetland sites including, but not limited to, wetlands intentionally created from nonwetland sites, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, and landscape amenities; provided, that wetlands created as mitigation shall not be exempted.

(iii) Riparian. Wetlands fully within the ordinary high water mark for streams.

(b) Partial Exemptions. The activities listed below are allowed in wetlands and wetland buffers and do not require submission of a critical areas report or a critical areas permit, except where such activities would result in a loss of the functions and values of a wetland or wetland buffer.

(i) Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.

(ii) The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.

(iii) Drilling for utilities/utility corridors under a wetland or buffer, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not disturb the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a qualified hydrogeological expert may be necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed.

(iv) Enhancement of a wetland through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds shall be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(v) Land disturbance, including fill, in wetlands or their associated buffers cumulatively less than five cubic yards in volume and 300 square feet in area; provided, that the wetland hydroperiod is not significantly affected.

(c) Allowed Activities in Wetland Buffers. In addition to the activities identified in subsection (4)(b) of this section, Partial Exemptions, the following uses may be allowed within a wetland buffer, but not within a wetland, following the review procedures of this chapter, provided they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland. Prior to development or alteration within the wetland buffer, the applicant shall demonstrate mitigation sequencing according to subsection (7)(a) of this section.

(i) Passive recreation facilities designed and in accordance with an approved critical areas report, including:

(A) Walkways and pervious surfaced trails; provided, that pathways are limited to minor crossings having no adverse impact on wetland hydrology. They should be generally parallel to the perimeter of the wetland, located only in the outer 50 percent of the wetland buffer, and located to avoid removing established native woody vegetation. They should be limited to pervious surfaces no more than five feet in width. Raised boardwalks with nontreated pilings may be acceptable.

(B) Wildlife-viewing structures.

(ii) Stormwater Management Facilities. Stormwater management facilities, limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, are only allowed in buffers of wetlands with low habitat function (less than four points on the habitat section of the Western Washington wetland rating form). Stormwater management facilities are prohibited within forested wetland buffers. They may be allowed within the outer 25 percent of the buffer of Category III or IV wetlands only; provided, that:

(A) No other location is feasible;

(B) The location of such facilities will not degrade the functions or values of the wetland; and

(C) Are designed to blend with the natural landscape.

(iii) Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed; provided, that:

(A) Impacts to buffers are minimized; and

(B) Buffer functions are replaced.

(iv) Other Regulated Activities. Other regulated activities other than pedestrian trails, stormwater management facilities and road and utilities crossings are allowed in the buffer if all of the following conditions are met:

(A) The activity is temporary and will cease or be completed within three months of the date the activity begins;

(B) The activity will not result in a permanent structure in or under the buffer;

(C) The activity will not result in a reduction of buffer acreage or function; and

(D) The activity will not result in a reduction of wetland acreage or function.

(5) Wetland Buffers. Wetland buffers shall be determined by the director, in accordance with the standards below.

(a) Standard Buffer Widths. Buffers are required for all regulated wetlands. Wetland buffer widths are established in Tables 17.10.110-1, 17.10.110-2, and 17.10.110-3 of this section, and are based on the corresponding wetland rating category and land use intensity. Land use intensities are shown in Table

17.10.110-4. Category IV wetland buffers are based solely on the water quality buffers specified in Table 17.10.110-1.

Table 17.10.110-1. Wetland Buffers Required to Protect Water Quality Functions

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I: Bogs and Wetlands of High Conservation Value	150 ft.	225 ft.	300 ft.
Category I: Based on Total Score	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

Table 17.10.110-2. Wetland Buffers Required to Protect Habitat Functions in Category I and II Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 17.10.110-1	See Table 17.10.110-1	See Table 17.10.110-1
5 points	70 ft.	105 ft.	140 ft.
6 points	90 ft.	135 ft.	180 ft.
7 points	110 ft.	165 ft.	220 ft.
8 points	130 ft.	195 ft.	260 ft.
9 points	150 ft.	225 ft.	300 ft.

Table 17.10.110-3. Wetland Buffers Required to Protect Habitat Functions in Category III Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 17.10.110-1	See Table 17.10.110-1	See Table 17.10.110-1
5 points	60 ft.	90 ft.	115 ft.
6 points	65 ft.	95 ft.	120 ft.
7 points	75 ft.	100 ft.	125 ft.

Table 17.10.110-4. Land Use Intensity Matrix

	Low	Moderate	High

	Low	Moderate	High
Parks and Recreation	Natural fields and grass areas, viewing areas, split rail fencing	Impervious trails, engineered fields, fairways	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing
Streets and Roads	Does not apply	Residential driveways and access roads	Public and private streets, security fencing, retaining walls
Stormwater Facilities	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Wet ponds	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing
Utilities	Does not apply	Maintenance access roads	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.
Commercial/ Industrial	Underground and overhead utility lines, manholes, power poles (without footings)	Does not apply	All site development
Residential	Density at or lower than 1 unit per 5 acres	Density between 1 unit per acre and higher than 1 unit per 5 acres	Density higher than 1 unit per acre

(b) Measurement. Buffers shall be measured outward from the delineated boundaries of the regulated wetland and extend the required distance.

(c) Functional Separation. Areas that are functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required. Such areas may include but are not limited to preexisting and legally established impervious surfaces such as roads and driveways, buildings, and structures that vertically separate such as maintained flood control dikes.

(d) Buffer Demarcation. As a condition of any permit or authorization issued pursuant to this chapter, the director may require the applicant to install permanent signs and/or permanent fencing along the upland boundary of the wetland buffer area. The permanent signs and/or permanent fencing shall be perpetually maintained by the property owner. Permanent nontreated wood or nongalvanized metal signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet or as otherwise determined by the director. The sign shall be worded as follows or with alternative language approved by the director: “Wetland and Wetland Buffer – Please retain in a natural state. Alteration or disturbance is prohibited by law. Please call the City of Longview for more information.”

(6) Wetland Buffer Modifications.

(a) Wetland Buffer Width Averaging. Wetland buffer averaging may be permitted when all of the following conditions are met:

(i) The applicant demonstrates to the department that the wetland contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where the buffer width is reduced, and that width averaging will not adversely impact the wetland functional values.

(ii) The total area contained within the buffer after averaging shall be at least functionally equivalent and equal in size to the area contained within the standard buffer prior to averaging.

(iii) The buffer at its narrowest point shall never be less than 75 percent of the required width.

(b) Wetland Buffer Width Reduction. The wetland buffer may be reduced by up to 25 percent; provided, that:

(i) The buffer is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project wetland and buffer are equal or greater. Restoration or enhancement activities can include, but are not limited to, planting of noninvasive native trees or shrubs, increasing the diversity of plant cover types, or replacement of noninvasive exotic species with

native species, or specific measures to improve hydrologic or habitat functions, in accordance with the mitigation standards in subsection (7) of this section; and

(ii) A buffer mitigation plan shall be required, and shall be prepared by a qualified expert and reviewed and certified by a qualified expert certifying that the enhancement measures will complement, enhance, and support the functions of the adjacent wetland.

(c) Minimum Buffer Width. In the case of buffer averaging and buffer reduction via this subsection:

(i) The minimum buffer at its narrowest point shall not be less than the low intensity land use water quality buffer contained in Table 17.10.110-1;

(ii) Buffer width reduction shall not be used in combination with buffer width averaging on the same resource on a property or site; and

(iii) Where multiple resources exist on a property or site, the department may authorize the use of buffer width averaging and buffer width reduction on different resources on the property or site; provided, that any required scientific analysis or reporting addresses and supports the separate use.

(7) Compensatory Mitigation.

(a) Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

(i) Avoiding the impact altogether by not taking a certain action or parts of an action;

(ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

(iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(v) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or

(vi) Monitoring the impact and taking appropriate corrective measures.

(b) Requirements for Compensatory Mitigation. The following additional standards apply to the approval of all activities permitted within wetlands or their buffers under this section:

(i) All unavoidable adverse impacts to all regulated wetlands and buffers shall be specified in a compensatory mitigation plan consistent with LMC 17.12.020(2) and be prepared by a qualified expert.

(ii) When an applicant proposes to alter or eliminate a regulated wetland, he/she shall be required to provide compensatory mitigation for lost or diminished functions based upon an evaluation procedure such as is found in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (Washington Department of Ecology Publication No. 10-06-011). When compensatory mitigation of a wetland is proposed, the wetland and associated buffer shall be mitigated at the ratio designated in Table 17.10.110-5.

Table 17.10.110-5. Standard Wetland Mitigation Ratios

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Category I: Bogs and Wetlands with High Conservation Value	Not considered possible	6:1 rehabilitation of a Natural Heritage Wetland	Not considered possible	Not considered possible	Case-by-case
Category I: Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I: Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

(iii) Wetland Mitigation Ratios. The mitigation ratios provided in Table 17.10.110-5 are target ratios. Ratios may be increased or decreased to address site-specific situations. It is up to the project proponent to provide the justification for a decrease in the standard ratios. Preservation may be used as a mitigation strategy in some cases. Recommended preservation ratios can be found in Section 6.5.5 of the Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Publication No. 06-06-011a, or as revised, but final actual ratios may be subject to review by the Washington Department of Ecology and/or the department.

(A) Increased Replacement Ratio. The department or designee may increase the ratios under the following circumstances:

1. Uncertainty exists as to the probable success of the proposed restoration or creation

2. A significant period of time will elapse between impact and replacement of wetland functions

3. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted or

4. The impact was an unauthorized impact.

(B) Decreased Replacement Ratio. The department may decrease the ratios under the following circumstances:

1. Documentation by a qualified expert demonstrates that the proposed mitigation actions have a very high likelihood of success;

2. Documentation by a qualified expert demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted or

3. The proposed mitigation actions are conducted in advance of the impact and are consistent with federal rules, state policy on advance mitigation, and state water quality regulations in Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication No. 12-06-015) or as revised.

(c) Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project with an intent to achieve functional equivalency or improved functions. The goal shall be for the compensatory mitigation to provide wetland functions similar to those lost.

(d) Approaches to Compensatory Mitigation. Mitigation for lost or diminished wetland or buffer functions shall rely on the approaches listed below.

(i) Wetland Mitigation Banks. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when the bank is certified under Chapter 173-700 WAC and:

(A) The department determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts

(B) The impact site is located in the service area of the bank or is approved on a case-by-case basis by the interagency review team;

(C) The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument; and

(D) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified mitigation bank instrument.

(ii) Permittee-Responsible Wetland Mitigation. In this situation, the permittee typically performs the mitigation after the permit is issued (unless the goal is an advance mitigation site) and is ultimately responsible for implementation and success of the mitigation. Permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed. Permittee-responsible mitigation shall be selected based on a watershed approach, as detailed in the Washington Department of Ecology's Selecting Mitigation Site Using a Watershed Approach Publication (Publication No. 09-06-032 or as revised and approved by Ecology).

(e) Location of Permittee-Responsible Compensatory Mitigation. Compensatory mitigation actions shall generally be conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. The following criteria will be evaluated when determining whether the proposal is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank or advance mitigation.

(i) There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and required widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).

(ii) On-site mitigation would require elimination of high-quality upland habitat.

(iii) Off-site mitigation has a greater potential or opportunity to provide wetland functions than the altered wetland.

(iv) Off-site locations shall be in the same sub-drainage basin unless:

(A) Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site; or

(B) Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument.

(v) The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation,

restoration, or enhancement of an atypical wetland. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.120 Fish and wildlife habitat conservation areas.

(1) Designation and Classification. Critical fish and wildlife habitat conservation areas are designated according to the classifications in Table 17.10.120-1. Designated critical areas are subject to the provisions of this chapter and shall be managed consistent with the best available science, such as the Washington Department of Wildlife's Management Recommendations for Priority Habitats and Species. Consultation may occur with the Washington Department of Fish and Wildlife for confirmation of designations.

Table 17.10.120-1. Fish and Wildlife Habitat Conservation Areas

Habitat Classifications		Description
(1)	Areas with which federal or state designated endangered, threatened, or sensitive species have a primary association.	Areas which, if significantly altered, may reduce the likelihood that the species will reproduce over the long term. Federally designated species are those identified by U.S. Fish and Wildlife or the National Marine Fisheries Service. State designated species are those identified by the Washington Department of Fish and Wildlife. These habitats are designated as critical areas, where endangered, threatened, and sensitive species are verified to have a primary association.
(2)	State priority habitats and areas associated with state priority species.	Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the Washington Department of Fish and Wildlife.
(3)	Species and habitats of local importance and high quality ecosystems.	Habitat: Unique habitats of local importance that regionally rare plant or wildlife species depend upon and that have high plant or wildlife concentrations, including riparian habitat. Species: Wildlife species that require protective measures for their continued existence due to their population status or sensitivity to habitat alterations or are highly valued by the local citizens. Species meeting the above criteria but not depending upon a habitat of local importance (as listed above) to meet criteria habitat needs are those documented, verified, and mapped in the city of Longview as mapped by the Washington Department of Fish and Wildlife or identified by a qualified expert. High Quality Ecosystems: High quality ecosystems are those that are identified by the Washington Department of Natural Resources through the Natural Heritage Program.
(4)	Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat.	Naturally occurring ponds are waters with a surface area of less than 20 acres but greater than one acre and manmade ponds developed as mitigation as part of a permitting process or mitigation agreement. Naturally occurring ponds do not include ponds deliberately created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years' duration), and landscape amenities, unless such artificial ponds were intentionally created for mitigation.
(5)	Waters of the state.	Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030 and 222-16-031.

(2) Development Standards. Regulated development, as described in LMC 17.10.060, shall conform and be governed by the following items in this subsection, and in subsections (3) through (6) of this section:

(a) Standards contained in this section shall be used to develop plans in accordance with LMC 17.12.030(2) submitted for regulated activities so that impacts to critical fish and wildlife habitats can be minimized.

(b) Consider habitat in site planning and design.

(c) Locate buildings and structures in a manner that preserves the majority of habitat or minimizes adverse impacts.

(d) Consolidate habitat and vegetated open space in contiguous blocks, and where possible locate habitat contiguous to other habitat, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas.

(e) Use noninvasive native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers.

(f) Emphasize heterogeneity and structural diversity of vegetation in landscaping.

(g) Remove and/or control any noxious or nonnative species of plants.

(h) Preserve existing trees to the extent possible, preferably in consolidated areas.

(i) Single Oregon white oak trees or oak habitat areas less than one-half acre should be avoided but may be cleared if three trees a minimum of two inches dbh are planted for each tree removed. Replaced trees shall be planted within the city's urban growth boundary.

(j) Preserve and introduce native plant species that serve as food, shelter from climatic extremes and predators, and structure and cover for reproduction and rearing of young for wildlife.

(k) Preserve the existing hydraulic functions of drainage systems.

(l) Preserve critical fish and wildlife habitat conservation areas through maintenance of stable channels, adequate low flows, and management of stormwater runoff, erosion, and sedimentation to the furthest extent possible.

(m) Manage access to critical fish and wildlife habitat conservation areas to protect species which are directly affected by human disturbance. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be temporarily marked in the field in such a way as to ensure that no unauthorized intrusion will occur and shall be verified by the director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

(n) As a condition of any permit or authorization issued pursuant to this chapter, the director may require the applicant to install permanent signs and/or permanent fencing along the boundary of a habitat conservation area or buffer. Permanent wood or metal signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet or as otherwise determined by the director, and shall be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the director: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Longview for more information."

(o) Maintain or enhance water quality through control of runoff and use of best management practices and the city's stormwater management (Chapter 17.80 LMC).

(p) No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

(q) All planned and unintended impacts to critical areas shall be fully mitigated, the applicant shall demonstrate no net loss in overall functions in accordance with LMC 17.12.030(2).

(3) Overlap of Critical Areas. LMC 17.10.100 notwithstanding, if a fish or wildlife habitat classification is determined to be a wetland, then the regulations that provide the greater protection shall apply.

(4) Habitat Protection.

(a) Classifications 1 and 2. A habitat management plan may be required to be prepared in accordance with the standards contained in LMC 17.12.030(2) if the regulated activity is within 250 feet of a Classification 1 or 2

habitat area or identified within 1,000 feet of a point location (nests, dens, etc.) for a Classification 1 habitat area (Table 17.10.120-1).

(i) A habitat management plan will be prepared by a qualified expert in accordance with the standards contained in LMC 17.12.030(2).

(ii) Habitat management plans shall be sent to the Washington Department of Fish and Wildlife and other appropriate state and federal agencies for comment with the SEPA environmental checklist and peer review for a 14-day comment period. If a response is not received from the agencies within the 14-day review period, the city will assume there are no comments on the project or activity forthcoming from those agencies. Copies of comments received by other agencies will be forwarded to the city of Longview, community development department.

(b) Habitat Protection for Classification 3. Protection for these habitat areas shall be through the development of standards listed in subsection (2) of this section as developed by a qualified expert.

(c) Habitat Protection for Classifications 4 and 5. Protection for these habitat areas shall be through the Shoreline Management Act, the Federal Clean Water Act, and the state Hydraulic Code and/or best management practices. Within Classification 5, Type N, F, and S waters, as defined in WAC 222-16-030, Forest Practices Board, Definitions, are regulated waters.

(5) Riparian Buffers.

(a) Riparian Buffer Widths. Riparian buffers shall be required for all regulated activities adjacent to streams. All riparian buffers shall be measured from the ordinary high water mark, and shall require the appropriate buffers shown on Table 17.10.120-2, and are based on stream type definition.

(b) Stream Types. Stream types are defined based on WAC 222-16-030. Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed, which demonstrates evidence of passage of water as defined in LMC 17.10.050, Definitions.

(i) “Type S streams” means all waters, within their bankfull width, inventoried as “shorelines of the state” under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW including periodically inundated areas of their associated wetlands.

(ii) “Type F streams” means segments of natural waters other than Type S, which are within their bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water and which contain fish habitat.

(iii) “Type Np streams” means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of the year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

(iv) “Type Ns streams” means all segments of natural waters within the bankfull width of the defined channel that are not Type S, F, or Np streams. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is Type Np. Type Ns streams must be physically connected by an above-ground channel system to Type S, F, or Np streams.

Table 17.10.120-2. Standard Riparian Buffer Widths

Stream Type (WAC 222-16-030)	Buffer
Type S – Shorelines of the state	200 ft.

Stream Type (WAC 222-16-030)	Buffer
Type F – Fish-bearing streams (> 5 ft. wide)	150 ft.
Type F – Fish-bearing streams (< 5 ft. wide)	125 ft.
Type Np – Non-fish-bearing streams – perennial	100 ft.
Type Ns – Non-fish-bearing streams – seasonal	50 ft.

(c) Functional Separation. Areas that are functionally separated from a fish and wildlife habitat conservation area and do not protect the habitat area from adverse impacts may be excluded from buffers otherwise required. Such areas may include but are not limited to preexisting and legally established impervious surfaces such as roads and driveways, buildings, and structures that vertically separate such as maintained flood control dikes.

(d) Buffer Demarcation. As a condition of any permit or authorization issued pursuant to this chapter, the director may require the applicant to install permanent signs and/or permanent fencing along the upland boundary of the fish and wildlife habitat conservation area. The permanent signs and/or permanent fencing shall be perpetually maintained by the property owner. Permanent wood or metal signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet or as otherwise determined by the director. The sign shall be worded as follows or with alternative language approved by the director: "Fish and Wildlife Habitat Conservation Buffer – Please retain in a natural state. Alteration or disturbance is prohibited by law. Please call the City of Longview for more information."

(6) Fish and Wildlife Habitat Conservation Area Buffer Modifications.

(a) Riparian Buffer Averaging. Subject to review under the standards contained in this chapter, portions of the riparian buffer may be reduced up to 50 percent from the normal standards of this chapter if:

(i) The riparian buffer widths are correspondingly increased elsewhere within the applicant parcel.

(ii) The applicant demonstrates that the overall size, function and values of the riparian buffer are maintained.

(iii) In no event shall the width of the riparian buffer be less than 25 feet.

(iv) Buffer width averaging shall not be used in combination with buffer width reduction.

(b) Buffer Width Reduction. Buffers may be reduced by up to 50 percent if an applicant undertakes measures approved by the department. These measures include, but are not limited to:

(i) Enhancing the buffer and demonstrating no loss of functions, including, but not limited to, planting of noninvasive native trees or shrubs, increasing the diversity of plant cover types, or replacing noninvasive exotic species with native species in accordance with the mitigation standards in LMC 17.10.110(7)(a).

(ii) A mitigation plan prepared by a qualified expert.

(c) Buffer Width Increase. In some instances, wider riparian buffer widths may be necessary to protect sensitive wildlife species, such as bald eagle nests or heron rookeries, which depend on streams and wetlands, or to protect surface waters from slope failures and soil erosions. These standards will be applied on a case-by-case basis depending upon site-specific and watershed system information, such as fish and wildlife habitat needs, site topography, hydrology and other factors. Applicants for development are encouraged to consult the Washington Department of Fish and Wildlife's Management Recommendations for Washington's Priority Habitats – Riparian (1997) to design appropriate buffers. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.130 Frequently flooded areas.
(1) Designation and Classification. All flood hazard areas shall be as identified on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA), dated December 16, 2015, as now or hereafter amended. These maps are hereby adopted by reference and declared to be part of this chapter.

(2) Development Standards. All development within designated frequently flooded areas shall comply with Chapter 17.24 LMC, Flood Damage Prevention, as now or hereafter amended. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.140 Geologically hazardous areas.
(1) Designation. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events as designated under Chapter 36.70A RCW. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

(a) Landslide hazard;

(b) Erosion hazard;

(c) Seismic hazard;

(d) Volcanic hazard; and

(e) Mine hazard.

(2) Geotechnical Reconnaissance Reports and Geotechnical Investigation Reports. All regulated activities proposed within a geologically hazardous area shall be evaluated by a geotechnical reconnaissance or geotechnical investigation. Erosion, volcanic, and mine hazard areas may be evaluated by a geotechnical reconnaissance. If the qualified expert determines that these hazards cannot be fully evaluated with a geotechnical reconnaissance, then a geotechnical investigation shall be required. Landslide and seismic hazard areas shall be evaluated by a geotechnical investigation, unless a compelling reason can be provided by the qualified expert that a geotechnical reconnaissance is appropriate.

(3) Classification: Landslide Hazard Areas. Landslide hazard areas are those areas meeting any of the following criteria:

(a) Areas of historic failure, such as areas designated as quaternary slumps, earthflows, mudflows, or landslides.

(b) Any area with the following characteristics:

(i) Slope greater than 15 percent; and

(A) Steep hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; or

(B) Springs or groundwater seepage.

(ii) Any slope 40 percent or steeper with a vertical relief of 10 or more feet.

(c) Slopes that are parallel or sub-parallel to planes of weakness; such as bedding planes, joint systems, and fault planes.

(d) Slopes having gradients greater than 80 percent and subject to rock fall during seismic shaking.

(e) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action.

(f) Areas located in a canyon, on an active alluvial fan, or that are presently subject to inundation by debris flows or catastrophic flooding.

(g) Other areas as the city engineer may conclude present potential slide hazards.

(4) Classification: Erosion Hazard Areas. Erosion hazard areas are areas identified by the presence of soils which are recognized as having high erosion potential in the 2006 Natural Resource Conservation Service Soil Survey of Cowlitz Area, Washington, or as amended.

Areas mapped as deep seated slides and seeps, shallow slides, and potentially unstable slopes in the Digital Landslide Inventory for the Cowlitz County Urban Corridor, Washington (Wegmann 2006) should also be considered to be in a high erosion hazard area.

(5) Development Standards for Landslide Hazard Areas and Erosion Hazard Areas. Any allowed or regulated activity on areas identified as susceptible to landslide or erosion hazards or their buffers shall conform to the following standards:

(a) Grading.

(i) Clearing, grading, and other construction activities shall not create, aggravate or result in slope instability or surface sloughing.

(ii) Undergrowth shall be retained to the maximum extent feasible.

(iii) No dead vegetation (slash), fill, or other foreign material shall be placed within a landslide or erosion hazard area, other than that approved for bank stabilization or if such fill is consistent with authorized activities specified in the geotechnical reconnaissance report or geotechnical investigation report.

(iv) Minimize ground disturbance to the maximum extent feasible.

(b) Erosion control will conform to standards in Chapter 17.80 LMC, Stormwater Management, and the following BMPs:

(i) There shall be minimum disturbance of trees and vegetation to reduce erosion and maintain existing stability of hazard areas.

(ii) Vegetation removal on the slopes of banks between the ordinary high water mark and the top of the banks shall be minimized because of the potential for erosion.

(iii) Vegetation and organic soil material shall be removed from fill site prior to the placement of fill.

(iv) Thinning the limbs of individual trees in accordance with accepted forestry or arboriculture practices is preferred over tree removal as a means to provide a view corridor. The standards in Chapter 13.04 LMC, Trees, Shrubs, and Plants, shall apply as applicable.

(v) Vegetative cover or engineered ground covers shall be placed on any disturbed surface to the extent feasible.

(vi) For large projects, phasing of the project is preferred to minimize the area subject to erosion. Uncovered areas should not be cleared until previous phases are completed.

(c) Drainage.

(i) Surface drainage, including downspouts, shall not be directed across the face of a hazard area. If drainage must be discharged from the top of a hazard area to its toe, it shall be collected above the top and directed to the toe by tight line drain, and provided with an energy-dissipating device at the toe for discharge to a swale or other acceptable natural drainage areas.

(ii) Stormwater retention and detention systems, including percolation systems using buried pipe, are strongly discouraged unless a geotechnical investigation report indicates such a system will not affect slope stability, and the percolation systems are designed by a licensed geotechnical engineer or engineering geologist. The licensed expert shall also certify that the percolation systems are installed as designed.

(d) Sewage Disposal System Drainfields. For the purpose of landslide or erosion control, the sewage disposal drain fields shall be located outside of the hazard area buffer, unless otherwise justified by a qualified geotechnical engineer. The septic system drain field shall be in compliance with all local government health regulations.

(e) Buffers.

(i) The minimum buffer shall be equal to the height of the slope or 50 feet, whichever is greater. The buffer shall be measured horizontally and is required at the top, toe, and along all sides of any existing landslide or erosion hazard within a critical geologically hazardous area. The buffer may be less than 50 feet if recommended in the geotechnical reconnaissance report or geotechnical investigation report by a qualified expert and approved pursuant to LMC 17.10.090.

(ii) The buffer shall be clearly staked before and during any construction or clearing.

(f) Design Guidelines.

(i) Structures should be clustered where possible to reduce disturbance and removal of vegetation.

(ii) Foundations should be stepped to the contours of the slope to the greatest extent possible.

(iii) Roads, walkways, and parking areas should be designed to parallel the natural contours of the site.

(iv) All development proposals shall be designed to minimize impacts of the project.

(6) Classification: Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Areas mapped in the moderate to high risk category on the Liquefaction Susceptibility Map of Cowlitz County, Washington, or the WDNR Interactive Map should be considered in a seismic hazard area.

(7) Development Standards: Seismic Hazard Areas. All development within areas that meet the classification for seismic hazard areas shall comply with the currently adopted, applicable building code (i.e., International Building Code or International Residential Code).

(8) Classification: Mine Hazard Areas. For the purposes of this classification, mine hazard areas are:

(a) Abandoned mines and/or workings where locations are known.

(b) Abandoned mines and/or workings where exact locations are unknown, but based upon the best available information, there is good cause to believe it is within an area, or which may be reasonably delineated.

(9) Development Standards: Mine Hazard Areas. Development adjacent to a mine hazard is prohibited unless the applicant can demonstrate the development will be safe. If a proposal is located adjacent to a mine hazard area, a geotechnical investigation may be required. At this time, the Washington Department of Natural Resources Geologic Information Portal (http://www.dnr.wa.gov/geologyportal) has no record of any mine hazard areas in or immediately adjacent to the city.

(10) Classification: Volcanic Hazard Areas. For the purposes of this classification, all volcanic mudflow hazard areas shall be identified as the 500-year floodplain areas identified in FEMA maps, or identified as a volcanic hazard by the WDNR Geologic Information Portal.

(11) Development Standards: Volcanic Hazard Areas. Development shall comply with existing Federal Emergency Management Agency (FEMA) regulations for floodplain management. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.150 Critical aquifer recharge areas (CARAs).

(1) Designation. Regulated aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water. These aquifers are vulnerable to contamination that would affect the potability of the water supply as defined in WAC 365-190-030(3).

(2) Classification. Critical aquifer recharge areas are those recharge areas with the geologic conditions associated with infiltration characteristics that create a high potential for groundwater contamination or which contribute significantly to the replenishment of groundwater that may be used for potable water to supply the city's public water system. CARAs within the city of Longview jurisdiction may be designated by ordinance based on appropriate hydrogeologic evaluation. Per September 20, 2016, letter from city engineering department, there are no designated CARAs within the corporate limits of the city.

(3) Permitted Activities: Critical Aquifer Recharge Areas. The following activities are allowed in critical aquifer recharge areas without the requirement for an aquifer impact report:

(a) Construction of or improvements to single- and two-family residences and customary appurtenant structures, or to other structures, not greater than 2,500 square feet in roof area, or such structures together with driveways or parking lots amounting to no greater than a 20 percent increase in impervious surface at the site, whichever is lesser;

(b) Parks, recreation, open space and similar facilities as long as no more than 10 percent of the site is impervious and insofar as such facilities do not use or store or increase the use or storage of hazardous materials or petroleum products, excluding permitted uses of pesticides or petroleum products for normal operation and/or maintenance; and

(c) Temporary storage facilities where no more than five percent of the site is impervious surface and where hazardous materials or petroleum products are not used or stored except for transport or vegetation maintenance.

(4) Aquifer Impact Reporting Requirement.

(a) For all new developments within aquifer recharge areas designated as CARAs, and excepting the uses identified as permitted in subsection (3) of this section, or in LMC 17.10.070, Exemptions, an aquifer impact assessment according to the standards contained in LMC 17.12.060 shall be prepared before such development is permitted.

(b) An aquifer impact assessment shall be prepared by a qualified groundwater expert meeting the requirements in LMC 17.10.050, Definitions.

(c) Aquifer impact assessments will be subject to review by the city engineer or his/her designees and this review will be forwarded to the director. If the director, in coordination with the city engineer, determines that there is a potential for significant impact to either water quality or quantity in a designated CARA, the director will make a determination of the need for additional hydrogeological testing and site evaluation as described in LMC 17.12.060. Such evaluation may be performed by the city for the purpose of clarifying the characteristics (size, capacity, boundaries, and quality) of the CARA or may be required of the applicant to quantify the potential impacts to the CARA.

(5) Prohibited Uses. The following activities are prohibited in CARAs:

(a) Underground or above ground storage tanks that will contain hazardous materials or petroleum products unless such tanks are double walled or located in a sealed containment area with a capacity larger than the tank, and unless such tank locations have adequate warning systems to ensure prompt response in the event of a tank leak or failure.

(b) Sanitary landfills.

(c) Petroleum product processing, storage, or transfer facilities, unless such facilities are located in a sealed containment area with a capacity larger than the total capacity of petroleum products and hazardous materials on site at any time, or the ground on site is adequately covered by impervious surfaces with berms, wall and drainage features that will capture any spills or contaminated runoff and direct it to a suitable containment area, or any other features necessary to prevent percolation or injection of contamination into the groundwater.

(d) Underground injection wells excluding foundation drains or dry-wells servicing roof drains in nonindustrial areas that receive only uncontaminated rainwater, or foundation and roof drains that are directed to a containment discharge area that prevents percolation or injection of potentially contaminated water into the groundwater.

(e) Mining. Sand and gravel mines may be permitted by exception if the aquifer impact assessment clearly demonstrates that the CARA capacity and quality will not be impaired by the mining activity.

(f) Wood treatment or other industrial or commercial activities using hazardous process chemicals or petroleum products that allow any portion of the operational, treatment or manufacturing process to occur over permeable surfaces or areas where contamination has the potential to reach the CARA.

(g) Storage or use of radiological materials except in medical practice.

(h) Any other activity that significantly reduces aquifer recharge, aquifer flow, or aquifer quality such that the potential for continued potable (public water supply use) is threatened. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002).

17.10.160 Variances.

(1) If an applicant asserts that application of this chapter would deny all reasonable use of the property, the applicant may apply for a variance. A variance is intended to address those cases in which the application of this chapter unreasonably restricts all economic use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions.

(2) The board shall have the power to grant variances. A request for a variance shall be made on forms provided by the director and shall accompany an application for a development permit. The application shall include, as applicable, a critical areas checklist, critical areas permit application, critical areas report, and a mitigation plan, if necessary. Before an application for a variance is acted upon, all of the matters relating to the application shall be reviewed by the director and his/her findings and conclusions shall be transmitted to the board. The board shall review and act on the application following the procedures of Chapter 19.12 LMC, Appeal Board of Adjustment.

(3) Before a variance is granted, it shall be shown by the applicant:

(a) That no other reasonable economic use of the property has less impact on the critical area;

(b) That special conditions and circumstances exist that are peculiar to the land;

(c) That literal interpretation of the provisions of this chapter would deprive the person seeking the variance of rights commonly enjoyed by other properties conforming to the terms of this chapter;

(d) That the special conditions and circumstances do not result from the actions of the person seeking the variance;

(e) That the granting of the variance requested will not confer on the person seeking the variance any special privilege that is denied by this chapter to other applicants, lands, structures, or buildings under similar circumstances;

(f) That the variance requested is the minimum necessary to afford relief; and

(g) That to afford relief the requested variance will not create significant impacts to critical areas and resource lands and will not be materially detrimental to the public welfare or contrary to the public interest.

(4) Any variance granted shall be for the least intrusion into the critical area or buffer necessary to allow an economically viable use of the subject property; and

(a) Any authorized alteration of a critical area or buffer under this section shall be subject to conditions established by the board in accordance with this chapter, and shall require mitigation under an approved mitigation plan according to Chapter 17.12 LMC, Standards for Preparing Critical Areas Reports and Mitigation Plans.

(5) No variances are allowed on salmon bearing waters or buffers without a habitat management plan approved by the city after a review by state and federal agencies. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.180).

17.10.170 Appeals.
(1) Any interpretation or decision made by the director in the administration of this chapter is final and conclusive unless appealed to and/or modified or reversed by the appeal board of adjustment. Appeals of decisions made by other bodies shall be as directed by the appropriate code governing the underlying action.

(2) Any person aggrieved by a decision of the director may, within 20 days following the date of the director's written decision, submit an appeal of the director's decision. The burden of proof in any appeal is the responsibility of the appellant. Any appeal shall be in written form and filed in accordance with Chapter 19.12 LMC, Appeal Board of Adjustment. Any appeal shall, at a minimum, contain the following information:

(a) An explanation and description of how the appellant is aggrieved;

(b) A statement describing why the appellant believes the decision of the director is in error, and the specific relief sought;

(c) A statement showing why reversing or modifying a decision of the director will not be detrimental to public health, safety or welfare, or significantly negate the functions of a critical area, the goals, objectives and policies of the Growth Management Act, and the purpose of this chapter; and

(d) A statement describing any mitigating measures the appellant proposes to assure that the function of the critical area will not be irrevocably jeopardized in the event the appeal is successful.

(3) Upon the filing of an appeal, along with the appropriate fee for a public hearing, the director shall set forth the time and place for a public hearing before the appeal board of adjustment, pursuant to Chapter 19.12 LMC.

(4) Notice of the time, date, and place of the hearing shall be sent to the appellant and the permittee pursuant to LMC 19.12.090. Legal notice of the hearing and posting of the subject property shall be in accordance with LMC 19.12.090.

(5) The appeal board of adjustment shall determine if the decision of the director should be upheld, upheld with conditions, modified or reversed. Any person aggrieved by the appeal decision regarding a permit pursuant to this chapter may request relief from the superior court pursuant to LMC 19.12.170. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.190).

17.10.180 Penalties and enforcement/violations.
(1) Civil Infraction. Any person who undertakes any activity within a designated critical area or within a required buffer without first obtaining an approval required by this chapter, except as specifically exempted, or any person who violates one or more conditions of any approval required by this chapter or of any cease and desist order issued pursuant to this chapter shall be guilty of a Class II civil infraction and may be assessed a penalty pursuant to LMC 1.30.040(1)(b) and (2). Each violation of this chapter, or any permit, permit condition, approval or order issued pursuant to this chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees and expenses in connection with enforcement actions may be recovered as damages against the violator.

(2) Enforcement by Director. It shall be the responsibility of the director to enforce the provisions of this chapter, and any permit, order or approval issued pursuant to this chapter. The director is authorized to issue notices of civil infraction for violations thereof. The issuance of a notice of civil infraction shall not preclude recourse to any other remedies permitted by law. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.200).

17.10.190 Liability for damages.
This chapter shall not be construed to hold the city of Longview, or any officer or employee thereof, responsible for any damages to persons or property by reason of the certification, inspection or noninspection of any building, equipment or property as herein authorized. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.210).

17.10.200 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. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.220).

17.10.210 Amendments.
These regulations and the city's critical areas inventory maps may periodically be amended in accordance with the procedures and requirements in the general statutes and as new information concerning wetland location, soils, hydrology, flooding, wetland plants, fish and wildlife habitat, steep slopes, unstable slopes, frequently flooded areas, geologically hazardous areas, critical aquifer recharge areas, hydric soils, or any other critical or environmental area become available. (Ord. 3352 § 1, 2017; Ord. 3082 § 1, 2009; Ord. 2821 § 1, 2002. Formerly 17.10.230).

Chapter 17.20

ENVIRONMENTAL PROTECTION – ENACTMENT

Sections:

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17.20.250 Fees.
17.20.260 Environmentally sensitive areas.
17.20.270 Severability.

17.20.010 Authority.

The city adopts this chapter pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the SEPA rules, Chapter 197-11 WAC. (Ord. 2786 § 1, 2000).

17.20.020 Purpose.

The purpose of this chapter is to set forth the city's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, will be used in conjunction with this code, and in the interpretation hereof. (Ord. 2786 § 1, 2000).

17.20.030 Purpose and adoption by reference.

This section contains the basic requirements that apply to the SEPA process. It also contains uniform usage and definitions of terms under SEPA. The city adopts the following sections of the WAC by this reference:

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on action during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-700 Definitions.

197-11-702 Act.

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197-11-706 Addendum.

197-11-708 Adoption.

197-11-710 Affected tribe.

197-11-712 Affecting.

197-11-714 Agency.

197-11-716 Applicant.

197-11-718 Built environment.

197-11-720 Categorical exemption.

197-11-722 Consolidated appeal.

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197-11-734 Determination of nonsignificance (DNS).

197-11-736 Determination of significance (DS).

197-11-738 EIS.

197-11-740 Environment.

197-11-742 Environmental checklist.

197-11-744 Environmental document.

197-11-746 Environmental review.

197-11-748 Environmentally sensitive area.

197-11-750 Expanded scoping.

197-11-752 Impacts.

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197-11-770 Natural environment.

197-11-772 NEPA.

197-11-774 Nonproject.

197-11-776 Phased review.

197-11-778 Preparation.

197-11-780 Private project.

197-11-782 Probable.

197-11-784 Proposal.

197-11-786 Reasonable alternative.

197-11-788 Responsible official.

197-11-793 Scoping.

197-11-794 Significant.

197-11-796 State agency.

197-11-797 Threshold determination.

197-11-799 Underlying governmental action.

197-11-924 Determining the lead agency.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

(Ord. 2786 § 1, 2000).

17.20.040 Additional definitions.
In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Department" means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

(2) "DNS" means determination of nonsignificance.

(3) "DS" means determination of significance.

(4) "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance procedures).

(5) "EIS" means environmental impact statement.

(6) "Ordinance" means the ordinance, resolution or other procedure used by the city to adopt regulatory requirements.

(7) "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

(8) "WAC" means Washington Administrative Code. (Ord. 2786 § 1, 2000).

17.20.050 Designation of responsible official.
(1) For those proposals for which the city is the lead agency, the responsible official shall be the city's director of urban services and permits.

(2) For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules adopted by reference in the ordinance codified in this chapter. (Ord. 2786 § 1, 2000).

17.20.060 SEPA information.
The city shall retain all documents required by the SEPA rules, Chapter 197-11 WAC, and make them available in accordance with Chapter 42.17 RCW, at the office of the director of urban services and permits. (Ord. 2786 § 1, 2000).

17.20.070 Lead agency determination and responsibilities.
(1) When the city receives an application for or initiates a proposal that involves a nonexempt action, the director of urban services and permits shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or unless the director of urban services and permits is aware that another agency is in the process of determining the lead agency.

(2) When the city is the lead agency for a proposal, the director of urban services and permits shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the city is not the lead agency of a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

(4) If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the city shall be initiated by the director of urban services and permits.

(5) The director of urban services and permits is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.

(6) When the director of urban services and permits makes a lead agency determination for a private project, he/she shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses). (Ord. 2786 § 1, 2000).

17.20.080 Time limits applicable to the SEPA process.
The following time limits (expressed in calendar days) shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

(1) Categorical Exemptions. The city shall identify whether an action is categorically exempt within seven days of receiving a completed application.

(2) Threshold Determinations. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within 15 days of the date an applicant's adequate application and completed checklist are submitted.

(3) Complex proposals, where additional information is needed, and/or those proposals accompanied by an inaccurate checklist, may require additional time. Should additional time be required, or upon request by an applicant, the responsible official shall select a date for making a threshold determination and notify the applicant of such date in writing. In no event shall the responsible official unreasonably delay the threshold determination. (Ord. 2786 § 1, 2000).

17.20.090 Coordination of environmental review with city action.
(1) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body.

(2) If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct an environmental review prior to submission of the detailed plans and specifications. (Ord. 2786 § 1, 2000).

17.20.100 Categorical exemptions and threshold determinations – Purpose and adoption by reference.
This section contains the rules for deciding whether a proposal has a "probably significant, adverse environmental impact" requiring an EIS to be prepared. This section also contains rules for categorical exemptions and rules for evaluating the impacts of proposals not requiring an EIS as well as the application of exemptions and flexible thresholds. The city adopts the following sections of the WAC by this reference:

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

(Ord. 2786 § 1, 2000).

17.20.110 Flexible thresholds for categorical exemptions.
(1) The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

(a) For residential dwelling units in WAC 197-11-800(1)(b)(i): up to four dwelling units;

(b) For agricultural structures in WAC 197-11-800(1)(b)(ii): up to 10,000 square feet;

(c) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to 4,000 square feet and up to 20 parking spaces;

(d) For parking lots in WAC 197-11-800(1) (b)(iv): up to 20 parking spaces;

(e) For landfills and excavations in WAC 197-11-800(1)(b)(v): up to 500 cubic yards.

(2) Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, under WAC 197-11-800(1)(c). (Ord. 2786 § 1, 2000).

17.20.120 Use of exemptions.
(1) When the city receives an application for a license or initiates a proposal, the director of urban services and permits shall determine whether the license and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

(a) The city shall not give authorization for:

(i) Any nonexempt action;

(ii) Any action that would have an adverse environmental impact; or

(iii) Any action that would limit the choice of alternatives.

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved.

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. (Ord. 2786 § 1, 2000).

17.20.130 Environmental checklist.
(1) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for making the threshold determination.

(2) For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal. (Ord. 2786 § 1, 2000).

17.20.140 Mitigated determination of nonsignificance (DNS).
(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the city is lead agency; and

(b) Precede the city's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within 10 working days. The response shall:

(a) Be written;

(b) State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 calendar days of receiving the changed or clarified proposal:

(a) If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).

(b) If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot storm water retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under WAC 197-11-340(2), requiring a 15-calendar-day comment period and public notice.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

(8) If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

(9) The city's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (Ord. 2786 § 1, 2000).

17.20.150 Environmental impact statements (EIS) – Purpose and adoption by reference.
This section contains the rules for preparing environmental impact statements. The city adopts the following sections of the WAC by this reference:

197-11-400 Purpose of EIS.

197-11-402 General requirements.

197-11-405 EIS types.

197-11-406 EIS timing.

197-11-408 Scoping.

197-11-410 Expanded scoping.

197-11-420 EIS preparation.

197-11-425 Style and size.

197-11-430 Format.

197-11-435 Cover letter or memo.

197-11-440 EIS contents.

197-11-442 Contents of EIS on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.

197-11-444 Elements of the environment.

197-11-448 Relationship of EIS to other consideration.

197-11-450 Cost-benefit analysis.

197-11-455 Issuance of DEIS.

197-11-460 Issuance of FEIS.

(Ord. 2786 § 1, 2000).

17.20.160 Preparation of EIS.
(1) Preparation of draft and final EISs and supplemental EISs is the responsibility of the director of urban services and permits. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

(2) The draft and final EIS or supplemental EIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

(3) The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)

(4) The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under these rules:

(a) Economy;

(b) Cultural factors;

(c) Sociological factors. (Ord. 2786 § 1, 2000).

17.20.170 Commenting – Purpose and adoption by reference.
This section contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections of the WAC by this reference:

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

(Ord. 2786 § 1, 2000).

17.20.180 Public notice.
(1) Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due;

(b) If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by at least one of the following:

(i) Posting the property, for site-specific proposals,

(ii) Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located,

(iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered,

(iv) Notifying the news media,

(v) Placing notices in appropriate regional, neighborhood, ethnic or trade journals, and/or

(vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals or subject areas);

(c) Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408;

(2) Whenever the city issues a draft EIS under WAC 197-11-455(5) or a supplemental EIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the draft EIS in any public notice required for a nonexempt license; and by at least one of the methods set forth in subdivisions (b) through (f) of this subsection,

(b) Posting of property, for site-specific proposals,

(c) Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located,

(d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered,

(e) Notifying the news media,

(f) Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or

(3) Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal;

(4) The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 2786 § 1, 2000).

17.20.190 Designation of official to perform consulted agency responsibilities for the city.
(1) The director of urban services and permits shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping or reviewing a draft EIS.

(2) This person shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will insure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. (Ord. 2786 § 1, 2000).

17.20.200 Using existing environmental documents – Purpose and adoption by reference.
This section contains rules for using and supplementing existing environmental documents prepared under SEPA or NEPA for the city's own environmental compliance. The city adopts the following sections of the WAC by this reference:

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement – Procedures.

197-11-625 Addenda – Procedures.

197-11-630 Adoption – Procedures.

197-11-635 Incorporation by reference – Procedures.

197-11-640 Combining documents.

(Ord. 2786 § 1, 2000).

17.20.210 Agency SEPA decisions – Purpose and adoption by reference.
This section contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of the WAC by this reference:

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

(Ord. 2786 § 1, 2000).

17.20.220 Substantive authority.
(1) The policies and goals set forth in this chapter are supplementary to those in existing ordinances, resolutions and plans of the city.

(2) The city may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

(a) The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The following provisions of the Longview Municipal Code and other established policies of the city (the same constituting policies, plans, rules or regulations of the city) shall constitute the basis for the exercise of substantive authority pursuant to this section:

LMC Title 19, Zoning Code;

Chapter 16.02 LMC, Building Code;

Chapter 16.02 LMC, plumbing code;

Chapter 16.36 LMC, Mobile Homes – Mobile Home Parks;

Chapter 17.24 LMC, Flood Damage Prevention;

Chapter 17.60 LMC, Shorelines Master Program;

Longview Comprehensive Plan;

Longview Park and Recreation Plan;

Sewerage General Plan for the Kelso-Longview Urban Area;

Comprehensive Water Plan for the Kelso-Longview Urban Area.

(5) Except for permits and variances issued pursuant to LMC 17.60.010, adopting the Cowlitz County Shoreline Management Master Program, when any proposal or action not requiring a decision of the city council is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the city council; provided, however, that for those actions involving a city sponsored project or city owned land, the decision shall be appealed to the hearing examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within 10 days of the decision being appealed. Review by the city council or hearing examiner shall be on a de novo basis. (Ord. 3364 § 1, 2017; Ord. 2786 § 1, 2000).

17.20.230 Notice/statute of limitations.
(1) The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk, applicant or proponent pursuant to RCW 43.21C.080. (Ord. 2786 § 1, 2000).

17.20.240 Agency compliance – Purpose and adoption by reference.
This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise and designating environmentally sensitive areas. The city adopts the following sections of the WAC by this reference:

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

(Ord. 2786 § 1, 2000).

17.20.250 Fees.
The city shall require the following fees for its activities in accordance with the provisions of this chapter:

(1) Threshold Determination. Fees for threshold determinations are as established in the Community and Economic Development Department Master Fee Schedule.

(2) Environmental Impact Statement.

(a) When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs from the EIS prior to actual preparation; the applicant shall post bond or otherwise insure payment of such costs.

(b) The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals. The city may require the applicant to post bond or otherwise insure payment of such costs.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subdivisions (a) or (b) of this subsection which remain after incurred costs are paid.

(3) The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

(4) The city shall not collect a fee for performing its duties as a consulted agency.

(5) The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. (Ord. 2786 § 1, 2000).

17.20.260 Environmentally sensitive areas.
(1) The city designates the following as environmentally sensitive areas. Maps illustrating these environmentally sensitive areas shall remain on file and can be examined in the office of the department of urban services and permits:

(a) Shorelines of city as mapped and defined by the Department of Ecology;

(b) One-hundred-year floodplains in the city as established by the Flood Insurance Study Guidelines and Specifications, Federal Emergency Management Agency, U.S. Army Corps of Engineers, or the U.S. Geological Survey;

(c) Geological hazard areas within the city as identified and mapped by the Department of Natural Resources, Division of Geology and Earth Resources, and designated as follows:

(i) Areas probably stable, but which may become unstable if modified by man's activities,

(ii) Areas of poor natural stability,

(iii) Areas of ancient landslide debris,

(iv) Areas of historical or recently active landslides.

(2) The activities listed in the following subsections of WAC 197-11-800 shall not be categorically exempt if the proposed activity is located in an environmentally sensitive area:

WAC 197-11-800 (1)

197-11-800 (5)

197-11-800 (6)(a)

All other categorical exemptions apply whether or not the proposal will be located in environmentally sensitive areas.

(3) The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. (Ord. 2786 § 1, 2000).

17.20.270 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 2786 § 1, 2000).

Chapter 17.60

SHORELINES MASTER PROGRAM

Sections:
17.60.010 Shorelines master program – Adopted by reference.

17.60.010 Shorelines master program – Adopted by reference.

The city adopts by reference the 2021 updated shorelines master program for Longview, Washington, and incorporates the same in this chapter as though set forth in detail in this chapter. Not less than three copies thereof have been and are now on file in the office of the clerk of the city and available online at https://www.mylongview.com/159/Shoreline-Master-Program.

Note: Shoreline permit fees are provided in the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended. (Ord. 3455 § 1, 2022; Ord. 3300 § 1, 2015; Ord. 2786 § 1, 2000).

Chapter 18.10

INTERNATIONAL FIRE CODE

Sections:

18.10.010 Adoption of International Fire Code.
18.10.020 Additional definitions.
18.10.030 Smoke alarms – RCW adopted by reference.
18.10.040 Family child day care homes.
18.10.050 Building plans – Submitted to fire marshal.
18.10.060 Fire code permit, plan review and inspection fees.
18.10.070 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is to be prohibited.
18.10.080 Establishment of limits of districts in which storage of liquefied petroleum gas is to be restricted.
18.10.090 Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited.
18.10.100 Additions, insertions, deletions and changes to Chapter 51-54A WAC (Fire Code).

18.10.010 Adoption of International Fire Code.
Chapter 51-54A WAC (2021 International Fire Code), and Appendices B, E, F and G to said International Fire Code, together with all future amendments thereof and additions thereto, one copy of which is on file in the office of the city clerk of the city of Longview, shall be and is hereby adopted as the fire code of the city of Longview for regulating, governing and safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk of the city of Longview are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter. As used in this chapter the term "fire code" shall mean the International Fire Code hereby adopted by this chapter. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.020 Additional definitions.
(1) Whenever the word "jurisdiction" is used in this chapter (fire code), or in Appendices B, E, F, and G, it shall mean the city of Longview.

(2) Whenever the words "department of fire prevention" are used in this chapter (fire code), or in Appendices B, E, F, and G, they shall mean the fire prevention division of the Longview fire department.

(3) Whenever the words "fire code official" are used in this chapter (fire code), or in Appendices B, E, F, and G, they shall mean the fire marshal of the Longview fire department. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.030 Smoke alarms – RCW adopted by reference.
RCW 43.44.110 is adopted by reference. A copy thereof shall be filed in the office of the city clerk/director of finance for use and examination by the public. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3054 § 1, 2008; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.040 Family child day care homes.
The purpose of this section is to provide minimum standards of safety for family child day care homes.

(1) Family Child Day Care Home Defined. A "family child day care home" is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside at the home.

(2) Permit Required. A permit shall be obtained from the fire department prior to operating any family child day care home operation within the city limits.

(3) Approval by Building Code. Family child day care home operations shall be conducted only in structures approved for habitation by the building code.

(4) Exiting. All rooms used for day care purposes shall be provided with at least two exits, one of which may be an openable escape and rescue window meeting the requirements of the building code.

(5) Fire Protection. Family child day care homes shall be provided with at least one 2-A, 10-BC portable fire extinguisher installed and maintained in accordance with the fire code.

(6) Automatic Smoke Alarm. Every sleeping area shall be protected by an operational automatic smoke alarm installed in accordance with its listing. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.050 Building plans – Submitted to fire marshal.
When plans are submitted to the building department of the city for a permit to construct a building of other than single-family or duplex residence use, the plans will also be submitted to the fire marshal for approval of fire and life safety requirements set forth in the International Building Code, the International Fire Code and any other such provisions of the Longview Municipal Code. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.060 Fire code permit, plan review and inspection fees.
(1) For installation or alteration of any of the required construction permits as listed in the fire code, Section 105.6, a permit fee will be assessed based on value as established in the Community and Economic Development Department Master Fee Schedule.

(2) Plan review fees for required construction permits shall be 70 percent of the permit fee.

(3) A fee as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all operational permits required by the fire code, Section 105.5. Where more than one operational permit is required at the same premises, the fee for each additional permit shall be one-half of the original fee.

(4) A fee as established in the Community and Economic Development Department Master Fee Schedule shall be collected for all special event reviews and inspections for the purpose of reviewing fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city.

(5) A fee as established in the Community and Economic Development Department Master Fee Schedule shall be collected annually for the inspection of certificate of occupancy permits required under International Building Code Chapter 1, Section 111.

(6) Building plan review fees as required by LMC 18.10.050 for calculation of required fire flows, review of fire department access routes, general fire protection requirements, life safety requirements or other reviews conducted pursuant to the international codes, standards and ordinances adopted by the city shall be as established in the Community and Economic Development Department Master Fee Schedule, except for group R-3 and U occupancies.

(7) Reinspections, preliminary inspections and other special inspections required or requested shall be calculated at a rate established in the Community and Economic Development Department Master Fee Schedule. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; Ord. 3311 § 1, 2015; Ord. 3246 § 1, 2013; Ord. 3234 § 1, 2012; Ord. 3190 § 1, 2011; Ord. 3156 § 1, 2010; Ord. 3136 § 1, 2010; Ord. 3069 § 1, 2008; Ord. 3027 § 1, 2007; Ord. 3000 § 1, 2007; Ord. 2971 § 1, 2006; Ord. 2946 § 1, 2005; Ord. 2908 § 1, 2004; Ord. 2896 § 1, 2004).

18.10.070 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is to be prohibited.
(1) The limits referred to in Section 5704.2.9.6.1 of the fire code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are established as follows:

(a) In all of the classified use districts listed in LMC 19.06.070 except for light industrial-A, light industrial-B, heavy industrial, mixed use commercial/industrial, regional commercial, general commercial, and country club;

(b) Provided, however, that class II combustible liquids in quantities not exceeding 660 gallons may be stored for the purpose of providing electrical generation power for emergency systems in all of the classified districts listed in LMC 19.06.070 in aboveground tanks;

(c) And provided further, that quantities of class II combustible liquids exceeding 660 gallons and up to 2,000 gallons may be stored for the purpose of providing electrical generation power for emergency systems in all of the classified districts listed in LMC 19.06.070 in aboveground tanks which are listed as both "protected" and "fire-resistant" in accordance with UL Standard 2085;

Exceptions: Light industrial-A, light industrial-B, and heavy industrial districts.

(d) And provided further, that tanks storing flammable and combustible liquids for the purpose of fueling small equipment and portable containers exceeding 660 gallons and up to 2,000 gallons shall be "protected" and "fire-resistant" in accordance with UL Standard 2085.

Exceptions: Light industrial-A, light industrial-B, and heavy industrial districts.

(2) The limits referred to in Section 5706.2.4.4 of the fire code, where flammable or combustible liquids are prohibited, are established as follows: all of the classified use districts as listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district and heavy industrial district.

(3) The installation of all aboveground tanks shall be approved by the fire prevention division and subject to the applicable provisions of the International Fire Code. (Ord. 3512 § 1, 2024; Ord. 3491 § 1, 2023; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3175 § 4, 2011; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2959 § 1, 2006; Ord. 2896 § 1, 2004).

18.10.080 Establishment of limits of districts in which storage of liquefied petroleum gas is to be restricted.
(1) The limits referred to in Section 6104.2 of the fire code, in which bulk storage of liquefied petroleum gas is restricted, are as follows: all of the classified use districts listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district and heavy industrial district.

(2) Retail sales of liquefied petroleum gas shall be restricted in all classified use districts listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district, heavy industrial district and commercial/industrial district, and commercial districts NC, CBD, GC, RC and O/C. The maximum capacity for storage containers in NC, CBD, GC, RC and O/C districts shall be 1,200 gallons water capacity. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3202 § 8, 2012; Ord. 3175 § 4, 2011; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.090 Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited.
The limits referred to in Section 5806.2 of the fire code, in which storage of flammable cryogenic fluids in stationary containers is prohibited, are established as follows: all of the classified use districts listed in LMC 19.06.070 except for industrial districts light industrial-A district, light industrial-B district and heavy industrial district. (Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3175 § 4, 2011; Ord. 3136 § 1, 2010; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

18.10.100 Additions, insertions, deletions and changes to Chapter 51-54A WAC (Fire Code).
(1) Section 101.1 of the fire code is amended to read as follows:

101.1 Title.

These regulations shall be known as the Fire Code of the City of Longview, hereinafter sometimes referred to in this chapter as "this code."

(2) Section 105.6 of the fire code is amended to read as follows:

105.6 Required construction permits.

The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.27.

(3) Section 105.6.26 of the fire code is added to read as follows:

105.6.26 Refrigeration systems.

A construction permit is required for installation or modification to a mechanical refrigeration system having a refrigerant circuit containing more than 220 pounds (100 kg) of Group A1 or 30 pounds (14 kg) of any other group refrigerant.

(4) Section 105.6.27 of the fire code is added to read as follows:

105.6.27 Technical assistance.

A construction permit is required for the technical assistance provisions of the Fire Code in accordance with Section 104.8.2.

(5) Section 111.1 of the fire code is amended to read as follows:

111.1 Appeal Board of Adjustment.

The Appeal Board of Adjustment, as created and established in LMC 19.12.010, is hereby empowered to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this Fire Code.

(6) Section 112.4 of the fire code is amended to read as follows:

112.4 Violation penalties.

Persons who shall violate a provision of this Fire Code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under provisions of this Fire Code, shall be guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(7) Section 113.4 of the fire code is amended to read as follows:

113.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

(8) Section 503 of the fire code is amended to read as follows:

The provisions of WAC 51-54A-0503 that restates Section 503.1 and deletes Sections 503.1.1, 503.1.2, 503.1.3, 503.2, 503.3, 503.4, and 503.4.1 is deleted and retained by the city.

(9) Section 503.2.3 of the fire code is amended to read as follows:

503.2.3 Surface.

Fire apparatus access roads shall have an unobstructed width of 20 feet, and provided with an all-weather driving surface a minimum of 16 feet in width designed and engineered to support the imposed loads of fire apparatus. Unless otherwise approved by the fire code official, an all-weather surface shall mean well maintained and paved or otherwise hard-surfaced with asphaltic or Portland cement concrete.

(10) Section 503.2.5 of the fire code is amended to read as follows:

503.2.5 Dead-ends.

Dead-end fire apparatus access roads in excess of 150 feet length shall be provided with a turnaround. The turning radius of access roadway turnarounds shall be not less than 40 feet or 80 feet in diameter.

Exception: Alternate methods of creating access roadway turnarounds may be approved by the fire code official. Approved turnarounds may include such designs as a hammerhead arrangement, a graveled circle 80 feet in diameter, or an intersecting road.

(11) Section 503.2.7 of the fire code is amended to read as follows:

503.2.7 Grade.

The gradient for a fire apparatus access road shall not exceed 15 percent.

Exceptions:

(a) Access roads leading to buildings fully protected by automatic sprinkler systems may exceed 15 percent grade.

(b) When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of this section may be modified.

(12) Section 505.1 of the fire code is amended to read as follows:

505.1 Address numbers.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and at the rear of the property if there is an improved alley. Additionally, structures not fronting a public street or an alley shall also have approved numbers placed at the front and back of the building so as to be plainly visible from points as determined by the city fire marshal. These numbers shall contrast with their background. Numbers shall be a minimum of 5 inches high with a minimum stroke width of 0.5 inch and shall not be sight obscured.

(13) Section 507.5 of the fire code is amended to read as follows:

507.5 Fire hydrant systems.

Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.10.

(14) Section 507.5.2 of the fire code is amended to read as follows:

507.5.2 Inspection, testing and maintenance of fire hydrants.

Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Hydrants shall be flow tested a minimum of every five years in a

manner approved by the fire code official. Flow tests results shall be maintained by the city water department and made available upon request of the fire department. Additions, repairs, alterations and servicing shall comply with approved standards.

(15) Section 507.5.3 of the fire code is amended to read as follows:

507.5.3 Private fire service mains and water tanks.

Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.

2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.

3. Fire service main piping strainers: Inspection and maintenance after each use.

Inspection, testing and maintenance of private fire service systems located on private property shall be the responsibility of the owner, lessee, or other person in charge of the premises. Records of required inspections, testing and maintenance shall be forwarded to the city water department not less than annually.

(16) Section 507.5.7 of the fire code is added to read as follows:

507.5.7 Number and distribution of fire hydrants.

At least one hydrant shall be provided for each 1,500 gallons of required fire flow. Required hydrants shall be so located that a minimum of one hydrant is provided within 400 feet of all portions of exterior walls where openings are permitted by the building code. Unless determined by the fire code official to be impractical, all required fire hydrants shall be equally spaced not to exceed 500 feet and placed a minimum distance of 40 feet from the structure or facility being protected as measured along fronting streets and fire apparatus access roadways.

Exceptions:

(a) Additional fire hydrants may be required when special hazards exist as described in Section 901.4.4 of the Fire Code.

(b) Hydrants located on the opposite side of arterial streets, streets of four or more lanes, or streets provided with median dividers, which would prevent fire department access will not be considered as meeting fire flow requirements.

(c) When a fixed water supply system is not available, an approved fire department mobile water supply may be considered as meeting minimum hydrant requirements for structures or facilities requiring less than 1,500 gpm fire flow.

(d) Dead-end streets shall have at least one hydrant located within 250 feet of the street end.

(e) When fire department connections are required, one hydrant shall be located within 100 feet of the fire department connection unless otherwise approved by the fire code official due to impractical conditions.

(17) Section 507.5.8 of the fire code is added to read as follows:

507.5.8 Water main size.

Water mains serving fire hydrants shall be a minimum of six inches in diameter. Water mains installed to meet fire flow requirements shall be engineered to supply the required flow at a minimum of 20 psi.

(18) Section 507.5.9 of the fire code is added to read as follows:

507.5.9 Fire hydrant visibility.

Hydrants shall not be visibly obstructed or have hydrant visibility impaired within a distance of 50 feet along fronting streets or access roads where fire department vehicles may be responding. In areas where required hydrant visibility cannot be effectively maintained, approved signs or street markers may be installed.

(19) Section 507.5.10 of the fire code is added to read as follows:

507.5.10 Fire hydrant marking.

Fire hydrants located on public or private property where vehicles could be parked shall have all curbs painted yellow or otherwise appropriately marked by the owner, lessee or other person in charge of premises to prohibit parking or other uses within 15 feet of a hydrant. In cases where curbs do not exist, approved signs or street markers may be installed. All hydrants shall be painted yellow.

(20) Section 901.6.3 of the fire code is amended to read as follows:

901.6.3 Fire protection system maintenance records.

Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years and made available to the fire code official upon request. Records of required annual system inspections, tests, and maintenance shall be forwarded to the fire department annually.

(21) Chapter 56 of the fire code is amended by the addition of the following sections:

5601.1 Scope.

The possession, manufacture, storage, handling, sale and use of explosives and explosive materials shall be governed by chapter 296-52 WAC and this chapter. The manufacture or storage of explosives or explosive materials shall be prohibited in all of the classified use districts listed in LMC 19.06.070 except for heavy industrial district and for temporary storage at construction job sites for periods not to exceed one year. The manufacture, storage, handling, sale and use of fireworks shall be governed by chapter 212-17 WAC and this chapter.

5601.1.6 Consumer fireworks permitted.

Notwithstanding any provision to the contrary contained in Section 5601.1 of the Fire Code, “consumer” fireworks, as permitted by WAC 212-17, shall be permitted within the City of Longview.

5601.1.7 Adoption of State law by reference.

As authorized by RCW 35A.13.180 and 35A.12.140, the city council hereby adopts by reference Chapter 70.77 of the Revised Code of Washington, entitled “State Fireworks Law,” together with amendments thereof and additions thereto. One copy of said RCW chapter 70.77 with amendments and additions thereto shall be filed in the office of the City Clerk/Director of Finance of said City for use and examination by the public.

5601.1.8 Retail sales permit requirements.

The number of retail sales permits which the city may issue for the sale of consumer fireworks in any one calendar year shall not exceed ten (10). No retail sales permit shall entitle the holder thereof to more than one location. All retail sales permits shall be nontransferable. The fire marshal or designee shall make inspections and approvals of all retail sales locations to verify compliance with WAC 212-17 and the Fire Code prior to the conduct of sales from such locations. All retail sales locations shall be inspected between June 23 and June 28, and such other times determined appropriate by the fire marshal. It is the responsibility of the applicant to meet all legal requirements and to request inspection at least 24 hours in advance of starting the retail sale of fireworks. Failure to comply with any of the provisions of WAC 212-17 or the Fire Code shall be grounds for revocation of a permit.

5601.1.9 Retail sales permit fee.

The annual retail sales permit fee for each retail sales permit issued hereunder shall as established in the Community and Economic Development Department Master Fee Schedule, which shall be paid at the time such license is issued. All retail sales permits shall expire at the end of the calendar year in which they are issued. Said fee shall be paid in full regardless of the month during any calendar year that said permit is issued and shall not be refunded.

5601.1.10 Application for retail sales permit.

All applications for retail sales permit to sell fireworks in the City:

1. Shall be made on or prior to the second Tuesday in May of each year. Applicants for each such permit shall be notified by the fire code official of the fire department or designee of the granting or rejection of their application for license on or before the first Monday in June of each calendar year.

2. Shall set forth the proposed location of the fireworks stand from which such sales shall be made.

3. Shall be accompanied by proof of insurance as specified in RCW 70.77.270, and shall include an endorsement of such insurance naming the City as an insured thereunder.

4. Shall be in writing; show the corporate name of the applicant, if any; be signed by duly authorized officer of the applicant; and contain the address to which the notice is to be sent by the fire code official of the fire department or designee of the granting or rejecting of the application.

5601.1.11 Preference.

In granting retail sales permits hereunder, preference may be given to applicants who held permits for such sales issued by the City during the previous calendar year and to applicants that had a firework stand for the retail sale of fireworks for three (3) or more years in an area to be annexed by the city.

5601.1.12 Copy of State license to be filed.

Before a retail sales permit to sell fireworks or conduct a public display of fireworks shall be issued, the applicant for such permit shall file with the City Clerk of the City a copy of the license issued to such applicant by the State of Washington in accordance with RCW Chapter 70.77.

(Ord. 3512 § 1, 2024; Ord. 3438 § 1, 2020; Ord. 3322 § 1, 2016; amended during 9/15 supplement; Ord. 3246 § 1, 2013; Ord. 3136 § 1, 2010; Ord. 3109 § 1, 2009; Ord. 3088 § 1, 2009; Ord. 3000 § 1, 2007; Ord. 2896 § 1, 2004).

Chapter 19.06

GENERAL PROVISIONS

Sections:

19.06.010 Title.
19.06.020 Purpose.
19.06.030 Conformity with this title required.
19.06.040 Interpretations – General.
19.06.050 Interpretation – Zoning maps.
19.06.060 Fees.
19.06.070 Use districts – Established and designated.
19.06.080 Establishment of zoning map.
19.06.090 Enforcement.

19.06.010 Title.
This title shall be known and may be officially designated as the "zoning ordinance of the city." (Ord. 3297 § 2, 2015).

19.06.020 Purpose.
(1) To implement the Longview comprehensive plan's goals, objectives and policies;

(2) To protect health, safety and general welfare;

(3) To provide for the economic, social, and aesthetic advantages of orderly development and redevelopment through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;

(4) To provide for adequate public facilities and services in conjunction with development;

(5) To ensure public safety by restricting development of lands containing physical hazards and to minimize the adverse environmental impacts of development;

(6) To ensure that land use decisions are made in accordance with the public interest and applicable laws of the state of Washington; and

(7) To provide adequate open space for light and air. (Ord. 3297 § 2, 2015).

19.06.030 Conformity with this title required.
(1) No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.

(2) Creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of this title.

(3) All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, state or federal law. Where a difference exists between this title and other city regulations, the more restrictive requirements shall apply.

(4) Where more than one part of this title applies to the same aspect of a proposed use or development, the more restrictive requirement shall apply. (Ord. 3297 § 2, 2015).

19.06.040 Interpretations – General.
(1) The director of community development shall review and resolve any questions involving the proper interpretation or application of the provisions of this title and other city plans, codes, regulations and standards related to project permits that may be requested by any property owner, tenant, government officer, department,

board, council or commission affected. The director's decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

(2) Classification of Use. Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, the director may permit or condition such use if it is clearly evident that the use is in conformity with the designated principal uses of the district in which it is to be located. When there is doubt as to the proper classification of a use, the director may refer the matter to the appeal board of adjustment, who shall rule on the matter.

(3) Record. A record shall be kept of all interpretations and rulings made by the director, appeal board of adjustment, and city council; such decisions shall be used for future administration. The director shall report decisions to the planning commission when it appears desirable and necessary to amend this title.

(4) Minimum Requirements. When interpreting and applying the regulations of this development code, its provisions shall be the minimum requirements, unless otherwise stated.

(5) Conflicts of Regulations. Except as otherwise specifically stated, where conflicts occur within this zoning code or between the provisions of this zoning code and the building and fire codes, or other regulations of the city, the more restrictive shall apply.

(6) Conflict with State Law. The provisions of this title shall not have the effect of authorizing any activities prohibited by state law or other ordinances of the city of Longview.

(7) Official Zoning Map – Conflicts with Text. If any conflict between said map and text of this article ensues, the text of this title shall prevail.

(8) Rounding of Quantities. Discrete physical measurements, including but not limited to those not subject to fractional division, such as number of housing units or parking spaces, shall be rounded to the next higher whole number when the fraction is greater than one-half, and to the next lower whole number when the fraction is equal to or less than one-half, except as otherwise provided in this development code.

(9) In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application. (Ord. 3297 § 2, 2015).

19.06.050 Interpretation – Zoning maps.
Where due to the scale, lack of scale, lack of detail or illegibility of the city zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the director in accordance with all of the following criteria:

(1) Rights-of-Way. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, drainage ditches, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In some cases where the right-of-way formerly served as a land use district boundary, the land within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;

(2) Parcel, Lot, Tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

(3) Jurisdiction Boundary. Boundaries indicated as approximately following a city or county boundary, or the planning area boundary, shall be construed as following said boundary;

(4) Natural Features. Boundaries indicated as approximately following a river, stream, drainage channel, topographic contour or other changeable natural feature not corresponding to any feature listed in subsections (1) through (3) of this section, shall be construed as following such feature;

(5) Map Scaling. If none of the rules of interpretation described in subsections (1) through (4) of this section apply, then the zoning boundary shall be determined by map scaling; and

(6) Cowlitz River. For those portions of the Cowlitz River where the city limits are the center of the river, the zoning district of the abutting land extends into the river to the city limit line. (Ord. 3297 § 2, 2015).

19.06.060 Fees.
Upon filing of a petition or application relating to land use decisions, planning commission actions, appeal board of adjustment, or other administrative actions, fees shall be paid according to the Community and Economic Development Department Master Fee Schedule established via resolution by City Council or as hereafter amended.

When submittal documents are incomplete or changed so as to require additional review or when the project involves deferred submittal documents, an additional review fee may be charged at the rate shown in the Community and Economic Development Department Master Fee Schedule. (Ord. 3312 § 1, 2015; Ord. 3297 § 2, 2015).

19.06.070 Use districts – Established and designated.
For the purpose of promoting public health, safety, morals and the general welfare, and in accordance with the provisions of RCW 35A.63.100, and all present and future amendments, additions and changes thereto, all land within the boundaries of the city shall be classified according to the following districts:

(1) Residential district, R-1;

(2) Residential district, R-2;

(3) Residential district, R-3;

(4) Residential district, R-4;

(5) Traditional neighborhood residential, TNR;

(6) Downtown commerce, D-C;

(7) Country club district, C-D;

(8) County event center district, CEC;

(9) Civic center district, C-C;

(10) Central business district, CBD;

(11) Regional commercial district, RC;

(12) General commercial district, GC;

(13) Neighborhood commercial district, NC;

(14) Office/commercial district, O/C;

(15) Riverfront district, RF-1;

(16) Light industrial district, LI-A;

(17) Light industrial district, LI-B;

(18) Heavy industrial district, HI;

(19) Commercial/industrial district, C/I. (Ord. 3297 § 2, 2015).

19.06.080 Establishment of zoning map.
The designation, location and boundaries of the zones established by LMC 19.06.070 are as shown and depicted on the zoning map(s) of the city, which shall be maintained as such and which are hereby incorporated by reference in this section and maintained on file at the Longview community development department. Zoning for all land within the city of Longview is established as shown on the official zoning map. (Ord. 3297 § 2, 2015).

19.06.090 Enforcement.
(1) The community development director or designee may bring enforcement actions for any violations of the provisions of this code and may institute any appropriate action or proceeding to prevent violations of these regulations. In particular, but without limitation, in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the community development director or designee may institute any appropriate action or proceedings to:

(a) Prevent such unlawful acts and restrain, correct, or abrogate such violation;

(b) Prevent the occupancy of the building, structure, or land;

(c) Prevent any illegal act, conduct, business, or use in or about such premises, including, but not limited to, all remedies provided in this title and LMC Title 1; or

(d) Bring an enforcement action(s) to sanction violations of the code.

(2) The imposition of any penalty does not preclude the city from instituting any appropriate action or proceeding to require compliance with the provisions of this title and the administrative orders and determinations made under this title. (Ord. 3297 § 2, 2015).

Chapter 19.12

APPEAL BOARD OF ADJUSTMENT*

Sections:

19.12.010 Creation – Membership – Term and compensation.
19.12.020 Meetings – Majority vote.
19.12.030 Rules of procedure – Records of proceedings.
19.12.035 Avoidance of delays – Secretary of board to set hearing dates.
19.12.040 Power of board – Appeal of building official decisions.
19.12.045 Power of board – Appeal of community development director decisions.
19.12.047 Public hearing notice – Appeal of community development director decisions.
19.12.050 Power of board – Special property use.
19.12.055 Special property use – Detached accessory dwelling units (ADU).
19.12.060 Power of board – Alternate materials and construction.
19.12.070 Petitions – Initiation of action by board – Hearing and decision.
19.12.080 Special property uses – Application – Fee.
19.12.090 Special property uses – Hearing – Notice.
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19.12.110 Special property uses – Records.
19.12.120 Special property use permits – Time limitation.
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19.12.140 Variance permits – Authority to issue.
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19.12.160 Stay of proceedings.
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19.12.190 Appeal – Transcript – Fees.
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19.12.210 Appeal – Hearing – Determination.

*For the statutory provisions regarding the board of adjustment in code cities, see RCW 35A.63.110.

19.12.010 Creation – Membership – Term and compensation.

A board of adjustment is established to be known as the “appeal board of adjustment.” The word “board” when used herein means the appeal board of adjustment. The board shall consist of five members, all of whom shall serve without salary. The board members shall be appointed by the city manager and confirmed by the council. In case any vacancy shall occur in the membership of the board for any cause, the city manager shall fill such vacancy by making an appointment for the unexpired term of the member or members creating such vacancy, the appointment to be confirmed by the council. Members of the board who miss three consecutive meetings may be removed by the city manager and the vacancy filled as provided in this section. The initial membership shall consist of one member appointed for one year, one for two years, one for three years, one for four years and one for five years; and each appointment thereafter shall be for a five-year term. (Ord. 1620 § 1, 1973).

19.12.020 Meetings – Majority vote.

Meetings of the board shall be held at least once each month and at such other times as the chairman of the board may determine. There shall be a fixed place of meeting. All board meetings shall be open to the public. Any action of the board shall receive an affirmative vote of at least a majority of the total board. When requested by the secretary or chairman of the board, the director of community and economic development and the building official and the chief of the fire department, or such of them as have received such a request, shall attend any board meeting for the purpose of furnishing technical advice to the board. (Ord. 2774 § 1, 2000; Ord. 1711 § 1, 1974; Ord. 1620 § 1, 1973).

19.12.030 Rules of procedure – Records of proceedings.
The board shall elect from its members a chairman and shall also select a secretary for the board which secretary need not be a member thereof. The board shall adopt its own rules of procedure (except as hereinafter fixed as to voting) and keep a record of its proceedings, actions and decisions in each case, and the vote of each member on each question considered in the proceedings. (Ord. 1620 § 1, 1973).

19.12.035 Avoidance of delays – Secretary of board to set hearing dates.
To avoid delays, it is important that hearings be promptly scheduled before the board. Petitions or requests that are presented or filed between regularly scheduled meetings do not become fixed for hearing until the next regular meeting of the board, and a lack of business before the board sometimes results in the lack of a quorum preventing a meeting from being held and a hearing date from being fixed. In order to assure petitioners and applicants of prompt hearing dates, the secretary of the appeal board of adjustment, notwithstanding any provisions in this chapter to the contrary, shall have the authority, upon receipt of a petition under this chapter, a variance request, or a request for review of any interpretation made by the building official to fix a date for the hearing thereon in accordance with the requirements of this chapter, and to cause notice of such hearing to be issued and publicized as required by this chapter. (Ord. 2529 § 1, 1993).

19.12.040 Power of board – Appeal of building official decisions.
The board may review any interpretation of the provisions of LMC Titles 16 or 19 made by the building official, and any order, requirement, decision, or determination relating thereto made by him in the application of the specific provision of said titles to any parcel of land and/or structure. The board may affirm or reverse the interpretation of the provisions of said titles made by the building official, and any order, requirement, decision, or determination relating thereto; the board's decision shall be based upon the records and the evidence in each case and to that end it shall have all of the powers of the building official. (Ord. 3161 § 1, 2011; Ord. 1620 § 1, 1973).

19.12.045 Power of board – Appeal of community development director decisions.
(1) Applicability. The appeal board of adjustment shall hear and decide appeals where it is alleged that there is an error in any decision, interpretation, or determination made by the community development director in the consideration of seasonal sales temporary use permits (Chapter 19.41 LMC), boundary line adjustments (Chapter 19.68 LMC), short subdivisions (Chapter 19.67 LMC) and type A binding site plans (Chapter 19.90 LMC). Appeals to the board may be taken by any person aggrieved by or affected by the decision of the community development director.

(2) Stay of Proceedings. When an appeal is filed to the board, all proceedings in furtherance of the action affected by the decision being appealed shall be stayed, unless:

(a) The community development director certifies to the board, after the notice of appeal has been filed with the community development director, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property; or

(b) The appellant is not diligently pursuing the appeal.

(3) Decision.

(a) Public notice of the hearing shall be as provided in this chapter. The board shall hold the hearing, and shall decide the appeal within a reasonable time after such hearing.

(b) Any party may appear before the board at the hearing, in person or by agent or attorney.

(c) The board may:

(i) Reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed;

(ii) Make such order, requirement, decision, or determination as ought to be made; and

(iii) Exercise all the powers of the officer or agency from whom the appeal is taken. (Ord. 3161 § 2, 2011).

19.12.047 Public hearing notice – Appeal of community development director decisions.
(1) Notice of a public hearing for all open-record appeals shall be given as follows:

(a) Time and Form of Notices. Except as otherwise required, notice of an open-record appeal hearing shall be made at least 10 days before the date of the public hearing in the following manner:

(i) Publication in the official newspaper; and

(ii) Posting on the subject property; and

(iii) Notice shall be mailed to adjacent property owners.

(b) Content of Notice. The public notice shall include:

(i) The address and location, and/or a vicinity map or sketch, of the property which is the subject of the public hearing; and

(ii) The date, time, location, and purpose of the public hearing; and

(iii) A general description of the proposed project or action to be taken; and

(iv) A place where further information about the hearing may be obtained.

(c) Continuations. If, for any reason, a hearing cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required. (Ord. 3161 § 3, 2011).

19.12.050 Power of board – Special property use.
(1) Recognizing that there are certain uses of property that may or may not be detrimental to the public health, safety, morals and general welfare, depending upon the facts in each particular case, a limited power to issue special permits for such uses is vested, by special mention in this title, in the board.

(2) The board shall have and exercise original jurisdiction in receiving, granting or denying all applications for such special property uses as are provided for in this title and shall have the power to place in such permits, conditions or limitations in its judgment required to secure adequate protection to the zone or locality in which such use is to be permitted. No special permit shall be issued by the board until after public hearing, as hereinafter provided, and until after the building official has found that all other provisions of this code, with which compliance is required, have been fulfilled.

(3) No such special property use permit shall be granted by the board unless it finds:

(a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare;

(b) In making such determination the board shall be guided by the following considerations and standards:

(i) That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity,

(ii) That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic,

(iii) That adequate ingress and egress will be available for fire and other vehicular emergency equipment,

(iv) That adequate off-street parking will be provided to prevent congestion of public streets.

(4) The placement, construction, erection and maintenance of wayfinding signs, as defined in LMC 16.13.040(73), in all use districts, shall be deemed a special property use. (Ord. 2967 § 1, 2006; Ord. 1620 § 1, 1973).

19.12.055 Special property use – Detached accessory dwelling units (ADU).
Subject to the provisions of LMC 19.12.050, and in accordance with Chapter 19.22 LMC, the appeal board of adjustment may grant a special property use permit for the construction of a detached accessory dwelling unit (ADU). (Ord. 3122 § 9, 2010; Ord. 2591 § 3, 1995).

19.12.060 Power of board – Alternate materials and construction.
(1) In addition to the foregoing powers, the board shall have the right to determine the suitability of alternate new materials and types of construction, after a public hearing, and to permit the use of the same when, in the opinion of the board, such new materials or types of construction are equal to or greater in safety requirements than those provided for in the building code.

(2) The board shall also have the right to recommend to the city manager, for presentation to the city council, legislation for the improvement of Chapter 16.08 LMC hereof, being the building code, or any part thereof, which the board may feel is consistent with the purpose and intention of said code. (Ord. 1620 § 1, 1973).

19.12.070 Petitions – Initiation of action by board – Hearing and decision.
(1) Any person or persons aggrieved, or any officer, official of any department or commission of the city, jointly or severally, may file a written petition with the board for a review of the building official's interpretation of the provisions of LMC Titles 16 or 19. Such petition shall be filed with the office of the city clerk within 10 days after the petitioner shall receive either written or oral notice of the interpretation of any provision of Titles 16 or 19 by which petitioner shall deem himself to be aggrieved. Such petition shall set forth the provision of this code which the building official has interpreted, the building official's interpretation thereof, the petitioner's interpretation of the same and the reasons why the petitioner believes the interpretation of the building official to be incorrect. Such petition shall contain the name or names of all aggrieved parties and the names of all attorneys or agents representing such aggrieved parties together with the mailing address of such parties, their agents and attorneys. The city clerk shall transmit said petition to the secretary of the board prior to the next regular meeting of the board. The secretary of the board shall present the petition to the board at its next regular meeting and the board, at such meeting, shall fix a date for the hearing on said petition which date shall not be less than 10 nor more than 60 days from the date upon which said petition was presented to the board. At least five days prior to the date fixed for such hearing the secretary of the board shall cause to be mailed to the petitioner or his agents or attorneys, at the respective addresses shown on the petition, a notice of the time and place of the hearing on said petition. At such hearing the petitioner may appear in person, by agent or by attorney. All city officials and other interested persons may be heard at such hearing in support of or opposition to such petition.

(2) The board may affirm or reverse the interpretation of the provisions of LMC Titles 16 or 19 made by the building official, and any order, requirement, decision, or determination relating thereto made by him; the board's decision shall be based upon the record and the evidence in each case, and to that end it shall have all of the powers of the building official. Unless a majority of the entire board votes in favor of reversing the decision of the building official such decision shall stand affirmed. The board shall maintain in the office of the building official full and complete written records of all decisions involving the interpretation of the provisions of said titles, which records shall be open to public inspection during all regular business hours. The board's jurisdiction shall not be construed as an authorization to violate any provisions of this code.

(3) If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of this code, the building official shall take action immediately in accordance with such decision. (Ord. 1620 § 1, 1973).

19.12.080 Special property uses – Application – Fee.
All applications for special property uses permitted by this title shall be submitted in writing to the office of the building official. Each such application shall contain the name and mailing address of the applicant or applicants, the legal description of the property for which the special property use is requested, the nature of the special use requested, a concise statement as to the reasons why such property is needed for and suited to such special use, and a statement or document verifying the applicants, ownership of the property or interest in the property through lease, option or other such binding agreement with the owner. The application shall be accompanied by a plot plan, drawn to scale, showing the dimensions of any and all existing structures and all structures to be erected on the property involved and the yard areas thereof. The board or building official may, at any time, require the applicant to furnish such additional information as may be necessary to enable the board to determine whether such application should

or should not be granted. With each application filed for a special property use there shall be paid by the applicant, at the time of filing the application with the community and economic development department, a fee in accordance with the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such application, including the publication and mailing of the notices hereinafter required. (Ord. 2907 § 2, 2004; Ord. 2774 § 1, 2000; Ord. 2722 § 1, 1999; Ord. 2328 § 1, 1988; Ord. 2120 § 1, 1983; Ord. 1620 § 1, 1973).

19.12.090 Special property uses – Hearing – Notice.
The written application, plot plan and any other written information requested from the applicant by the building official shall be submitted to the board at its next regular or special meeting. The board at such meeting shall fix a time, date and place for public hearing on such application which date shall not be less than 10 days after notice given in the following manner, except that the final notice to be published in the official newspaper shall not be published more than three days prior to the date of said hearing:

(1) By United States mail addressed to the applicant and to the owners of all adjoining or abutting property. (Property separated from the proposed use by a street, highway or other public road or alley shall be construed to be adjoining or abutting for the purpose of giving notice; and notices addressed to the last known address of the person making the latest property tax payment shall be deemed proper notice to the owner of such property);

(2) By not less than two printed or written notices posted in a conspicuous place at or near the location of the proposed use;

(3) By publishing two notices thereof in the official newspaper of the city, such notices to be published at least three days apart. Such notices shall contain the name of the applicant or applicants, the legal description of the property involved, the special property use requested, the date, time and place of the public hearing thereon and shall specify that any person interested may appear at such public hearing and be heard either for or against such application. (Ord. 1620 § 1, 1973).

19.12.100 Special property uses – Hearing – Decision.
At such public hearing the board shall proceed to hear all persons present who desire to be heard either for or against such application and shall render its decision upon such application at the conclusion of such hearing or as soon thereafter as reasonably possible. Any building permit thereafter issued for such property shall be in accordance with and subject to all terms and conditions contained in the decision of the board. (Ord. 1620 § 1, 1973).

19.12.110 Special property uses – Records.
The board shall maintain in the office of the building official full and complete written records of all proceedings and conclusions reached on any and all such applications. (Ord. 1620 § 1, 1973).

19.12.120 Special property use permits – Time limitation.
Whenever the board by its decision authorizes the issuance of a permit for a special property use if such building permit and/or occupancy permit is not obtained by the applicant within six months from the date of the board's decision, the board's decision shall cease to be effective. (Ord. 1620 § 1, 1973).

19.12.130 Special property use permits – Revocation – Records.
In addition to all other penalties prescribed in this title, whenever, in the opinion of the building official, any person granted a permit for a special property use fails to comply with all of the terms, conditions, or limitations of such permit and of the decision of the board authorizing the granting of such permit, he shall issue an order, in writing, requiring that all further work on the premises or use thereof be stopped until the violation has been corrected. If the violation is not corrected or if the work on the premises or use thereof is stopped or suspended until such violation is corrected, the building official shall give written notice to the owner or occupant of the premises deemed in violation that the building official will apply to the board for an order revoking the permit for the special property use. Such written notice shall specify the time, the date and place when the building official will appear before the board to request such revocation and shall advise the owner or occupant of the premise deemed to be in violation that such owner or occupant is at liberty to appear and be heard with respect to the request of the building official for such revocation. Such notice shall be mailed to the owner or occupant of the premises deemed in violation, by certified mail with a return receipt requested, at least five days prior to the date specified in such notice as being the date of the hearing. At the hearing the board shall have the power to sustain or overrule the order of the building official and

to revoke the permit granted for such special property use. The affirmative vote of a majority of the entire board shall be necessary before the order of the building official shall be declared to be overruled. (Ord. 1620 § 1, 1973).

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

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

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

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

(4) The need for the variance is not the result of any action taken by the applicant. (Ord. 3122 § 10, 2010; Ord. 1620 § 1, 1973).

19.12.150 Variances – Application – Fee – Hearing – Decision.
(1) The foregoing provisions of LMC 19.12.080 through 19.12.130 shall apply equally to requests for variances as well as to requests for special property uses; provided, however, LMC 19.12.090(2) and (3) shall not apply to requests for variances.

(2) With each application filed for a variance there shall be paid by the applicant, at the time of filing the application with the community development department, a fee in accordance with the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such application, including the publication and mailing of the notices required. (Ord. 3122 § 10, 2010; Ord. 3089 § 2, 2009; Ord. 2907 § 3, 2004; Ord. 2774, 2000; Ord. 2722 § 2, 1999; Ord. 2328 § 2, 1988; Ord. 1620 § 1, 1973).

19.12.160 Stay of proceedings.
An application to the board for any special property use, variance or for any review of the building official's interpretation of the provisions of LMC Titles 16 or 19 or of any orders, requirements, decisions or determinations relating thereto made by the building official shall operate to stay all further proceedings by the building official unless the building official certifies to the board, and the board finds that, by reasons of facts stated in the certification, a stay would cause imminent peril to life or property, in which case such action shall not be stayed otherwise than by a restraining order issued by the superior court of the county. The decisions of the board shall be transmitted to the office of the building official. (Ord. 1620 § 1, 1973).

19.12.170 Appeal – Filing – Notice.
All decisions and orders of the board shall be final, subject only to review by the superior court of the county upon appeal. The appeal shall be made by filing written notice of appeal with the office of the city clerk and with the clerk of the superior court of the county. The notice of appeal must be filed with the clerk of the superior court and the office of the city clerk within 20 days from the rendering of the decision or order from which the appeal is to be taken. Such notice of appeal shall set forth the name and address of the appellant, the date of the order or decision to be appealed from and shall set forth a correct copy of the order or decision from which the appeal is to be taken. (Ord. 1620 § 1, 1973).

19.12.180 Appeal – Bond.
At the time of filing the notice of appeal with the clerk of said superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of $200.00, with at least two sureties to be approved by the judge of said court, or a surety company authorized to do business in the state, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city is put by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require. The filing of the aforesaid notice of appeal within the time specified in LMC 19.12.170, and the filing of the bond

aforesaid, shall be necessary in order for the superior court to secure jurisdiction of such appeal. (Ord. 1620 § 1, 1973).

19.12.190 Appeal – Transcript – Fees.
Within 20 days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript of all of the proceedings before the board, including the order or decision from which the appeal is taken. The transcript shall be prepared under the supervision of the secretary of the board and shall be certified by the secretary to contain a full, true and correct copy of all matters and proceedings required to be in the transcript. The fee for preparing and certifying the transcript shall be as determined by the Community and Economic Development Department Master Fee Schedule which fee shall be paid to the office of the city clerk. The secretary of the board shall be under no duty to surrender the transcript to the appellant until the fees are paid. All fees so received shall be surrendered to the city treasurer for deposit in the general fund of the city. (Ord. 2328 § 3, 1988; Ord. 1620 § 1, 1973).

19.12.200 Appeal – Notice that transcript has been filed.
Within five days after the filing of the transcript with the clerk of said superior court, the appellant shall give notice to the city's corporation counsel and to the city clerk that the transcript has been filed. The notice shall also state a time when the appellant will call up the cause for assignment for hearing. (Ord. 1620 § 1, 1973).

19.12.210 Appeal – Hearing – Determination.
At the time fixed for hearing or at such further time as may be fixed by the court, the superior court shall hear and determine the appeal. (Ord. 1620 § 1, 1973).

Chapter 19.22

SUPPLEMENTAL RESIDENTIAL ZONING STANDARDS

Sections:

19.22.010 Purpose.
19.22.020 *Repealed.*
19.22.025 Accessory dwelling units.
19.22.030 Home occupations.
19.22.040 Signs in residential zones.
19.22.050 *Repealed.*
19.22.060 Permanent supportive housing.

19.22.010 Purpose.
The standards contained herein are supplemental standards that apply to applicable uses in the city's zoning districts. (Ord. 3450 § 3, 2021; Ord. 3122 § 15, 2010).

19.22.020 Accessory dwelling units.
Repealed by Ord. 3466. (Ord. 3450 § 3, 2021; Ord. 3182 § 6, 2011; Ord. 3122 § 15, 2010).

19.22.025 Accessory dwelling units.
(1) Purpose. The director shall have the authority to approve attached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. The appeal board of adjustment shall have the authority to approve detached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for ADUs on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an ADU which is not strictly in compliance with these regulations.

(2) Requirements. Accessory dwelling units (ADUs) may be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the requirements that follow.

(3) Site Requirements.

(a) A certification from the public works director that existing water and sewer facilities serving the property are adequate is required.

(b) Only one ADU shall be permitted (attached or detached) as accessory to a single- family dwelling unit.

(c) An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.

(d) Parking. A minimum of two off-street parking spaces must be provided on the property where an ADU is proposed and additional parking for the ADU is required as follows:

(i) No minimum on-site parking spaces are required for an accessory dwelling unit in areas with on-street parking available.

(ii) One parking space is required for the ADU if on-street parking is not available.

(iii) On-street parking is defined as parking spaces legally available for parking of vehicles. Posted time- or day-restricted parking spaces are not considered as available for purposes of this section.

(iv) A street/sidewalk entrance in the form of a walkway, landscaping features, mailbox post and similar construction to direct visitors to the ADU, will be required per the determination of the community development director upon recommendation by the fire marshal.

(e) Fire department access shall extend to within 150 feet of all portions of the exterior walls of the building as measured by an approved route. Distances in excess of 150 feet may result in additional requirements for construction as approved by the fire code official. Alleys shall not be considered for fire department access.

(4) Building Requirements.

(a) Accessory dwelling units must be on the same lot as the single-family dwelling to which they are accessory. They may be attached (added to or created within) the existing single-family dwelling as provided for in subsection (6) of this section, or detached as provided for in subsection (7) of this section.

(b) All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the Cowlitz County health department. Note, manufactured homes may be used for ADUs but must be less than 10 years old.

(c) ADUs are not required to have separate independent utility connections and solid waste collection.

(d) The square foot size of any ADU, excluding any garage area, shall be of not less than 300 square feet nor in excess of 1,500 square feet, and it shall contain no more than three bedrooms.

(e) Street-facing entrances may be allowed. Exterior entrances can be located no closer than 10 feet to an adjoining property line.

(f) Any exterior stairs shall be placed in the rear or side yard and no closer than 10 feet to an adjoining property line.

(g) All ADUs shall have separate street addresses that are visible from both the street and alley that clearly identify the location of the ADU.

(5) Occupancy.

(a) No ADU may be the residence of more than four persons.

(b) The owner of the property or immediate family member of the property owner, or contract purchaser of record, of the single-family dwelling to which an ADU is accessory, shall reside either in the single-family dwelling or the ADU as a permanent place of residence (must occupy one of the dwelling units on the property for more than six months of each calendar year).

(c) Only one of the residences may be rented or leased.

(d) Vacation (short-term) rental, transient accommodation, and/or lodging is prohibited in ADUs or in single-family dwellings to which they are accessory. “Vacation (short-term) rental, transient accommodation and/or lodging” means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days.

(e) The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.

(f) Before issuance of the certificate of occupancy for an accessory dwelling unit, the homeowner must provide a copy of a statement recorded with the Cowlitz County auditor.

(i) The statement must read:

An application for a permit for an accessory dwelling unit has been submitted to the city of Longview by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Longview Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.

(ii) If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the city. If a homeowner wants to remove the statement as required by subsection (5)(f)(i) of this section from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded by the homeowner with the county auditor's office and a copy of the recorded release shall be provided to the city.

(g) No day care centers or adult family homes shall be permitted in ADUs or in single-family dwellings to which they are accessory. Family day care providers as defined in Chapter 19.09 LMC may be allowed but the maximum number of children under care is limited to the maximum occupancy of the ADU.

(h) The following permit and inspection requirements shall be met:

(i) No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;

(ii) All applications for ADU permits and reviews shall be on forms provided by the community development department, and the fee for such permit shall be as provided in the Community and Economic Development Department Master Fee Schedule;

(iii) No ADU may be occupied unless the owner of record of the single-family dwelling to which it is accessory possesses a current certificate of occupancy for such ADU;

(iv) Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building and fire officials to assure that the provisions of this chapter are not violated; and

(v) The building official may inspect ADUs after giving proper notice, at such time as a complaint alleging noncompliance with this chapter or the property maintenance code, Chapter 16.30 LMC, is received by the city. The purpose of such inspection shall be to determine if such ADU is in compliance with the requirements of this chapter. If such inspection reveals that such ADU is in compliance, the building official shall issue a certificate of occupancy for said ADU. If the inspection reveals the ADU is not in compliance, the building official shall not issue a certificate of occupancy for said ADU, and shall notify the owner or contract purchaser of the single-family dwelling to which said ADU is accessory that said ADU must be vacated and not occupied until it is reinspected by the building official and found to be in compliance, or the ADU removed.

(6) Standards for Attached ADUs.

(a) All attached ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling, it must be consistent with the existing siding of the single-family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.

(b) When garage space is converted to accessory dwelling unit living space the portion of the driveway leading to the former garage may remain.

(7) Standards for Detached ADUs. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC 19.12.055, all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:

(a) Landscaping may be provided for the privacy and screening of adjacent properties. Tall vegetative landscaping may be required between any windows or decks facing adjacent residential properties.

(b) Two-story, detached accessory dwelling units may be designed to protect the privacy of adjacent residential uses.

(c) Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments.

(8) Special Property Use Hearings.

(a) All proposed detached ADUs shall require a special property use permit be granted by the appeal board of adjustment with consideration of impacts to privacy of neighboring properties. Where practical, locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to: window staggering, entries face away, no overlooking decks, landscaping.

(b) In its consideration of an application, the board shall evaluate:

(i) Compliance with subsections (8)(a) and (b) of this section.

(ii) Window locations.

(iii) Impacts from shading of neighboring properties, specifically solar access and impacts to existing solar collection systems, photo-voltaic or solar heating.

(9) Existing Illegal ADUs.

(a) Application may be made for any accessory dwelling unit existing prior to January 1, 2022, to become legally permitted, pursuant to the provisions of this section.

(b) An application to legalize an existing ADU shall include an application for an ADU permit and a building permit application, showing changes made to the main residence or detached accessory building to accommodate the ADU. Approval shall be consistent with the ADU regulations and process outlined in this section. The ADU shall be reviewed using the current editions of building codes in place at the time its owner brings the unit forward for permit.

(c) Nothing in this section shall require that the city permit existing ADUs that are determined to be dangerous. (Ord. 3466 § 2, 2022).

19.22.030 Home occupations.

Home occupations shall adhere to the following standards:

(1) Requirements. Home occupations shall not be permitted without a business license having first been issued in accordance with LMC Title 5. All home occupations shall comply with all applicable ordinances of the city, and shall be consistent with the following provisions:

(a) Home occupations located in the principal residence are restricted to not more than 30 percent of the usable floor area of the dwelling in which they are located. The principal use of the dwelling must remain residential;

(i) For the purposes of this section, “usable floor area” is defined as the finished living space in a dwelling unit but not including a cellar or garage;

(b) A detached accessory building may be used for home occupations; provided, that the total area devoted to the home occupation cannot exceed 30 percent of the usable floor area of the principal dwelling unit. Further, the total area devoted to a home occupation use in either the principal dwelling unit or an accessory building (or a combination thereof) shall not exceed 30 percent of the usable floor area of the principal residence;

(c) Only persons residing in the dwelling may be engaged in the home occupation;

(d) The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable required off-street parking;

(e) On-site retail sale of goods not produced, processed or fabricated on the premises is prohibited, unless the sale of items is incidental to a permitted home occupation (e.g., a barber shop that sells hair-care products, etc.). No goods or merchandise shall be displayed such that they are visible from public rights-of-way or adjacent properties;

(f) Home occupations shall not be permitted where they involve the construction of features and exterior modifications not customarily found in a dwelling and residential neighborhood as determined by the director;

(g) No stock-in-trade or merchandise is to be kept on the premises other than inventory and incidental supplies which are necessary for the conduct of the home occupation. Outdoor storage that is visible from a public right-of-way or adjacent properties, that exceeds what is customary for a residence, is prohibited;

(h) No noise, dust, odors, noxious fumes or vibrations resulting from a home occupation shall exceed that which is normally produced in a single-family dwelling. Mechanical or electronic equipment incidental to the conduct of a home occupation may be used, provided such use does not create visible or audible interference in radio, television or telecommunication receivers or transmitters, or cause fluctuations in line voltage off the premises. Home occupations shall not interfere with the delivery of utilities or other services to the area;

(i) Any type of repair or assembly of vehicles or equipment with internal combustion engine or of large appliances or any other work related to automobiles and their parts is prohibited;

(j) A home occupation may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations;

(k) No more than two vehicles may be used in association with the home occupation. The maximum size of the vehicles used in association with the home occupation is a light truck. Light trucks are trucks or similar vehicles with a single rear axle; and

(l) One sign is permitted to advertise the home occupation; however, such sign shall be no larger than two square feet in area, nonilluminated, and must be attached to the dwelling. (Ord. 3450 § 3, 2021; Ord. 3182 § 7, 2011; Ord. 3122 § 15, 2010).

19.22.040 Signs in residential zones.

In addition to the standards set forth in Chapter 16.13 LMC, the following regulations also govern the use of signs in the R-1, R-2, R-3, R-4 and TNR zones:

(1) Except as provided in Chapter 16.13 LMC, all signs shall relate to business or activities conducted on the premises on which the signs are situated.

(2) Signs that pertain to a home occupation activity shall adhere to the standards set forth in LMC 19.22.030.

(3) All signs approved under this section shall be nonflashing and, if illuminated by artificial light, such lighting shall be oriented to prevent light trespass onto adjacent residences and properties and shall be oriented towards the ground. Electronic message center (EMC) signs as defined in Chapter 16.13 LMC may be permitted for religious establishments, public or private schools and public safety facilities where they meet the following requirements:

(a) Number of EMC signs: one per use.

(b) Types of EMC signs allowed: fascia, monument or pole signs.

(c) Maximum size: 30 square feet not including foundation, base or frame.

(d) Maximum Height.

(i) Monument sign: eight feet measured from grade;

(ii) Fascia signs: 10 feet, and shall not extend above the parapet or eave line;

(iii) Pole signs: shall not exceed 16 feet above grade.

(e) Location.

(i) The EMC sign shall not be located closer than 10 feet to any lot line, nor closer than 70 feet to any residential building; and

(ii) Locations which create confusion relative to interpretation of traffic signals or traffic signs shall not be permitted; and

(iii) Pole signs are not permitted within 30 feet of the edge of pavement of the facing street.

(f) Illumination Limits.

(i) Signs with an electronic message shall incorporate photocell/light sensors, with automatic dimming technology that appropriately adjusts to ambient light conditions; and

(ii) Hours of Operation. The EMC sign shall be completely turned off between the hours of 9:00 p.m. and 7:00 a.m., seven days a week, except EMC signs for academic uses must be turned off between the hours of 9:00 p.m. and 6:00 a.m.

(iii) Electronic message center signs which create a source of glare shall be adjusted or removed as directed by the building official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(iv) Signs with an electronic message center which meet all of the above standards may also provide internal illumination to the remainder of the sign.

(g) Hold Time. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one message to another shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

(h) Permits. Electronic message center sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or traveling speed, and other display operations. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with city codes and that the owner or operator shall provide proof of such conformance upon request of the city.

(i) Maintenance. Any permitted electronic sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within five days by the owner or operator of the sign.

(4) Street, park, recreational, trail, public utility, and similar signs that are erected by the city of Longview are hereby exempted from the regulations of this section.

(5) Churches and schools may have up to two signs unlimited in size attached to the principal building for identification purposes. Churches, schools, parks and public playgrounds, existing or hereafter erected or created, may also have signs separate from any building or structure on the premises used for any such purpose so long as the signs do not exceed a total of 30 square feet in area and so long as no portion thereof, including any foundation, base or frame, is closer than 10 feet to any lot line at street intersections; provided, however, signs for school campuses shall be permitted which contain a total of not to exceed 80 square feet in area, not including foundation, base or frame, and not closer than 10 feet to any lot line.

(6) Duplex, triplex, fourplex, or townhouse developments may include one unit identification sign per unit; provided, that the sign is not more than five square feet in total area. In addition, one freestanding development

and/or entrance sign may be erected; provided, that it does not exceed 10 square feet in total sign area and its associated structure, nor exceeding a height of six feet. Such signs shall be for the purpose of identification only.

(7) Multifamily Signs. For multifamily residential uses of five or more units within one principal structure, not more than one sign, attached to the principal building, not exceeding 20 square feet in area including all embellishments, shall be permitted. In addition, one freestanding sign, not exceeding 10 square feet in total sign area and its associated structure, nor exceeding a height of six feet, shall be permitted for multifamily apartment projects containing five or more units. No portion of the sign, including any foundation, base or frame, shall extend over any portion of the right-of-way. In addition, a maximum of two directional or informational signs not exceeding five square feet in area per sign may be erected; one of the two permitted directional or informational signs may be freestanding, not to exceed a height of 42 inches.

(8) Nonresidential Land Uses. Nonresidential land uses, except those listed above, in the R-3 and R-4 shall adhere to the following sign standards:

(a) Attached Signs. Nonresidential land uses as permitted in the residential zones may be permitted one sign attached to the principal building not to exceed 30 square feet in total sign area, including all embellishments. Nonresidential land uses located on corner lots may be permitted one sign attached to each elevation that faces a public right-of-way, not to exceed 20 square feet in area per sign, including all embellishments, to a maximum of two attached signs; and

(b) Detached Signs. Nonresidential land uses as permitted in the residential zones may be permitted one freestanding sign separate from signage attached to any building or structure on the premises so long as the sign and its associated structure do not exceed a total of 30 square feet in total sign area and so long as no portion thereof, including any foundation, base or frame, extends over any portion of the right-of-way, nor exceeds a height of eight feet. Nonresidential land uses located on corner lots may be permitted one freestanding sign facing each public right-of-way, up to a maximum of two freestanding signs, so long as each sign and its associated structure do not exceed a total of 20 square feet in total sign area, and so long as no portion thereof, including any foundation, base or frame, extends over any portion of the right-of-way, nor exceeds a height of eight feet. (Ord. 3450 § 3, 2021; Ord. 3406 § 1, 2019; Ord. 3122 § 15, 2010).

19.22.050 Homeless shelter group home.
Repealed by Ord. 3450. (Ord. 3358 § 4, 2017).

19.22.060 Permanent supportive housing.
Permanent supportive housing shall adhere to the following standards:

The number of clients is limited to two per bedroom plus an additional two (e.g., a three-bedroom facility could have up to eight clients). (Ord. 3450 § 3, 2021).

Chapter 19.42

FARMERS' MARKETS IN RESIDENTIAL DISTRICTS

Sections:

19.42.010 Purpose and application.
19.42.020 Definitions.
19.42.030 Allowed locations in residential districts and permitting process.
19.42.040 Operating standards.

19.42.010 Purpose and application.

The purpose of this chapter is to allow small local farmers' markets to be located in residential districts at appropriate locations. These local markets would provide greater access for the community to healthy food; enhance the sense of community in livable neighborhoods; encourage walking instead of driving and generate economic benefit to the community. The intention is to serve local households within the neighborhood of the market. Limits on the scale of these markets are needed to avoid significant adverse impacts to individual neighborhoods.

This chapter is applicable to the R-1, R-2, R-3, R-4 and TNR zoning districts. (Ord. 3338 § 1, 2017; Ord. 3324 § 1, 2016).

19.42.020 Definitions.

"Farm products" means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

"Farmers' market" means a market at a fixed location, open to the public, operated by the property owner or the full-time lessee of the property or, in the case of schools and parks, by a market operator selected by that property owner. Vendors who regularly participate during the market's hours of operation are producers, or family members of producers. Only farm products and value-added farm products are sold. No alcohol products or marijuana infused products shall be sold.

"Places of worship sites" means a property that includes a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

"Producer" means a person or entity that raises or produces farm products on land that person or entity farms and owns, rents, or leases.

"School" means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

"Value-added farm product" means any product processed by a producer from a farm product, such as baked goods, jams, and jellies. (Ord. 3338 § 1, 2017; Ord. 3324 § 1, 2016).

19.42.030 Allowed locations in residential districts and permitting process.

Farmers' markets are allowed in the locations given below, subject to the following permitting processes:

(1) Schools and places of worship sites. The city's community development director or his/her designee ("director") shall approve, approve with conditions or deny a farmers' market permit based on findings that all of the operating standards in LMC 19.42.040 are satisfied.

(2) City parks and facilities. The park and recreation director or his/her designee is responsible for making the decision. In general, farmers' markets in city parks and facilities should meet the operating standards given in LMC 19.42.040. The city is not obligated to allow farmers' markets in city parks and facilities.

(3) Private property that is two acres or more in size. Farmers' markets in these locations are subject to the following:

(a) Approval of a special property use permit per LMC 19.12.050;

(b) Conformance to LMC 19.42.040.

The appeal board of adjustment is the deciding body for approving the special property use permit for farmers' markets. The community development director or his/her designee is responsible for ensuring the farmers' market operations are consistent with any conditions of the special property use permit and the operating standards given in LMC 19.42.040. (Ord. 3338 § 1, 2017).

19.42.040 Operating standards.
Farmers' markets in residential zoning districts are subject to the following operating standards:

(1) No more than 10 vendors shall be selling at the market at any one time. The outdoor activity area shall be no more than 5,000 square feet in size;

(2) Activities related to a farmers' market shall not occur on the property more than 53 days each property tax assessment year. Activities related to a farmers' market (including set-up and tear-down times) shall not occur between the hours of 8:00 p.m. and 9:00 a.m.;

(3) Where available, parking for vendors and customers should be off street;

(4) The use provides adequate vision clearance and shall not obstruct pedestrian access on public streets;

(5) Ingress and egress are safe and adequate when combined with the other uses of the property;

(6) The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;

(7) The use shall not take place on public right-of-way;

(8) The use must conform to setbacks of the zone where it is located unless otherwise approved by the director;

(9) No use shall utilize any handicap parking stalls;

(10) Only one on-site temporary nonilluminated sign (e.g., sandwich board or A-frame sign) is allowed per street frontage. The temporary sign(s) size shall have no more than two faces with each face no larger than 12 square feet in size. The sign(s) must be completely removed from street and neighboring properties' view during off hours and out-of-season times. No off-site signs are allowed and the temporary sign(s) shall not be placed on street rights-of-way. In addition, banners, advertising flags, streamers or clusters of pennants, balloons and other temporary signage placed outside are prohibited; and

(11) Each year, before the market begins, a site plan (application) shall be submitted to the community development department along with a review fee as provided in the Community and Economic Development Department Master Fee Schedule. The site plan shall demonstrate how the above operating standards will be met. (Ord. 3338 § 1, 2017; Ord. 3324 § 1, 2016. Formerly 19.42.030).

Chapter 19.66

PLANNED UNIT DEVELOPMENT

Sections:

19.66.010 Purpose.
19.66.020 Applicability and scope.
19.66.030 Definitions.
19.66.040 Permitted uses.
19.66.050 Discretionary standards.
19.66.060 Density.
19.66.070 Minimum open space requirements.
19.66.080 Submittal requirements.
19.66.090 Preliminary approval criteria.
19.66.100 Review process and approving authority.
19.66.110 Expiration of preliminary PUD approval.
19.66.120 Final PUD approval.
19.66.130 PUD amendments.
19.66.140 Pre-existing planned unit developments.
19.66.150 Severability.

19.66.010 Purpose.
The purpose of this chapter is to establish a review process for certain types of residential development. The planned unit development (PUD) process provides an alternative to the traditional approach to subdividing property, allowing for variety in plat design and building type in exchange for open space, recreational amenities and better overall design. The PUD process is designed to achieve:

(1) The preservation of open space, critical areas as defined by Chapter 17.10 LMC, natural vegetation and significant trees, watercourses, historic buildings and places and other features of value to the community;

(2) Efficient street and utility systems through the clustering of structures;

(3) Use of innovative methods and concepts not readily available under traditional subdivision and zoning methods; and

(4) Flexibility to encourage a more creative development approach that will result in a more efficient, aesthetically pleasing and desirable use of land. (Ord. 3033 § 2, 2007).

19.66.020 Applicability and scope.
(1) The PUD zone shall be a floating overlay zone and shall apply to a single property or grouping of contiguous properties when application is made in accordance with this chapter. The provisions of this chapter may be utilized in the R-1, R-2, R-3, R-4, and TNR zoning districts. Unless otherwise provided, the underlying land use regulations of the zone in which the property is located shall still apply. The PUD process may not be applied to single-family lots that are incapable of further subdivision, and may not serve as a means of avoiding procedures more appropriately reviewed under the variance provisions of Chapter 19.12 LMC. There is no minimum size area required for a site to qualify as a PUD; provided, that the other applicability standards and eligibility requirements set forth in this section are met.

(2) Unless a proposal qualifies under subsection (3) of this section, a PUD development application shall be processed concurrently with an application for preliminary plat (subdivision) and provides a mechanism to vary from some subdivision and zoning standards as more specifically set forth herein. The PUD approval shall be superimposed on the underlying zoning district and shall constitute a limitation on the use and design of the site. Short subdivisions (short plats) are not eligible to use the PUD provisions.

(3) Development that does not include the division of land (e.g., attached dwelling units, multi-family development, apartments, etc.) shall not be required to submit for concurrent subdivision approval and may utilize the provisions

of this chapter; provided, that the use is permitted in the underlying zoning district and that all standards of this chapter are met. (Ord. 3182 § 8, 2011; Ord. 3033 § 2, 2007).

19.66.030 Definitions.
For the purposes of implementing this chapter, the following definitions apply:

"Gross density" means the total number of dwelling units divided by the total project area, without subtracting areas devoted to open space, roadways, parks or similar public use and infrastructure areas.

"Open space" means any land or area that is retained for use as active or passive recreation areas, or for resource protection in an essentially undeveloped state. Open space may be: (1) dedicated to the city; (2) placed in a conservation easement; or (3) owned by a homeowners' association. Building setbacks, yards, rights-of-way, and undeveloped portions of residential lots shall not be included as open space. Open space may be utilized for stormwater management through low impact development (LID) approaches that utilize dispersion and/or infiltration of stormwater runoff. Stormwater facilities that serve as a recreational or aesthetic amenity may be utilized to satisfy up to one-quarter of the required open space area.

"Planned unit development" or "PUD" means a development that differs from a conventional subdivision or development by means of enhanced and unified site design, building layout, environmental protection, and open space preservation in a more clustered setting than allowable under the zoning regulations of the base zone. As regulated by this chapter, a PUD is a floating zoning designation subject to discretionary approval. In appropriate circumstances and as approved, the PUD overlay allows an applicant to take advantage of discretionary zoning and subdivision standards as specifically set forth in this chapter. (Ord. 3351 § 9, 2017; Ord. 3033 § 2, 2007).

19.66.040 Permitted uses.
Any use consistent with the underlying residential zoning district designation of the parcel(s) within the proposed PUD boundary may be permitted within a PUD. In addition, attached single-family dwelling units (e.g., townhomes) located on individual lots and owned in fee may be allowed in all residential zoning districts through the PUD approval process, consistent with LMC 19.66.050, which allows for the consideration of a zero lot line setback. In addition, multifamily dwelling units (e.g., condominiums, apartments) may be allowed in the R-2 zoning district as part of PUD; provided, that the total number of multifamily units does not exceed 35 percent of the total dwelling units of the proposal. The city retains the right under this chapter to impose conditions deemed necessary to protect the interests of adjacent properties including, but not limited to, required buffering, limitations on building height and bulk, and the imposition of design standards. Regardless of the proposed use(s), the density within a PUD shall not exceed the gross density allowed in the underlying zoning district per LMC 19.66.060. (Ord. 3033 § 2, 2007).

19.66.050 Discretionary standards.
Upon compliance with this chapter, the use of land may comply with the provisions in this section in lieu of some of the provisions of the zone where the property is located, and applicable subdivision standards. In approving a PUD, the city may grant modifications to standards that would otherwise apply under a conventional subdivision. This discretion is only extended to the following standards:

(1) Minimum lot size and building site dimensions;

(2) Yard requirements (setbacks), including front, rear and side. Zero lot line setback configurations may be approved;

(3) Minimum dimension requirement as set forth in LMC 19.80.130;

(4) To provide opportunities for unique development designs and the ability to accommodate site constraints, the minimum development standards for street right-of-way improvements including the regulations related to right-of-way width, pavement width, planting strips, sidewalk construction and similar standards may be modified for the "residential access" street classification, subject to review and approval by the city engineer and city fire chief if the applicant demonstrates that all of the following criteria are met:

(a) There are topographical or physical conditions such as steep slopes, wetlands, stormwater mitigations, streets, utilities, lot patterns, street patterns or other conditions that justify departure from strict adherence to the standard to be modified;

(b) That the modification is consistent with sound engineering principles and it will be safe, practical and efficient;

(c) That the proposed modification is consistent with the intent and purpose of the standard being modified; and

(d) That the proposed modification is consistent with the goals and policies of the comprehensive plan;

(5) Additional proposed deviations from city standards may be approved in accordance with LMC 19.80.180 as part of the preliminary plat process. (Ord. 3089 § 3, 2009; Ord. 3033 § 2, 2007).

19.66.060 Density.
The gross density of a PUD shall not exceed what would be permissible in the underlying zoning district. (Ord. 3033 § 2, 2007).

19.66.070 Minimum open space requirements.
(1) A minimum of 20 percent of the total area of the PUD shall be devoted to open space, which may include recreation amenities and community area. At least half of the required open space (e.g., 10 percent of the overall site) must be suitable for recreational use and shall be in addition to open space set aside as part of a traditional subdivision or development due to critical area buffers, topography and other similar limiting factors. Development and improvement of recreational facilities and amenities shall be the responsibility of the applicant and may be required as a condition by the city.

(2) Open space, playground or recreational areas shall be available for use by residents of such PUD, and the general public if the area is dedicated to the city, and shall consist of land area within the boundaries of the PUD upon which no structures (other than playground and recreational structures) are to be erected. Open space may be conveyed to the city as approved, placed in a conservation easement, conveyed to a homeowners' association, or other acceptable means as determined by the director. The city is not obligated to accept land dedications and may require that open space and recreational areas be owned and maintained privately.

(3) That portion of the PUD that is to be dedicated to the city and used for public park purposes shall be determined and dedicated in accordance with LMC 19.80.130 and RCW 82.02.020. A fee-in-lieu of land dedication may be approved by the city. Improvements shall also be made as specified by the city. Plans for development, use, maintenance and operation of open space, playground and recreational areas of a PUD shall be coordinated with the proposed plans for public park development, use, maintenance and operation of the city department of parks and recreation. (Ord. 3089 § 4, 2009; Ord. 3033 § 2, 2007).

19.66.080 Submittal requirements.
An application for approval of a PUD shall be submitted to the community development department on forms provided by the department along with payment of fees as established in the Community and Economic Development Department Master Fee Schedule. For those PUD developments that include the division of land, a PUD application shall only be accepted as complete if it is submitted concurrent with an application for preliminary plat approval that includes all information required pursuant to Chapter 19.80 LMC and other applicable city regulations. Twenty-five copies of all associated application materials must be submitted in hard copy format. Digital application materials (e.g., CD copies) may fulfill a portion of the required hard copy applications as approved by the city. An applicant for a PUD shall submit the following items to the city, unless the director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

(1) A detailed narrative that includes:

(a) A description detailing how the proposed development will be superior to or more innovative than conventional development methods as allowed under the city's land use regulations and how the approval criteria set forth in LMC 19.66.090 have been satisfied;

(b) A description of how the proposed PUD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;

(c) A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;

(d) A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;

(e) A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;

(f) Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;

(g) A description of the specific city standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with LMC 19.66.050; and

(h) A description of potential impacts to neighboring properties and how impacts have been mitigated through site design, screening, buffering and other methods;

(2) A site plan with the heading "Planned Unit Development Site Plan" that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;

(3) Elevation drawings illustrating facade and building design elements, including height, overall bulk/mass and density and proposed residential design features that will provide for a superior development;

(4) A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PUD site plan and narrative;

(5) A phasing plan, if the development will occur in distinct phases with a written schedule detailing the timing of improvements;

(6) A draft development agreement, if proposed by the applicant or as required by the city; and

(7) A draft of proposed covenants, conditions and restrictions as required to demonstrate compliance with this chapter. (Ord. 3033 § 2, 2007).

19.66.090 Preliminary approval criteria.
Planned unit developments shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the city that all of the following have been met:

(1) The proposed PUD conforms to:

(a) All provisions of the city's development code and engineering design standards not proposed for modification in accordance with LMC 19.66.050;

(b) All provisions of the city's critical area ordinance; and

(c) All other applicable city standards as set forth in the Longview Municipal Code and all state or federal regulations, except those city standards proposed for modification;

(2) Approving the proposed PUD will serve the public use and interest and adequate provision has been made for the public health, safety, and general welfare;

(3) The subject site is physically suitable for the type, density and intensity of the use being proposed and will not result in a significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures;

(4) The proposed PUD will be superior to or more innovative than conventional development without additional probable significant adverse impact to public health, operation and maintenance of city facilities and utilities, safety or the environment, than available through the use of conventional development standards. The proposed landscaping, open space and recreational features are superior to that normally required by the city as part of a standard subdivision or development;

(5) Proposed structures, uses and roads shall be located to minimize disturbance to natural features;

(6) Open space shall be clearly identified and shall protect natural features including critical areas designated and regulated by Chapter 17.10 LMC, other significant natural or cultural features identified, and passive and active recreational areas;

(7) The open space within the PUD is integrated into the design and the open space provided is in excess of what would be required as part of a standard subdivision or development due to critical areas and other constraints in accordance with LMC 19.66.070;

(8) The perimeter of the PUD shall be appropriate in design, character and appearance with the existing or intended character of development adjacent to the subject property;

(9) Open space and park and recreational areas must be dedicated to the city or otherwise held in common with provisions set forth for perpetual maintenance;

(10) The plan for the proposed development shall present a unified and organized arrangement of buildings, service facilities, public or private parkland and open spaces which are consistent with this chapter and are not substantially detrimental to surrounding properties;

(11) Required open space, playgrounds and recreational areas, including land dedicated as public parks, shall be permanently designated in the restrictive covenants of the proposed subdivision or development, and shown on the PUD site plan and preliminary subdivision map. The manner in which open space, playground and recreational areas not dedicated to the city are to be maintained shall be indicated with appropriate assurances provided, which may include the formation of a homeowners' association;

(12) Areas proposed for public park land and dedicated to the city shall be reviewed by the parks and recreation department and shall be accessible for use by all residents of the city;

(13) In approving a PUD, the city may impose conditions to carry out the above criteria and the intent of this chapter. (Ord. 3033 § 2, 2007).

19.66.100 Review process and approving authority.
(1) A PUD that is processed in conjunction with a subdivision shall follow the procedures set forth in Chapter 19.80 LMC for plats. The city shall combine the review process, public hearing, notice requirements and other procedural steps as applicable. The community development department may also issue a combined staff report and set of findings and recommended conditions of approval for any proposed joint PUD/subdivision proposal. A PUD application that is not processed in conjunction with a subdivision shall be approved, conditionally approved or denied by the city council, upon recommendation of the planning commission following an open-record pre-decision hearing before the commission. The notice and distribution of a PUD application that is not processed in conjunction with a subdivision shall follow the requirements set forth in LMC 19.80.100 through 19.80.120. The director shall have the option of setting the hearing date on behalf of the commission or deferring to the commission.

(2) Due to the additional staff time needed to review a PUD application, conventional platting review times may need to be extended. By submitting a PUD and concurrent subdivision application to the city, an applicant agrees to extend the time requirements set forth in Chapters 36.70B and 58.17 RCW, and this title relative to the processing of a preliminary plat and/or a project permit by 30 days. (Ord. 3033 § 2, 2007).

19.66.110 Expiration of preliminary PUD approval.
A PUD is approved in conjunction with a subdivision request. Therefore, preliminary PUD approval shall be subject to the same timeframes set forth in Chapter 19.80 LMC for the length of preliminary approval, including the

provisions for granting of an extension. A proposed subdivision and associated PUD shall expire concurrently. For those PUD developments that do not involve the division of land, all required site and off-site improvements must be satisfied within three years or as conditioned, otherwise the approval is void. (Ord. 3033 § 2, 2007).

19.66.120 Final PUD approval.
Final PUD approval shall be granted upon completion of all PUD and preliminary plat conditions in accordance with the procedure set forth for final plat approval in Chapter 19.80 LMC. A final PUD application shall be submitted on forms prepared by the city and include applicable fees as established in the Community and Economic Development Department Master Fee Schedule. A PUD that does not include the division of land shall not be subject to the final PUD approval procedures of this section. (Ord. 3033 § 2, 2007).

19.66.130 PUD amendments.
(1) Minor modification to a previously approved preliminary PUD that has not received final approval or to a PUD not requiring concurrent subdivision approval, may be requested by the applicant and approved administratively by the city; provided, that under no circumstances shall minor modifications be deemed to include:

(a) Substantial modification or relocation of a lot, tract or the location or relocation of a street;

(b) A reduction in any perimeter setback;

(c) An increase in the residential density or gross floor area of the project; or

(d) A reduction of the area set aside for open space and/or recreational land.

(2) An amendment to a preliminarily approved PUD, or to a PUD not requiring concurrent subdivision approval, that does not qualify as a minor amendment, shall be reviewed in accordance with the same procedures provided under this chapter for original PUD approval. Compliance with Chapter 19.80 LMC is also required as applicable.

(3) Modification to an approved PUD shall be reviewed in accordance with the plat alteration standards set forth in this title and Chapter 58.17 RCW as applicable. In addition, all modifications to an approved PUD shall be reviewed for compliance with this chapter, including the hearing and notice provisions. (Ord. 3033 § 2, 2007).

19.66.140 Pre-existing planned unit developments.
Planned unit developments approved under regulations in existence prior to the effective date of this chapter shall continue to be regulated according to the regulations and standards in effect and/or imposed at the time of approval. (Ord. 3033 § 2, 2007).

19.66.150 Severability.
If any provisions of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provisions to other persons or circumstances, shall not be affected thereby. (Ord. 3033 § 2, 2007).

Chapter 19.67

SHORT SUBDIVISIONS

Sections:

19.67.010 Purpose.
19.67.020 Scope.
19.67.030 Preliminary short plat approval.
19.67.040 Final short plat approval.
19.67.050 Expiration.
19.67.060 Issuance of building permit.
19.67.070 Limitations on further subdivision.
19.67.080 Contiguous short plats.
19.67.090 Final acceptance.
19.67.100 Severability.

19.67.010 Purpose.
The purpose of this chapter is to:

(1) Regulate the subdivision of land into four or fewer lots in such a way as to promote the protection of the public's health, safety and general welfare;

(2) Ensure the orderly development of the city consistent with the comprehensive plan, zoning ordinances, and state planning statutes;

(3) Establish procedures which promote the timely review of short subdivisions in the city; and

(4) Enable the conveyance of land, by accurate land description, by reference to an approved short subdivision. (Ord. 3089 § 1, 2009).

19.67.020 Scope.
(1) Except as provided in LMC 19.80.060 or a binding site plan under Chapter 19.90 LMC, any land being divided into four or fewer, lots, sites or parcels for the purpose of conveyance shall meet the requirements of this chapter.

(2) Creation of tracts may be in addition to the lot count; provided, that the tract is reserved as forested lands, part of the open space network, serving as stormwater detention or set aside as an unbuildable area due to critical lands. (Ord. 3089 § 1, 2009).

19.67.030 Preliminary short plat approval.
(1) Preapplication Conference. A preapplication conference is not required but is strongly encouraged. A preapplication conference is nonbinding and advisory in intent and effect.

(2) Application/Fees. The following items are required, in quantities specified by the city of Longview, for a complete short plat application for preliminary approval. Items may be waived if, in the judgment of the community development director, they are not applicable to the proposal:

(a) Completed preliminary short plat application form as prescribed by the community development director with the applicable application fee as identified in the Community and Economic Development Department Master Fee Schedule;

(b) A completed application checklist;

(c) A complete, signed SEPA checklist application, if required;

(d) Complete applications for other required land use approvals, (i.e., special use, shoreline permit, critical area permit) applicable to the proposal;

(e) Vicinity map showing location of the site; and

(f) Site and development plans which provide the following information, drawn to an engineering scale on a standard sheet of paper and including the name of the plat, graphic scale and north arrow:

(i) The names of owners of adjacent land and the names of any adjacent subdivisions;

(ii) Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted);

(iii) Locations of existing and proposed public street rights-of-way and easements and private access easements;

(iv) Footprint and setbacks of all existing structures on the site;

(v) Lot area; lot line dimensions and average widths for each lot;

(vi) Location of proposed new property lines and numbering of each lot;

(vii) Location, dimensions and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements;

(viii) Location of any proposed dedications;

(ix) Existing and proposed topography at two-foot contour intervals, extending to five feet beyond the project boundaries;

(x) Location of any critical areas, critical area buffers, and existing trees as required under LMC Title 17;

(xi) Description, location and size of existing and proposed storm drainage facilities; and

(xii) Locations of all fire hydrants within 500 feet of the proposal.

(3) Review Procedures.

(a) Referral to Other Departments. Upon receipt of an application for a short subdivision, the community development department shall transmit 12 copies of the application to the public works department and one copy to any other department or agency deemed necessary to review the proposal.

(b) Additional Submittals. The review process will determine if additional studies or submittals are required with regard to SEPA, critical areas, archaeological or historical significance. Also during the review process, the city engineer will determine if additional studies are needed such as, but not limited to, the following:

(i) Stormwater Report, Traffic Impact Analysis and Erosion Control Plan. If further material is required, the review process cannot be completed until the required information is submitted to the planning department by the applicant.

(c) Proposed short subdivisions located adjacent to the right-of-way of state highways shall be submitted to the Washington Department of Transportation (WSDOT) for review, consideration and recommendation. This condition may be satisfied as part of the SEPA process. However if a SEPA checklist is not required, the community development department shall notify WSDOT of the proposal. Recommendations from Washington Department of Transportation, if received in a timely manner, shall be included in the conditions of approval for the short subdivision.

(d) Community Development Director. The community development director may approve, approve with modifications, or deny the application for a preliminary short plat. No formal meeting is required so long as the community development director obtains the recommendations and consent of the other members of applicable departments or agencies before issuing a decision.

(4) Criteria for Preliminary Short Plat Approval. The community development director shall base his decision on an application on the following criteria:

(a) The proposed short plat is in conformance with the Longview comprehensive plan and any other city adopted plans;

(b) Public improvements may be required of any short subdivision and shall by installed at the expense of the owner. Unless otherwise noted, all designs shall be consistent with the Kelso/Long view standard plans and specifications; provided, that if a conflict exists between two different standards, the required design shall be determined by the city engineer. The standards within LMC 19.80.130 shall be followed in the development of all subdivisions and shall be considered minimum standards;

(c) Provisions have been made for dedications, easements and reservations;

(d) Appropriate provisions are made to address all impacts identified by the transportation impact analysis, if one was required;

(e) The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended;

(f) Provisions are made for the maintenance of commonly owned private facilities;

(g) The short plat complies with the relevant requirements of the Longview short subdivision code;

(h) The short plat complies with the requirements of the Longview zoning code and other relevant local regulations; and

(i) That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval. (Ord. 3089 § 1, 2009).

19.67.040 Final short plat approval.

(1) Application. The following items are required, in quantities specified by the community development director, for a complete application for final plat approval. Items may be waived if in the judgment of the community development director the items are not applicable to the particular proposal:

(a) Completed short plat final approval form and applicable fees as identified in the Community and Economic Development Department Master Fee Schedule;

(b) Completed application checklist;

(c) A plat certificate from title insurance company documenting the ownership and title of all interested parties in the plat, subdivision or dedication, and listing all encumbrances. The certificate must be dated within 45 calendar days prior to the date of filing the application for final plat approval;

(d) Documentation of the square footage of each lot and mathematical boundary closure of the subdivision and of each lot and/or tract showing the error of closure, if any;

(e) Three copies of the final plat survey in conformance with the standards set forth in LMC 19.80.170, as applicable;

(f) Public improvements must either be complete or secured. If secured, the developer/owner must submit a subdivision improvement bond or other financial security in a form acceptable to the city attorney in the amount of 150 percent of improvement cost of deferred improvement per LMC 19.80.210(3);

(g) City installation of water services and/or sewer laterals shall be in accordance with Kelso/Longview standard plans and specifications;

(h) Any documentation necessary to demonstrate conditions of preliminary plat approval have been met; and

(i) Private covenants intended to be recorded with the plat.

(2) Final Approval Review Procedures.

(a) Referral to Other Departments and Agencies. The planning division shall distribute the final plat to all departments and agencies that commented on the preliminary plat, and to any other departments, special purpose districts and other governmental agencies deemed necessary to review the approval.

(b) Departmental Approval. The public works department and other interested departments and agencies shall review the final plat and submit to the planning division written comments with respect to the final plat decision criteria.

(3) Criteria for Final Plat Approval. The community development director may approve the final plat provided:

(a) That the proposed final plat bears the required certificates and statements of approval;

(b) That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has submitted with the proposed final plat a subdivision improvement bond or other security in conformance with LMC 19.80.210;

(c) That the land surveyor certifies the plat as accurate;

(d) That the plat is in substantial conformance with the approved preliminary plat; and

(e) That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval.

(4) Signing the Plat. Once approved, two copies will be submitted for signature and shall include:

(a) Signatures on the following certificates on the face of the plat from the surveyor that prepared the plat.

(b) Signatures of the property owner(s) on the face of the plat.

(c) Signature and date lines for the city engineer, the Cowlitz County treasurer and the Cowlitz County auditor.

(5) Filing the Plat. The applicant shall file the final plat with the Cowlitz County auditor's office. The plat will be considered complete when the signed and recorded copy of the plat is returned to the community development department. (Ord. 3480 § 1, 2023; Ord. 3089 § 1, 2009).

19.67.050 Expiration.
If the short plat is not recorded within five years of the date of preliminary short plat approval, the short plat shall become null and void. Upon written request by the subdivider prior to the expiration date, the community development director may grant one extension of not more than one year. (Ord. 3089 § 1, 2009).

19.67.060 Issuance of building permit.
No building permit shall be issued prior to final plat approval and until completion of essential site improvements including but not limited to water distribution system including fire protection, sanitary sewer system, storm drain system, final street surfacing, traffic-control devices and street lighting, and other infrastructure as deemed adequate by the city engineer. No occupancy permit shall be issued prior to satisfactory completion of required improvements unless otherwise bonded for and approved by the city. (Ord. 3089 § 1, 2009).

19.67.070 Limitations on further subdivision.
Any land short platted shall not be further divided for a period of five years without following the provisions for subdivision. This provision applies to any lots, tracts or parcels recorded as part of the plat. (Ord. 3089 § 1, 2009).

19.67.080 Contiguous short plats.
No application for a short plat shall be approved if the land being divided is held in common ownership with a contiguous parcel that has been divided in a short plat within the preceding five years. (Ord. 3089 § 1, 2009).

19.67.090 Final acceptance.
(1) Administrative land use approvals are exempt from final acceptance by city council. The city community development director upon receipt and approval of the following will grant the final acceptance:

(a) Acceptance by the engineering department for completion of all punch list items including but not limited to:

(i) Computer disc containing final plat and as-built drawings;

(ii) Street signs; and

(iii) Landscaping requirements.

(b) A warranty bond for up to two years for public improvements equal to 10 percent of the cost of the improvements has been posted.

(c) Binding maintenance agreements have been recorded to provide for the maintenance of commonly owned private facilities.

(2) Upon final acceptance, buildings may be granted final occupancy at the discretion of the building division. (Ord. 3089 § 1, 2009).

19.67.100 Severability.
(1) These regulations shall not be construed as affecting the liability of any person or as waiving the right of the city under any provisions existing at the time of adoption of these regulations, or as annulling any right obtained by any person by lawful action of the city under provisions existing at the time of adoption of these regulations.

(2) If any part of these regulations or applications thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not impair the validity of the remainder of these regulations. (Ord. 3089 § 1, 2009).

Chapter 19.68

BOUNDARY LINE ADJUSTMENTS

Sections:

19.68.010 Purpose and intent.
19.68.020 Authority.
19.68.030 Definition.
19.68.040 Scope.
19.68.050 Application.
19.68.060 Community development department decision.
19.68.070 Recording.
19.68.080 Appeals.

19.68.010 Purpose and intent.
The purpose of this chapter is to establish procedures for the approval of boundary line adjustments in order to ensure that such divisions of land are accomplished in an orderly manner, with proper records established, and in compliance with applicable laws. (Ord. 2889 § 1, 2004).

19.68.020 Authority.
This chapter is adopted pursuant to the authority of RCW 35A.63.100(3), Chapter 58.17 RCW, and laws of the state of Washington. (Ord. 2889 § 1, 2004).

19.68.030 Definition.
A boundary line adjustment is defined as a division of land made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a building site and may be accomplished in nonconforming situations when the degree of nonconformity is not increased. (Ord. 2889 § 1, 2004).

19.68.040 Scope.
The submittal of boundary line adjustment applications for city approval under this chapter shall be required by the affected property owners. Said approval shall be consistent with the provisions of this chapter. (Ord. 2889 § 1, 2004).

19.68.050 Application.
All applications for boundary line adjustments shall be submitted to the director on application forms made available in the community development department. The application shall include the signatures of all property owners affected by the adjustment. In addition, a drawing measuring not less than 18 inches by 22 inches, drawn to scale, shall be provided with the following information:

(1) Existing property lines shown as dashed or broken lines, and adjusted property lines shown as solid lines;

(2) Distance between existing and adjusted line(s);

(3) Dimensions of all property lines before and after adjustment;

(4) Location of all existing buildings, with closest distance between each building and all existing and proposed property lines displayed;

(5) Legal description of each lot involved prior to the boundary line adjustment;

(6) Legal description of each lot involved after the boundary line adjustment;

(7) Location of existing and proposed easements that are in favor of a public entity;

(8) The location of public and private streets;

(9) A fee as established in the Community and Economic Development Department Fee Master Schedule. (Ord. 2889 § 1, 2004).

19.68.060 Community development department decision.
The community development department's approval shall be based on whether or not the proposed boundary line adjustment meets the following standards:

(1) The boundary line adjustment does not create any additional new lots;

(2) The boundary line adjustment does not create any lot which does not meet the minimum lot width and area standards for the zone district in which it is located;

(3) The boundary line adjustment does not increase the degree of nonconformance of structures, lots, or other factors with respect to zoning standards;

(4) The boundary line adjustment makes provision for all necessary utility easements;

(5) The adjusted lots meet the building site dimensions for the district in which the parcel is located, with respect to configuration and access to public streets; or if the existing lots do not meet these requirements, the adjusted lots do not increase the degree of nonconformity.

The community development department shall take action on the request within 20 working days from the date the application is deemed complete. The applicant shall be notified in writing of the action. (Ord. 2889 § 1, 2004).

19.68.070 Recording.
If the proposed boundary line adjustment is approved:

(1) The applicant shall cause a survey map to be prepared and recorded with the Cowlitz County auditor's office measuring at least 18 inches by 22 inches. Full surveys are not required for boundary line adjustments when a single property line is involved. At a minimum, the survey map shall contain the following information:

(a) A north point, graphic scale and small vicinity map;

(b) Old property lines and dimensions as dashed or broken lines, new property lines and dimensions as solid lines.

(c) All property lines shall be fully dimensioned, with the area calculations for each lot noted on the face of the plat;

(d) Correct street names and current zoning designation;

(e) Names of all affected property owners, and addresses of affected parcels. If a parcel is vacant, an address will be assigned by the city;

(f) Building locations, building setbacks (distance from existing structures to nearest property lines), location of easements, utility connection points and public and private streets;

(g) Identification of all lots involved as Lot 1, Lot 2, etc.;

(h) Signature blocks for all property owners;

(i) Signature blocks for the community development director and public works director.

(2) Legal descriptions shall be prepared for each lot after the boundary has been relocated, and the legal description for each lot shall be placed on the face of the survey map.

(3) Any previous short plat or boundary line adjustments shall be noted on the survey map in the title block or plat notes;

(4) The survey map shall contain a surveyor's certificate consistent with RCW 58.09.080 and all other certificates and other information required by Chapter 58.09 RCW.

(5) A copy of the recorded survey shall be provided to the community development department.

(6) On the face of the survey map, the language of any and all covenants, deed restrictions, or other property use limitations on the property shall be set forth, together with the volume and page where such language is recorded. (Ord. 3480 § 2, 2023; Ord. 2889 § 1, 2004).

19.68.080 Appeals.
(1) Any person aggrieved by the decision of the community development director under LMC 19.68.050 may appeal the decision to the appeal board of adjustment in a manner described in Chapter 19.12 LMC.

(2) Appeals shall be submitted to the community development department in writing within 14 calendar days following the date of mailing the decision to the applicant. (Ord. 2889 § 1, 2004).

Chapter 19.80

LONGVIEW SUBDIVISION CODE

Sections:

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19.80.010 Citation of chapter.
This chapter shall be known and may hereafter be cited as the “Longview subdivision code.” (Ord. 3090 § 2, 2009).

19.80.020 Purpose.
The purposes of this chapter are to:

(1) Protect the public health, safety and general welfare;

(2) Guide the future growth and development of Longview in accordance with the comprehensive plan;

(3) Provide for adequate space, light and air and ensure protection of the environment;

(4) Protect and conserve the value of land throughout the city and the value of buildings and improvements;

(5) Provide adequate water, sewerage, drainage, transportation and access, fire protection, schools, parks, playgrounds, recreation and other public utilities and facilities;

(6) Provide appropriate ingress and egress;

(7) Establish standards of design and procedures to further the orderly layout and use of land; and

(8) Provide a method for the easy and accurate description of real property for the purpose of conveyance, taxation and assessment. (Ord. 3090 § 2, 2009).

19.80.030 Authority.
The authority for this chapter is derived from RCW 35A.63.100, Chapter 58.17 RCW, and other laws of the state of Washington. (Ord. 3090 § 2, 2009).

19.80.040 Administration of chapter.
The community development director, referred to hereafter as the "director," is authorized and directed to administer the provisions of this chapter, and he/she shall be and is granted the authority to summarily approve or disapprove of activity proposed in accordance with this chapter. (Ord. 3090 § 2, 2009).

19.80.050 Applicability.
All divisions of land except those listed in LMC 19.80.060 shall be subject to the requirements of this chapter.

(1) Subdivisions ("Long" Plats). A subdivision is the division of any lot, parcel or tract of land into five or more lots or tracts, or other divisions of land for the purpose of sale or lease, whether immediate or future, including resubdivision or replatting of land or lots, to include land within short subdivisions that is further divided within five years of the effective date of the short subdivision in accordance with RCW 58.17.060. (Ord. 3090 § 2, 2009).

19.80.060 Exemptions.
The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land except when a dedication to the public is necessary; provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use, when the approval authority has approved a binding site plan for use of the land in accordance with Chapter 19.90 LMC;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines in accordance with Chapter 19.68 LMC, between platted or non-platted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land made by subjecting a portion of a parcel or tract of land to Chapter 64.34 RCW (Condominiums) if the approval authority has approved a binding site plan in accordance with Chapter 19.90 LMC;

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that

electric utility facilities subject to the provisions of this subsection are planned and constructed. (Ord. 3090 § 2, 2009).

19.80.070 Penalties and enforcement.
Any person who shall subdivide property, except as herein provided, for the development, sale or lease thereof shall be guilty of a misdemeanor. It is unlawful to sell, offer to sell, lease, transfer or otherwise dispose of any real property which is subject to the provisions of this chapter except where specifically exempted. Any person or any agent of any person who violates any provision of this chapter shall be guilty of a gross misdemeanor. Each sale, offer for sale, lease or transfer of each separate lot in violation of any provision of this chapter and subsequent application of penalty shall not relieve the violator from compliance with this chapter. (Ord. 3090 § 2, 2009).

19.80.080 Severability.
If any subsection of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion shall be deemed a separate provision of this chapter and such holdings shall not affect the validity of the remaining portions of this chapter. These regulations shall not be construed as affecting the liability of any person or as waiving the right of the city under any provisions existing at the time of adoption of these regulations, or as annulling any right obtained by any person by lawful action of the city under provisions existing at the time of adoption of these regulations. (Ord. 3090 § 2, 2009).

19.80.090 Fees.
Fees for applications and permit review associated with actions authorized by this are as established in the Community and Economic Development Department Master Fee Schedule and shall be paid to the city with the filing of each application. Such payment shall be made to the department of community development. (Ord. 3090 § 2, 2009).

19.80.100 Review process.
Subdivisions shall be reviewed in accordance with the process set forth below and shall also be consistent with the provision set forth in Chapter 58.17 RCW.

(1) Subdivisions. Subdivisions are approved or disapproved by the Longview city council upon receipt of the recommendation, findings and public hearing record transmitted by the Longview planning commission. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from date of filing a complete application thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. The approval authority shall base its decision on the review criteria set forth in LMC 19.80.120.

(2) Public Hearing – Subdivisions. The preliminary plat shall be filed not less than 21 days prior to any planning commission meeting. The planning commission shall set the hearing date and the director shall cause notice to be prepared. Only one open-record public hearing is allowed. Public notice of complete subdivision applications shall adhere to the following standards:

(a) Publication of Notice of Public Hearing. The city shall publish at least one public notice of the public hearing of the application before the planning commission in the city's official newspaper, which notice shall be published at least 10 days prior to the hearing date. A combined SEPA/public hearing notice requires publication at least 14 days prior to the hearing date. Notice of such hearing shall also be mailed to the applicant and to all adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, to be located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. The records of the Cowlitz County assessor shall be used in notifying owners of adjacent property. Persons requesting notice of the city's action on an application shall also be notified.

(b) Integrated Notice of SEPA Decision and Public Hearing. The city shall provide notice of the threshold determination as set forth in Chapter 17.20 LMC, and attempt to integrate such notice in the notice for the planning commission's public hearing on the application. The public hearing shall be held after expiration of any SEPA comment period, but in general, should not be held more than 45 days after the city's SEPA determination.

(c) Contents of Public Hearing Notice. Public notices shall contain the following:

(i) A description of the location of the proposed subdivision in two forms: a legal description and a location description in general terms;

(ii) An announcement of the date, time and place of the public hearing;

(iii) A listing of all elements of the total proposal for which approval is sought, including not only application for preliminary plat approval, but also any applications or requests for variances, zoning map amendments, comprehensive plan map amendments or other matters;

(iv) A statement that interested persons are invited to attend the public hearing to express their position or to make written comments in order that they can be made a part of the public hearing process; and

(v) For those notices that are mailed to adjacent landowners, the city may include a copy of the preliminary plat map and other information deemed useful or appropriate.

(d) Planning Commission Hearing. The planning commission shall conduct an open-record public hearing on the preliminary plat application, and shall review all materials, take public testimony and deliberate and vote. The commission shall make no recommendation without considering the consolidated staff report and any other reports, recommendations and comments of city officials and public agencies. The planning commission's recommendation shall be based on the criteria set forth in LMC 19.80.120, and shall include written findings of fact and conclusions. The planning commission's written recommendation shall be forwarded to the city council within 14 days after the planning commission's vote to either recommend approval, denial or approval with conditions of the preliminary plat. A tape recording shall be kept of the public hearing by the city.

(e) City Council Review of Recommendation – Subdivisions. Upon receipt of the recommendation on any preliminary plat, the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the planning commission and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the council deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the legislative body shall adopt its own recommendations and approve or disapprove the preliminary plat. Every decision or recommendation made under this section shall be in writing and shall include written findings to support the decision or recommendation. A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection. The applicant shall be notified of the outcome and provided with a list of conditions, as approved. (Ord. 3090 § 2, 2009).

19.80.110 Application requirements.

(1) Preapplication Conference. A preapplication conference is required for all subdivision applications. The preapplication conference is a means of screening subdivision proposals in their earliest stages of design before proponents are committed to a particular design. It is also a means for staff and other public officials to convey information, identify problems and information, to determine a proposal's feasibility, to acquaint the prospective applicant with the procedural steps for plat approval. Participation in a preapplication conference and agreement by a prospective applicant to conclusions reached at such conference shall in no way guarantee project approval, prohibit changes of opinion by public agency participants, or prohibit identification and discussion of such additional problems or issues as may arise in the review process. A preapplication conference is nonbinding and advisory in intent and effect.

(2) Application Contents. The applicant shall submit the following materials for subdivision applications:

(a) Completed preliminary plat application on form supplied by the city;

(b) Payment of all required fees;

(c) Completed SEPA environmental checklist;

(d) If critical areas exist on the subject site, the permit and report requirements of Chapters 17.10 and 17.12 LMC shall be adhered to and submitted with the preliminary plat application; provided, that the city engineer may require a geotechnical report in cases where project development may be impacted by underlying soils, even if such area is not officially classed as a critical area;

(e) Preliminary drawings showing sanitary sewer, water and stormwater cross-sections and grade profiles of the existing ground and proposed streets;

(f) Twenty-five copies of the preliminary plat, conforming to the specifications of this chapter, including 11-inch by 17-inch copies of all large plans so that copies can be made;

(g) If the property is to be developed in phases, each phase shall be clearly labeled and demarcated on the preliminary plat and the master plan requirements of LMC 19.80.140 shall be met;

(h) Copy of a recent title report for the property issued within the last 60 days, including a legal description according to the official records in the office of the county auditor;

(i) A verified statement with original signatures that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;

(j) Traffic impact analysis report as required by the city pursuant to Chapter 12.50 LMC;

(k) If it has been determined that a zoning map amendment or variance is required for approval of the preliminary plat, completed applications for the same if not previously submitted and reviewed;

(l) A tree survey and preservation plan, report or drawing that complies with LMC 19.80.130 LMC;

(m) Preliminary stormwater site plan that complies with Chapter 17.80 LMC; and

(n) Project Narrative. A preliminary subdivision application shall include a narrative that addresses the following topics:

(i) Description of the uses proposed for the site;

(ii) Phasing plan, if applicable;

(iii) Construction schedule;

(iv) Any deviations or variances proposed pursuant to LMC 19.80.180;

(v) Existing covenants or restrictions and easements, if applicable;

(vi) History of any previous subdivisions and short subdivisions of the property; and

(vii) Other items required pursuant to applicable portions of LMC.

(3) Plat Specifications. Preliminary plats shall be presented on a sheet or sheets having dimensions no larger than 18 inches by 24 inches and shall be drawn at a scale of one inch equals 50 feet or larger. Other scales may be used if approved by the city engineer and director. The following information shall be shown on the preliminary plat in one or more sheets:

(a) General. The following general items shall be included:

(i) The proposed name of the subdivision, together with the words “preliminary plat”;

(ii) The tract/lot designation(s) of the proposed subdivision as shown in the records of the Cowlitz County assessor, including lot numbers, section, township and range;

(iii) Date, north-pointing arrow, and scale of drawing;

(iv) Name and address of the owner(s) of the property to be subdivided, of the applicant or subdivision agent; if other than the owner, and of the surveyor and engineer; and

(v) A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property and streets.

(b) Existing Features. The following existing features shall be shown:

(i) Existing structures and other site improvements (parking, driveways, pedestrian/bicycle paths, etc.) and any proposed structures to remain;

(ii) Location, pavement and right-of-way widths, and names of existing public or private streets, roads or alleys within or abutting the tract;

(iii) Location and size of existing sewers, water mains and stormwater facilities;

(iv) Location of existing lot lines, easements, railroads, monuments, property markers, section lines and city boundary lines within or abutting the tract;

(v) Watercourses, ditches, areas of flooding or ponding, rock outcroppings, and trees eight inches or more in diameter measured four feet above the ground;

(vi) The names and addresses of adjoining property owners from the latest assessment rolls within 300 feet of all boundaries of the proposed subdivision, shown on the plat in relationship to the property to be subdivided or provided in a separate document;

(vii) Contour lines illustrating topography at two-foot intervals for slopes less than 10 percent and at five-foot intervals for slopes over 10 percent. Contour lines shall extend at least 100 feet beyond the boundaries of the proposed subdivision. Contours shall be relative to sea level and based on city approved datum;

(viii) All critical areas shall be shown including streams, wetlands, geological hazard areas and all associated buffers;

(ix) For subdivisions proposed in the 100-year floodplain, base flood elevation benchmarks.

(c) Proposed Features. The following proposed features shall be shown on the preliminary plat:

(i) The boundary of the proposed subdivision drawn in a bold line;

(ii) Locations and dimensions of proposed streets, alleys, other public and private ways, easements, lot lines and utilities, with the purpose of easements stated;

(iii) Locations, dimensions and area of public and common park and other open space areas;

(iv) Proposed number assigned to each lot and block, with lots numbered consecutively in a block; proposed names of all streets;

(v) Identification of all areas proposed to be dedicated for public use, with designation of the purpose thereof and any conditions;

(vi) When more than one type of use is proposed, the location, dimensions and area for each type of use (such as single-family, two-family, or multifamily residential uses);

(vii) If the subdivision borders a river or stream, or drainage ditches the approximate mean high and mean low water elevation and the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of the waterway;

(viii) Determination of complete application. Within 28 days after the applicant submits all of the elements of a complete application, including the necessary application fee(s), the city shall determine whether the application is complete. If the city determines that the application is not complete, the city shall notify the applicant that the application is incomplete in writing. Such notification shall describe what is necessary to make the application complete. If the applicant does not submit the information requested by the city within 90 days after notification by the city that the application is incomplete, the city may determine that the application has lapsed for lack of information. If the city determines that the application has lapsed for lack of information, the applicant may request a partial refund of the application fee. Applications shall not be processed until a determination of completeness is made.

(4) Distribution of Plat Materials. When the director determines that the proposed preliminary plat contains the required information and supplementary data, copies of the plat shall be distributed to applicable city department, other governmental agencies and entities including, but not limited to, the: (a) assistant city manager; (b) director of public works; (c) city engineer; (d) city fire department; (e) city police department; (f) city parks and recreation director; (g) Cowlitz Consolidated Diking Improvement District No. 1; (h) public utility district; (i) Longview School District; (j) applicable special purpose districts; (k) Washington State Department of Transportation; (l) Washington State Department of Ecology; (m) any federal, state and local agency which may have an interest in the subdivision or the properties involved; and (n) the Cowlitz Indian Tribe. The preceding agencies shall forward their comments and recommendations to the department of community development in a timely manner and the planning commission secretary shall forward any comments received from the public, public agencies or utilities to the director. The director shall consolidate the comments and recommendations into a staff report to be considered by the planning commission. (Ord. 3351 § 14, 2017; Ord. 3090 § 2, 2009).

19.80.120 Approval criteria.

(1) To grant approval of a preliminary subdivision, the applicant must demonstrate compliance with all of the following criteria:

(a) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, stormwater management, erosion and sediment control and sanitary sewage disposal methods that are consistent with the city's current ordinances, standards and plans;

(b) Appropriate provisions have been made for but not limited to public health, safety and general welfare;

(c) Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the city's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

(d) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

(e) The design of the proposed subdivision site has taken into consideration the physical features of the site, including but not limited to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;

(f) When replatting an existing subdivision, the subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;

(g) Compliance with the following:

(i) State requirements including those set for in Chapter 58.17 RCW;

(ii) Longview parks and recreation plan and the Cowlitz regional trails plan;

(iii) Longview zoning ordinance;

(iv) Cowlitz County shoreline master program;

(v) The stormwater management requirements set forth in Chapter 17.80 LMC;

(vi) The standards of this chapter and this title;

(vii) The International Fire Code and other adopted code;

(viii) Plans and specifications adopted by the public works department including those set forth in Chapter 12.50 LMC and the Longview standard plans and specifications; and

(ix) Other plans and programs as the city has adopted;

(h) A proposed subdivision may be disapproved because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the State Department of Ecology;

(i) Dedication of land to any public body, provision of public improvements to serve the subdivision may be required as a condition of subdivision approval. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The city may require such waiver as a condition of approval. Any dedication, donation or grant as shown on the face of the plat shall be considered for all intents and purposes as a quitclaim deed to the said donor(s) grantee(s) for his/her/their use for the purpose intended by the grantor(s) or donor(s). If the plat is subject to a dedication, a certificate or separate written instrument shall contain the dedication of all streets and other areas to the public, any individuals, religious societies or corporation (public or private), as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

(2) Written Findings Required. During the public hearing on the preliminary plat, the city shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and any dedications proposed. The proposed subdivision and/or dedications shall not be approved/ accepted or recommended for approval/acceptance unless the planning commission and/or city council makes written findings that the approval criteria have been met.

(3) Authority to Condition Approval. The commission and council may attach those conditions to an approval or recommendation for approval as deemed necessary to promote the public interest, safety, health and welfare, except as prohibited in this chapter or other law. The commission may recommend and the council may require that conditions of approval be listed on the face of the final plat. In order that the applicant/developer bear a fair share of the cost of repair or improvement of these affected properties, facilities and services, the commission may recommend and the council may require construction, repair, expansion, improvement or other provision of off-site improvements by the applicant. Such requirements may include but shall not be limited to dedication of land for right-of-way, resurfacing a street that provides access to a subdivision, or replacement in inadequately sized off-site utilities whose capacity will be affected by the development. For short plats, the director may establish conditions and require similar improvements as part of a conditionally approved preliminary short plat.

(4) Phasing. For phased projects, the commission shall consider the relationship between the preliminary plat and the master plan. The master plan should be used to establish appropriate modifications to the preliminary plat, conditions of approval, dedications and off-site improvements.

(5) Length of Preliminary Approval. Approval of a preliminary plat shall be effective for five years from the date of city council approval. Upon recommendation of the planning commission, the city council may grant one two-year extension provided the following criteria are met:

(a) The applicant shall request the extension in writing not less than 90 days prior to the expiration of the preliminary plat;

(b) In such written request, the applicant shall state the reasons for the request, describe progress made in installing improvements and provide a schedule for completing the final plat;

(c) The applicant shall demonstrate to the planning commission that it has acted in good faith and made substantial progress in complying with the conditions of the preliminary plat and that it would be inequitable to require the applicant to reapply for a new preliminary plat approval;

(d) In considering the grant of any extension, the planning commission may recommend the imposition of additional conditions for final approval that are consistent with city-adopted standards and policies existing at the time the extension request is considered; and

(e) Requests for extension shall be considered first at a public meeting of the planning commission. The planning commission shall then forward its recommendation to the city council. Disapproval of a request for an extension shall result in the expiration of preliminary plat approval. Expired preliminary plats, or expired phases of preliminary plats, must be the subject of new land use applications and shall not be permitted as amendments or revisions of the original expired preliminary plat. (Ord. 3351 § 15, 2017; Ord. 3090 § 2, 2009).

19.80.130 Minimum standards.

Public improvements may be required of any subdivision and shall by installed at the expense of the owner. Unless otherwise noted, all designs shall be consistent with the Longview standard plans and specifications; provided, that if a conflict exists between two different standards, the required design shall be determined by the city engineer. The following standards within this section shall be followed in the development of all subdivisions and shall be considered minimum standards:

(1) Streets, Curbs, Sidewalks, Alleys. The standards set forth in Chapter 12.50 LMC shall be met.

(2) Stormwater management shall conform to Chapter 17.80 LMC and all other applicable statutes.

(a) Stormwater low impact development (LID) best management practices and site designs that minimize impervious surfaces, native vegetation loss, and stormwater runoff shall be implemented to the fullest extent practicable.

(3) Easements. The following easement standards apply:

(a) Utility Easements. Perpetual easement to utility providers for installation and maintenance of utilities shall be provided to serve each and every lot at locations deemed necessary by the utility providers. Such utilities may include sewer, water, stormwater, gas, electricity, communication lines and cables and other similar utilities. Utility easements shall be at least 10 feet in width or five feet on each side of contiguous lot lines unless otherwise approved by the city engineer. When the utility easements are needed at lot corners, the size of the easement shall be at least five feet by five feet. Additional easements for major distribution and transmission lines or unusual electric or communication facilities may be required where necessary. Additional easements for major distribution and transmission lines or unusual electric or communication facilities may be required.

(b) Easements for unusual facilities such as high-voltage electric transmission lines, drainage canals and similar areas shall be of such width as is determined to be necessary by the city engineer for the purpose, including any necessary maintenance roads.

(c) If a subdivision is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a perpetual stormwater easement or drainage right-of-way conforming substantially to the seasonal high-water line of the watercourse and of such further width as will ensure protection of water-carrying

capacity and access to the watercourse for maintenance of capacity. Such recorded easement or right-of-way shall be measured from the centerline of the watercourse and shall give to the appropriate authority access for the purpose of maintenance of water-carrying capacity. Such easement may not be necessary where buffers are required by Chapter 17.10 LMC. In determining the width of such easements, the city engineer shall give consideration to the requirements and recommendations of the applicable diking district in regard to the operation of maintenance equipment and the placement of spoils where appropriate. The size and nature of the district's drainage facility and the elevation and slope of the abutting upland property shall be considered in determining the minimum width required.

(4) Installation of Utilities.

(a) All distribution laterals and primary and secondary lines and wires serving the subdivision, including those providing electric, street lighting, telephone, and cable television service, shall be placed underground. All utilities shall be installed at the lot line of each and every lot prior to acceptance of improvements and shall be constructed in the street right-of-way unless otherwise approved by the city engineer. The applicant shall make necessary arrangements with utility providers or other appropriate persons for underground installations. This requirement does not apply to surface-mounted transformers, switching facilities, connection boxes, meter cabinets, temporary utility facilities used during construction, high capacity transmission lines, electric utility substations, cable television amplifiers, telephone pedestals, cross-connect terminals, repeaters, warning signs or traffic control equipment.

(b) Sanitary sewers and water system improvements shall be installed at the developer's expense, to serve all subdivisions, by extension of the existing city sewer and water lines and any other upgrades and improvements necessary to ensure adequate capacity. Such facilities shall be designed and sized to the satisfaction of the city engineer and shall be of sufficient capacity to accommodate the ultimate development density of all intended phases in adjacent areas.

(c) Utility installations shall be in accordance with city design standards.

(d) Street Lighting. Street lighting shall be included in the development of all future platting or subdivisions. Street lights shall be placed at all street intersections and at other locations designated by the city engineer. A complete street lighting system, including conduits, wiring, concrete bases, poles, junction boxes, meter base, service cabinets and luminaries, shall be installed by the developer throughout the subdivision in accordance with city standards. Light conduit shall be placed in a separate ditch unless otherwise approved by the city. The applicant shall submit plans and manufacturer technical information meeting or exceeding city of Longview standards to the city engineer and public utility district for approval of all specifications and materials used in the system.

(e) Landscaping of Planting/Utility Strip. The developer or their successor shall be responsible for ensuring that, prior to issuance of an occupancy permit for a lot, the utility/planting strip abutting the curb adjacent to the lot is planted in grass or other approved landscaping and with street trees. The plantings shall include street trees meeting the following characteristics:

(i) Shall be at least two-inch DBH at time of planting and be spaced at approximately 30-foot intervals on center;

(ii) Shall be centered between the curb and sidewalk;

(iii) Shall be planted at least 20 feet from driveways, at least 20 feet from street light standards and at least eight feet from fire hydrants and sewer laterals;

(iv) Shall be of a type, species and quantity approved by the superintendent of parks;

(v) Shall be at least 30 feet from any corner where curb lines intersect; and shall be planted and maintained in an acceptable manner.

(f) Timing and procedure for construction of sidewalks shall be as follows:

(i) All intersection curb ramps shall be constructed with roadway infrastructure required for the subdivision;

(ii) Sidewalks shall be constructed with roadway infrastructure required for the subdivision on all open space tracts, nonbuilding lots, and on the major street frontage of double frontage lots; and

(iii) On building lots, construction of the sidewalk shall be done on a lot-by-lot basis, prior to issuance of a certificate of occupancy for the lot.

(5) Natural Features Preservation and Landscaping.

(a) Plats shall be designed to preserve and enhance significant natural features and resources, including but not limited to natural contours, watercourses, marshes, scenic points and views, large trees, natural groves, rock formations, and sensitive areas; to be compatible with aesthetic values of the area; and to reflect natural limitations inherent in the property.

(b) Plats shall be designed to minimize impacts on adjacent properties and on off-site or citywide public facilities and services, such as streets, drainage ways and storm sewers.

(c) Plats shall be designed to preserve to the extent possible significant trees as defined by Chapter 19.09 LMC and as more specifically set forth in this section. When the preservation of at least 20 percent of significant trees, inclusive of those found in preserved critical area buffers and open space or recreation tracts, is deemed not feasible, the applicant shall mitigate for the loss of tree canopy by incorporating additional landscaping, tree plantings and/or buffer enhancements (if applicable) or through other means as approved by the city. Significant trees that will remain on site shall be protected during construction through the use of fencing, rock wells and other means that provide protection corresponding to the drip line of the tree(s), which is the vertical projection of the foliage at its greatest circumference. Assurances shall be provided to ensure the long-term protection of significant trees, or trees planted as mitigation, via notations on the final plat and within recorded covenants. Exemptions may be included to allow removal of those trees deemed dangerous or hazardous to public health, safety and welfare by a professional arborist.

(d) Screening shall be implemented as follows:

(i) Fences, hedges or landscaping buffer strips may be required by the city to separate commercial and industrial zoning districts from residential districts or uses in conformance with the zoning ordinance standards;

(ii) In the case of residential subdivisions abutting major arterials, the applicant shall provide a buffer strip a minimum of 10 feet wide along the lot line abutting the arterial. Hedges or trees shall be planted in the buffer strip of a height that will become a solid, effective sight screen within three years, unless existing vegetation provides substantial screening;

(iii) Fencing may be required to limit access to areas that may be hazardous to the public, including stormwater detention ponds and facilities. Landscaping shall be required along the perimeter of the fence and may include a mix of trees and shrubs; and

(iv) Native vegetation and soil should be used to minimize the need for irrigation and pest control.

(6) Pedestrian/Bicycle Ways in and through Residential Subdivisions. In blocks over 800 feet in length, a pedestrian/bicycle way with a minimum width of 15 feet may be required through the middle of the block. The pathway shall be paved using materials accepted by the city engineer. If unusual conditions require blocks longer than 1,200 feet in length, two pedestrian/bicycle ways shall be required. Pedestrian ways may also be required to connect cul-de-sacs or to pass through unusually shaped lots to provide for public convenience (e.g., direct route to school, etc.), safety and circulation.

(7) Subdivision and Street Naming. Subdivision names shall not duplicate or too closely approximate phonetically the name of any other subdivision within the Longview area, except that in the case of successive subdivisions of a phased development, plats may be differentiated in name by sequential numbering or by direction (north, south,

etc.). Streets having the same name except for “Court,” “Lane” or other suffix shall be deemed duplicative and not permitted. Names of new streets running on a line with an existing street but separated by a park or barrier may duplicate the name of the existing street; provided, that a prefix indicating direction from the park or barrier is attached to the new street’s name. The city council shall have the right to rename subdivisions and streets.

(8) Lots or Parcels.

(a) Each lot shall be provided direct access by means of minimum frontage on a dedicated and improved public street.

(b) The minimum size of any lot or parcel of property within a subdivision shall conform to the standards of this title unless otherwise approved pursuant to this title.

(c) Residential lots which have street frontage along two opposite boundaries shall be discouraged, except for reverse-frontage lots which are essential to provide separation to residential development from primary traffic arterials or collectors or to overcome specific disadvantages of topography and orientation. For such lots there shall be an easement or other restriction in favor of the appropriate governmental entity at least 10 feet wide along the lot lines abutting said primary arterial across which there shall be no right of access may be required.

(d) Insofar as practicable, side lot lines shall be at right angles to straight street lines and radial to corner street lines. Placing adjacent lots at right angles to one another shall be avoided where possible.

(e) Residential subdivisions should be designed so that individual lots or parcels do not require direct vehicular access to arterial streets and that direct access to collector streets is minimized.

(f) Where lots are more than double the minimum lot size required for the zone, the city council may require that the subdivision be designed to accommodate future subdivision and the opening of future streets and expansion of existing streets. The city may also require that a subdivision’s street network be designed to accommodate future growth on adjacent properties in support of greater connectivity and a more efficient transportation network.

(g) Lots shall be laid out to provide drainage away from all buildings, and individual lot drainage shall be coordinated with the storm drainage pattern for the area. Drainage shall be designed to avoid concentration of stormwater from one lot to an adjacent lot.

(9) Blocks.

(a) Length. In general, blocks shall be as long as is reasonable and consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic and the type of land use proposed. The block length shall not ordinarily exceed 800 feet or be less than 400 feet; provided, that the city may approve an alternative design.

(b) Width. Except for reverse-frontage parcels or when topographic conditions do not permit, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed. This width shall normally be not less than 200 feet for the sum of two lot depths.

(c) Intersecting streets shall be so laid out that blocks shall not be more than 800 feet in length between rights-of-way for local access street only. In the case of long blocks or oddly shaped blocks and to facilitate pedestrian access to parks, playgrounds, open space or schools, the applicant may be required to construct pedestrian and bicycle easements of not less than five feet in width on a dedicated right-of-way or perpetual unobstructed easement of not less than 15 feet in width, to extend through the block(s) at location(s) deemed necessary. Widths of blocks shall be such as to allow two rows of lots, except that blocks along the perimeters of a plat may have one row of lots.

(d) Blocks intended for commercial and industrial use shall be designed specifically for such purposes, with adequate space provided for off-street parking, loading and delivery.

(10) Park and Recreation Improvements.

(a) The planning commission and city council shall review the need for park and/or trail development when reviewing preliminary subdivision applications and may require the developer to dedicate land for park development as a condition of approval in accordance with this title. For the purposes of this chapter, the term "park" shall also include trails. Applicant-paid park improvements shall be constructed per the plat conditions. As agreed to by the city, a fee-in-lieu of park land dedication proposal may be considered in accordance with RCW 82.02.020 and such fee shall be paid prior to final plat approval, unless otherwise authorized by the city. The location and characteristics of land dedicated for park and recreational purposes shall follow these standards:

(i) The area proposed for park dedication may be located either within or outside the boundaries of the property described in the subdivision, but must either be adjacent to an existing or proposed city park site or within the same park service area in which the subdivision is located. Park service area is considered to be within one-half mile of the subdivision for which it is required;

(ii) The area proposed for park dedication shall have characteristics and location which make it suitable for future inclusion into the city parks system, as determined by the director of parks and recreation;

(iii) With the approval of the director, the area proposed for park dedication or portion thereof may contain valuable or sensitive environmental features, preservation of which is consistent with the city's comprehensive plan and/or parks and recreation plan;

(iv) All lots within the subdivision for which park dedication is required shall have legal and convenient access to the area proposed for park dedication, at the time of final plat approval; and

(v) The topography, soils, hydrography and other physical characteristics of the area proposed for park dedication shall be of such quality as to allow the development of community or neighborhood parks, or to create a flat, dry, obstacle-free space on at least 90 percent of the total required area in a configuration which allows for active recreation, shall have no known safety hazards, and shall have no known physical problems such as the presence of hazardous waste, pipeline of power easements, drainage, erosion, or flooding that the director of parks and recreation determines would cause inordinate demands upon public resources for maintenance and operation of the property to be dedicated to the city. Park sites should also be located so that persons living within the service area will not have to cross a major arterial street to get to the site.

(b) Minimum Size of Land Dedicated for Park Purposes. Applicants who dedicate open space for park land pursuant to this chapter shall dedicate at least seven acres per 1,000 population generated by the proposed subdivision. This requirement is based on the level of service (LOS) standards adopted per the Longview park and recreation plan for needs of a neighborhood park including but not limited to such amenities as play equipment, athletic areas such as baseball/softball diamonds, soccer/football fields, volleyball courts, hard surface areas such as tennis courts, basketball courts, in-line skating rinks, picnic areas, walk/trail systems, restrooms, natural areas, open spaces and buffer zones. The formula for determination of the required minimum park dedication shall be:

(i) Single-family dwelling use districts and subdivisions of land zoned higher density where up to fourplexes are proposed shall provide .0168 acres of park area per permitted dwelling unit within the plat, based on an average of 2.4 persons per household and desired park land ratio of seven acres per 1,000 people for neighborhood parks per the Longview park and recreation plan;

(ii) Developments consisting of multifamily dwellings shall provide park areas consistent with the standards set forth in Chapter 19.20 LMC;

(iii) Linear trails shall be designed as approved by the director of parks and recreation or their designee. Total trail area improved and/or dedicated may be less than the area standards above, as approved by the city.

(c) Final Plat Approval Conditioned upon Park Land Dedication. When approval of the final plat of a subdivision is conditioned upon the dedication and/or improvement of land for park/trail purposes, the final plat

shall not be approved or recorded until the director of parks and recreation has determined in writing that any land to be dedicated is shown on the face of the final plat, or in a deed conveying the land to the city which has been recorded with the Cowlitz County auditor's office or the instrument conveying the land to the city has been transmitted to the city council for acceptance of the dedication by ordinance.

(11) Model Homes. Upon the filing of a final plat of a residential subdivision containing 20 or more single-family lots, in accordance with LMC 19.80.150, in districts that are designated as R-1 or in the portions of planned unit developments that are designated as R-1, a subdivider (as such term is defined in LMC 19.09.630), who retains the ownership of not less than 85 percent of all of the lots therein, and whose business includes the construction of single-family dwellings for sale to others, may erect, maintain and operate a model home or model homes within said plat for the purpose of displaying said model home or model homes and for the sales of lots and contracting for the construction of homes for purchasers within said plats, subject to the following conditions:

(a) All model homes shall meet all district requirements for lot and yard dimensions;

(b) Model homes shall not be occupied for residential purposes, and any certificate of occupancy shall be temporary in nature and shall state that said model homes may be used only for a period of not to exceed 24 months following the date of issuance of a building permit, and may not be occupied as a residence until the issuance of a permanent certificate of occupancy by the building official;

(c) Use of such model homes for the purposes permitted by this section shall be discontinued within 24 months after the issuance of a building permit for construction thereof;

(d) Such model homes shall not be used as a means to sell lots, or dwelling houses located outside the plat;

(e) Such model homes shall not be used for any business activity between 9:30 p.m. and 9:00 a.m.;

(f) No banners, balloons or advertising signs on awnings shall be permitted. No more than two identifying signs shall be allowed at each model home and shall not interfere with right-of-way or public safety. All model homes shall be constructed, painted and decorated so as to blend in with surrounding properties, and no signs at the location of any model home shall be permitted advertising any business other than the subdivider and/or the sales agency representing the subdivider. Such model home signs shall be limited to one at each model home, not exceeding 12 square feet in area and not exceeding 42 inches above the level of the sidewalk. Such signs shall be removed prior to occupancy of the model home or when 75 percent of the lots within the subdivision have been sold, whichever occurs first. Such sign may not be illuminated;

(g) No more than one model home may be maintained for each 20 lots that are owned and offered for sale by the subdivider; provided, however, that the subdivider may reduce his, her or its ownership of the lots within the plat to less than 20 lots and to less than 85 percent of the lots within the plat by sales of lots therein without loss of the privilege of maintaining a model home;

(h) The privilege to maintain a model home may be granted to a subdivider or developer other than the original subdivider if such successor subdivider or developer is the owner of 20 or more adjoining vacant lots within the plat;

(i) Such model home may be used for displays and sales, and may be temporarily constructed in such a manner as to be incomplete as a dwelling house suitable for habitation and not in conformance with the requirements of the building code as a dwelling house, and driveways and sidewalks may be omitted therefrom; provided, however, that prior to the issuance of a permanent certificate of occupancy, said model home shall be altered or modified to comply with said building code in all respects and all required driveways and sidewalks shall be constructed;

(j) Sales and displays in such model homes may be conducted and presented by agents and/or employees of the subdivider or developer, or by others not employed by the subdivider or developer; provided, however, that no business activities conducted within or at the site of any such model home shall include products, commodities, or materials not delivered to and installed as a part of a dwelling house within the plat or of land situated outside the plat;

(k) A new subdivision or residential development of 20 lots or more shall be allowed one temporary sign not to exceed 32 square feet in area and 10 feet in height to be located only on a vacant lot owned by the developer of the subdivision at or near the primary entrance to the subdivision or development. Such sign shall only advertise or market the subdivision in which it is placed. Such sign shall be removed when 75 percent of the lots are developed, or no later than 24 months from final plat approval, whichever occurs first. Such sign shall not be illuminated nor located within 50 feet of any property line of an existing residence. One temporary sign identifying an engineer, architect, contractor, bank, or other professional service engaged in or used in the construction of a home or a utility within the subdivision may be erected on a lot within the subdivision when construction commences on that lot, provided such sign does not exceed eight square feet in area and 36 inches in height. Such sign shall be removed prior to occupancy of the structure or when construction of that lot is substantially complete. Such sign shall not be illuminated, nor located within 50 feet of any property line of an existing residence.

(12) Subdivisions – Less Than 20 Lots. A new subdivision or residential development of less than 20 lots and of four lots or more shall be allowed one temporary sign not to exceed 32 square feet in area and 10 feet in height to be located only on a vacant lot owned by the developer of the subdivision at or near the primary entrance to the subdivision or development. Such sign shall only advertise or market the subdivision in which it is placed. Such sign shall be removed when 75 percent of the lots are developed, or no later than 24 months from final plat approval, whichever occurs first. Such sign shall not be illuminated nor located within 50 feet of any property line of an existing residence. One temporary sign identifying an engineer, architect, contractor, bank, or other professional service engaged in or used in the construction of a home or a utility within the subdivision may be erected on a lot within the subdivision when construction commences on that lot, provided such sign does not exceed eight square feet in area and 36 inches in height. Such sign shall be removed prior to occupancy of the structure or when construction of that lot is substantially complete. Such sign shall not be illuminated, nor located within 50 feet of any property line of an existing residence. (Ord. 3351 § 16, 2017; Ord. 3090 § 2, 2009).

19.80.140 Master plan – Phasing.

(1) A master plan shall be submitted with the preliminary plat when a tract is to be developed in successive phases. The master plan shall be on an individual sheet or sheets not larger than 22 inches by 34 inches separate from the preliminary plat and drawn to a convenient scale. The purpose of the master plan shall be to indicate how the design and particularly the circulation pattern of the proposed preliminary plat relate to and would be coordinated with possible development plans on adjoining property and what the effects of the total development may be. The master plan shall be used as a nonbinding guide when later phases are proposed. A preliminary plat approved by the city which was not submitted for phased development shall not be broken into phases at the time final approval is sought unless the approved preliminary plat is modified in accordance with this title. The following information shall be shown on the master plan:

(a) Name. The name of the entire development together with the words “Master Plan”;

(b) Description. Location of property by lot numbers, section, township, range, donation land claim, graphic scale, north pointing arrow;

(c) Phase identification. Each phase, including the phase for which immediate subdivision approval is sought, shall be clearly identified by numbering or other means that indicates the probable order in which the phases will be developed;

(d) Owners and other persons. Name and address of the legal owner(s) of the property of the applicant or subdivision agent in other than the owner, and of the persons responsible for design, surveying and engineering of the immediate phase;

(e) Immediate phase detail. The phase for which immediate subdivision approval shall be shown in detail;

(f) Future phase detail. Detail for future subdivision phases shall be as follows:

(i) Location of existing lot lines easements railroad and utility rights-of-way, watercourses, and wooded areas;

(ii) Location and names of all existing or platted streets and other public ways within or immediately adjacent to the future phases;

(iii) Approximate lot sizes and uses of property adjoining the master plan site;

(iv) Location and sizes of existing sewers, water mains, and culverts within and immediately adjacent to the future phases;

(v) Location of existing buildings within and immediately adjacent to the future phases;

(vi) Approximate topography, with arrows showing direction of incline or rough contour lines;

(vii) Approximate location of proposed streets, trails and crosswalks through blocks;

(viii) Approximate lot lines or an indication of the number and general locations of proposed lots; and

(ix) Approximate location, dimension, area and proposed use of parcels to be set aside for public or common parks and other open space. (Ord. 3090 § 2, 2009).

19.80.150 Submission of construction plans.

After approval of a preliminary subdivision application and prior to the beginning of construction and installation of improvements or performance bonding or other assurance in lieu thereof, the applicant shall submit to the city engineered construction plans for all required improvements. Upon approval of the construction plans and prior to submission of the final plat, the applicant shall proceed to construct and install required improvements to completion, unless assurances as set forth in LMC 19.80.210 are accepted. Construction plans shall be drawn at a scale of no more than 40 feet to one inch with the following information shown:

(1) Vicinity map.

(2) Streets.

(a) Profiles showing original ground elevation and proposed elevations along centerlines of all streets;

(b) Radii of curves, lengths of tangents, angles, bearings on street centerlines, right-of-way, pavement widths, monuments; and

(c) Structural section of streets, curbs and sidewalks and ADA ramp design.

(3) Stormwater management.

(a) Overall project and individual lot grading plans including approximate quantities of fill and excavation;

(b) Construction erosion and sediment control plans;

(c) Location of drainage and other utilities easements;

(d) Plan and profile view of stormwater drainage infrastructure including size, type, location, depth and connections;

(e) Plan and profile view of stormwater management best management practices and facilities including size, location, drainage area, and inlet and outlet details; and

(f) Conservation, open space, and/or landscaped areas being utilized as low impact development (LID) stormwater best management practices.

(4) Water mains. Plan and profile view of the location, size, type, depth and connections for lines, valves and fire hydrants.

(5) Sanitary sewers. Plan and profile view of the locations, grades, connection elevations, pipe sizes and types, depths, lateral locations and manhole locations.

(6) Illumination, striping and signing plan.

(7) Landscaping and open space management plan.

(8) Plan of other utilities: power, garbage.

(9) All other information required by the city or required by plat conditions such as retaining walls.

(a) Applicable city of Longview standard details and notes.

(b) North arrow. (Ord. 3351 § 17, 2017; Ord. 3090 § 2, 2009).

19.80.160 Final plat procedure.

(1) Preparation. After approval of the preliminary plat and the detailed construction plans and within the time limits set forth in this chapter, the applicant shall cause to be prepared a final plat and the supplementary materials required by this section. The final plat shall:

(a) Be drawn to the specifications and contain the information required by LMC 19.80.170;

(b) Conform to the preliminary plat approved by the city council and to any conditions that may have been part of the approval. Slight deviation from the approved preliminary plat may be allowed if the director or city engineer determines such deviations are necessary because of unforeseen technical problems or to protect the public interest;

(c) Include, in the manner specified by this section, all formal, irrevocable offers of dedication to the public and space for the acknowledgments, endorsements, and certifications; and

(d) Phasing. The developer may develop the subdivision in phases. Any phasing proposal shall be submitted with the application materials for preliminary approval and be approved by the review authority.

(2) Supplementary Materials. The original hard copy drawing of the final plat shall be accompanied by:

(a) At least two copies of the final plat on Mylar material;

(b) A minimum of 10 additional paper copies of the final plat, on 11-inch by 17-inch copy;

(c) A copy of any deed restrictions and restrictive covenants proposed by the applicant;

(d) A title report issued by a title insurance company issued within the last 60 days, showing all parties whose consent is necessary and their interest in the premises and listing all encumbrances;

(e) “As-built” plans of such required improvements as have been completed, unless other arrangements are made to guarantee that “as-built” plans will be submitted;

(f) A lot closure report;

(g) If required improvements have not been completed, plat performance bond or other security conforming to LMC 19.80.210;

(h) If a local improvement district is proposed, a petition for creation of the district, unless the city council in approving the preliminary plat indicated it would create a district by resolution;

(i) Payment of any inspection and final application fees as required by this chapter and as established in the Community and Economic Development Department Master Fee Schedule;

(j) Bill of sale for all infrastructure as applicable;

(k) Quit claim deed for all public real property and dedication deeds as required;

(l) Affidavit of no liens;

(m) Maintenance bond and warranty deeds; and

(n) Three copies of operations and maintenance manuals for all mechanical components installed.

(3) Monuments and Proper Markers.

(a) Monuments shall be placed at all subdivision boundary angle points, points of curvature in streets, and such intermediate points required by the city engineer. The monuments shall be of the type and design as approved by the city engineer and shall be constructed in accordance with city specifications.

(b) The boundary points of all blocks within the subdivision shall be marked by a galvanized iron pipe or rebar not less than one and one-half inches in diameter and 36 inches in length and firmly driven into the ground.

(c) All corners of all lots shall be marked by a reinforcement bar or iron pin not less than five-eighths inch in diameter and 36 inches in length, firmly driven into the ground.

(d) The department of public works shall be furnished with a set of as-built plans showing the location of all lot lines as extended to the lot line and the location of all sewer and water laterals to each lot.

(4) Review by City Engineer. The owner shall submit the original drawing of the proposed final plat and supplementary information stipulated in this section to the department of community development for review. The city engineer shall:

(a) Inspect the detail and computations of the final plat for conformance with the specifications and standards of this chapter;

(b) Inspect the final plat for conformance with the preliminary plat approved by the city council and conditions made a part of such approval;

(c) Determine either that all required improvements have been installed or that certain improvements may properly be deterred under LMC 19.80.210; and

(d) When the city engineer is satisfied with the detail and computations of the plat, determines that the plat conforms to the preliminary plat and conditions and approves the subdivision, he/she shall signify their approval by signing the original and Mylar copies of the final plat. If the city engineer is not satisfied with the detail and computations of the final plat, and finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he/she shall withhold their signature until the matter is corrected or resolved by the applicant to the satisfaction of the engineer. Prior to approval of the final plat by the city engineer, all engineering review fees shall be paid in accordance with Chapter 12.08 and Chapter 12.10 LMC.

(5) Review by the Community Development Director. When the director is satisfied with the details of the plat, determines that the plat conforms to the approved preliminary plat and conditions set thereon, and determines that improvements either are complete or may properly be deferred, he/she shall forward the plat to the planning commission for review. If the director is not satisfied with the detail of the final plat, finds that the plat does not conform with the approved preliminary plat and conditions, determines that improvements were installed incorrectly, or is not satisfied with the extent or manner in which completion of improvements would be deferred, he/she shall return the plat to applicant until the matter is corrected or resolved by the applicant to the satisfaction of the director.

(6) Review by the Planning Commission – Subdivisions. After the inspection by the community development director, the planning commission shall review the proposed final subdivision for conformance with the preliminary plat and conditions approved by the council. Such review shall take place at a regular public meeting.

(a) If the planning commission finds a final plat to be conforming, the commission chairman shall signify the commission's approval by signing the original drawing and Mylar copies, then shall forward them to the city clerk-treasurer for consideration by the council.

(b) If the commission finds that a final plat contains significant divergences from the approved preliminary plat, it shall withhold its approval, return the plat sheets to the applicant, and provide a statement indicating the reasons for the withholding of approval and the changes necessary. If the applicant does not modify the proposed final plat to the commission's satisfaction, the city's approval of the preliminary plat shall become null and void. To be reactivated, the plat must be resubmitted as a new preliminary plat subject to the provisions of this division, including payment of preliminary plat review fees.

(7) Review by the City Council – Subdivisions. The city council shall review final plats at a public meeting considering the factors set forth below. The council review shall occur after the director and planning commission have completed review. The council shall determine whether:

(a) The final plat substantially conforms to the approved preliminary plat and conditions set thereon;

(b) The public uses and interest will be served by the subdivision and the final plat meets the requirements of Chapter 58.17 RCW and of this chapter;

(c) Improvements have been completed or properly guaranteed to be completed in accordance with LMC 19.80.210;

(d) The required dedications, certifications and acknowledgments and signatures required by this chapter have been duly stated and obtained;

(e) Inspection and street sign fees have been paid;

(f) Proposed covenants are in satisfactory form and ready for recording with the final plat; and

(g) Any other supplementary materials required by this division or by the council have been satisfactorily completed. If the council affirmatively makes the above determinations, the mayor shall inscribe and execute the council's will on the face of the original drawing and Mylar copies of the final plat. If the council withholds approval, it shall return the plat sheets and supplementary material to the applicant and provide a statement of reasons for its decision and of the changes necessary to permit granting approval. (Ord. 3090 § 2, 2009).

19.80.170 Final plat drawing and recording.

(1) The final plat shall be drawn in indelible black ink on a sheet of Mylar having dimensions of 18 by 24 inches, or approved substitute, and on a standard recorder's plat sheet 18 inches by 24 inches, with a three-inch-wide hinged binding on the left border. If more than one sheet is required, the sheets shall be numbered and indexed. The scale may range from 50 feet to the inch, unless otherwise approved by the director; provided, that when more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision on one sheet with block and lot numbers. All signatures on the Mylar and recorder's plat sheet shall be originals. The final plat shall show the following information:

(a) Name of the subdivision, date, north-pointing arrow and scale;

(b) Boundary lines of the subdivision tract, with courses and distances marked thereon, as determined by field survey made by an engineer or land surveyor registered in the state of Washington, and determined by them to close with an error of not more than one foot in five thousand feet;

(c) Lines, including centerlines, and names for all street rights-of-way, other ways, easements and areas intended for public use or granted for use of inhabitants of the subdivision;

(d) The length and bearing of all straight lines, curves, radii, arcs and tangents of curves;

(e) Exact width and purposes of rights-of-way, street pavement width and easements;

(f) Dimensions along each line of every lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for location of any lot line in the field;

(g) Primary control points and all permanent monuments found or established in accordance with this chapter, with descriptions and ties to such control points and to which all dimensions, angles, bearings and similar data given on the plat shall be referred;

(h) Section and donation land claim lines within and adjacent to the subdivision;

(i) The front yard setback line for every lot in accordance with the zoning ordinance;

(j) The names of all subdivisions immediately adjacent to the subdivision;

(k) A metes and bounds legal description of the subdivided tract;

(l) All dedication of land shown clearly and precisely on the face of the plat;

(m) All open space, facilities and improvements reserved for use of the subdivision residents and restrictions on their use shown clearly and precisely on the face of the final plat;

(n) The parcel numbers written along the left border of the Mylar parallel to the left border;

(o) The street address of each lot and lot numbers as correspond with those on the construction drawing;

(p) Statement of the covenants restricting use of subdivision property or reference to the volume and page where recorded separately;

(q) Reference points to base flood elevations with the base flood elevations listed;

(r) Dedication, Acknowledgment and Endorsement. The following information shall appear on the final plat, Mylar and recorder's plat sheet, lettered and signed in ink:

(i) Legal Description. Metes and bounds description of the subdivided tract.

(ii) DEDICATION

Know all men by these presents that _____, the undersigned _____ owner(s) in fee simple _____ of the land hereby subdivided, hereby declare this subdivision and dedicate to the use of the public forever, all streets and easements or whatever public property; there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

(iii) IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this _____ day of _____, 20 ____.

Signed and Sealed_____

_____

(iv) ACKNOWLEDGMENTS

STATE OF WASHINGTON)

COUNTY OF COWLITZ)

THIS IS TO CERTIFY THAT ON THIS _____ day of _____, 20_____, before me the undersigned, a Notary Public, personally appeared _____, to be known to be the individual(s) who executed the foregoing instrument for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have set my hand and seal the day and year in certificate first above written _____ Notary Public in and for the State of Washington residing at _____

(v) Approved this _____ day of _____, 20_____.

_____

City Engineer

(vi) Approved this _____ day of _____, 20_____.

_____

Chairman, Attest, Secretary

Longview Planning Commission

(vii) Approved this _____ day of _____, 20_____.

_____

Mayor, City of Longview Attest, City Clerk

(viii) I hereby certify that the taxes of the land described hereon have been paid to and including the year of 20____.

_____

Cowlitz County Treasurer

(ix) SURVEYOR'S CERTIFICATE

STATE OF WASHINGTON

COUNTY OF COWLITZ

I _____, do hereby certify that the plat of _____ is based on an actual survey, that the distances, courses and angles are shown hereon correctly, that the monuments have been set and lot corners staked correctly on the ground.

_____

Licensed Land Surveyor

Subscribed and Sworn before me this ____ day of _____ 20___.

Residing at_____

(x) Filed for record at the request of this _____ day of _____, 20__ at _____ minutes past _____ o'clock _.M., and recorded in Volume ___, of Plats, on page _____, Records of Cowlitz County, Washington.

_____

Cowlitz County Auditor

_____

Deputy Auditor

(xi) PROTECTIVE COVENANTS

1. A list of conditions and/or restrictions imposed either by the city upon the applicant or by the applicant upon purchasers of lots or tracts within the subdivision when the developer proposes to impose restrictions more strict than the requirements of the zoning ordinance in effect, as to the use of the lots, yard requirements, open spaces or building lines, a statement of the provisions and means whereby such restrictions are to be imposed shall be listed on the plat and filed with the plat, unless otherwise approved by the director.

2. Filing. After all signatures have been affixed to the final plat ~~T~~the applicant or their designee shall record the final plat, along with all associated attachments, with the Cowlitz County Auditor and pay the county auditor recording fees for the final plat and associated attachments. One reproduced full copy of mylar material shall be furnished to the city engineer. One reproduced full copy of mylar material shall be furnished to the county engineer's office.

(Ord. 3090 § 2, 2009).

19.80.180 Modification to adopted standards.

(1) To provide opportunities for unique development designs and the ability to accommodate site constraints, the city council, upon recommendation from the planning commission, may consider modifications to the adopted standards of this title, including the public works specifications and those standards set forth in Chapter 12.50 LMC, if the applicant demonstrates that four or more of the following criteria are met:

(a) There are topographical or physical conditions such as steep slopes, wetlands, water area structures, streets, utilities, lot patterns, street patterns or other conditions that justify departure from strict adherence to the standard to be modified;

(b) That the modification is consistent with sound engineering principles and it will be safe, practical and efficient;

(c) That the proposed modification is consistent with the intent and purpose of the standard being modified;

(d) That the proposed modification is consistent with the goals and policies of the comprehensive plan;

(e) Hardship, as distinguished from mere inconvenience would result from strict compliance with the standards of this chapter;

(f) The modification complies with the spirit and intent of this chapter and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity; and

(g) In the case of a modification to sidewalk standards, adequate provision will be made for pedestrian and bicyclist movement and safety.

(2) Requested modifications shall be included in the preliminary plat application and will be reviewed concurrently with the preliminary plat application.

(3) Variances to Zoning Standards. Requested zoning variances that are submitted and processed in conjunction with a preliminary plat shall be reviewed and a decision issued concurrently by the city council utilizing the criteria above and Chapter 19.12 LMC. A single combined public hearing notice and notice of application/SEPA notice should be utilized. Petitioners for variances shall describe fully the variance sought and the grounds for the application. The planning commission shall develop separate recommendations on variance applications and

forward such recommendations to the city council along with the recommendation and the council's action may be for a lesser degree of variation from a standard than sought by the applicant, and may include conditions. (Ord. 3090 § 2, 2009).

19.80.190 Modifications to approved preliminary plats.
Modifications to an approved preliminary plat prior to final plat approval and recording may be approved consistent with this section. For the purposes of this section, "modification" shall mean any change to an approved preliminary plat and associated conditions required by the community development director.

(1) Modifications that result in an increase in density or a change in design that has the potential to substantially impact abutting properties or result in a substantial departure from the approved preliminary plat, as determined by the community development director, shall be referred to the planning commission for recommendation, with final decision issued by the city council and shall require public notice and hearing in accordance with the preliminary plat process outlined in this chapter. At the community development director's discretion, modification requests that are considered minor in scope will be processed administratively by the city, upon review by city staff;

(2) Any decision granting or denying a modification request shall be in writing and supported by findings of fact and conclusions which address the criteria for modification as follows:

(a) There will be no significant adverse impact to neighboring property or the general public as a result of the modification;

(b) The modification is not contrary to the purpose section of this title or to any policy or provision of the zoning code or applicable sewer, water, storm drainage or transportation plans;

(c) The modification protects the public interest and will result in a preferred design as determined by the community development director; and

(3) Conditions may be required to protect the public interest, achieve compliance with the comprehensive plan, and to mitigate any adverse impacts resulting from approval of the modification. (Ord. 3090 § 2, 2009).

19.80.200 Alteration or vacation of approved subdivisions.
Alterations or vacations of approved, recorded subdivisions shall be processed pursuant to RCW 58.17.215 and all applicable portions of this title. (Ord. 3090 § 2, 2009).

19.80.210 Assurance for completion and maintenance of improvements.
(1) Responsibility for Construction and Installation of Improvements.

(a) It shall be the responsibility of the applicant to construct and install permanent and interim improvements required by this section or this chapter or as otherwise required by the city council, with the expense of making such improvements to be borne solely by the applicant. However, the city council may form a local improvement district when an improvement will serve a wider area than the subdivision alone. Work performed within current or future public right-of-way shall comply with the bonding requirements of this section, public works department policies and standards, and this chapter.

(b) Construction, repair, expansion, improvements or other provision of off-site improvements required by the city council as part of preliminary plat approval shall be the responsibility of the applicant, unless the city council resolves to share the responsibility and cost with the applicant or to create a local improvement district to bear the entire cost or a portion thereof.

(c) The city council may defer construction or installation of any improvement required as part of a proposed subdivision when in its judgment, future planning considerations, lack of connecting facilities, or other circumstances make the improvement inappropriate at the time. In such event, the council may require one or more of the following prior to final plat approval:

(i) That the applicant dedicate land for future construction or installation of the improvement;

(ii) That the applicant pay to the city their share of the cost, as estimated by the city engineer, of constructing or installing the improvement at a later date; said payment shall be held in an account reserved for future improvement, and any unused portion shall be returned to the applicant; and/or

(iii) That the applicant post a bond or other security in conformance with this chapter assuring completion of said improvement by the applicant at the demand of the city.

(2) Options for Completion of Permanent and Interim Improvements.

(a) Permanent Improvements. No final plat shall be approved by the city council unless one or a combination of the following methods assuring completion and maintenance of permanent improvements required of the applicant is satisfied:

(i) All improvements of the applicant have been completed to the satisfaction of the city engineer; or

(ii) The applicant posts a plat performance bond, in an amount and with surety and conditions satisfactory to the city, in a form approved by the city attorney, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city, and expressed in the bond. All bonds must be consistent with the standards of this chapter and all public works standards; or

(iii) The applicant submits a letter of credit from a bank, on a form approved by the city attorney, authorizing a draft from the bank for an amount sufficient to assure satisfactory completion of improvements; said letter shall be accompanied by an agreement between the applicant and the city as set forth in this section; or

(iv) The applicant submits a certified or cashier's check or assignment of funds, on a form approved by the city attorney, securing to the city the satisfactory completion of the incomplete portion(s) of the improvements required of the applicant. Such check or assignment shall be made payable to the city, and shall be accompanied by an agreement between the city and applicant as set forth in this section.

(b) Maintenance Bonds. As assurance against defective workmanship or materials used in constructing or installing permanent improvements dedicated to the public, the applicant shall be responsible for maintenance of and correction of any defects in said improvements for a period of two years following certification of completion by the city engineer. The maintenance bond shall be for 15 percent of the cost of the improvements. If improvements are not maintained or if defects are not corrected as requested by the engineer, the city may cause the work to be done and may recover the full cost thereof from the applicant or may seek another remedy. The developer shall be responsible for maintenance of interim improvements and at the time deemed appropriate by the city engineer, for their removal. The form must be approved by the city attorney.

(c) Warranty bond will be required before final acceptance of the project, to cover the one-year warranty period for specialty items such as pump stations and associate appurtenances, reservoirs and traffic signals and other defects in the workmanship.

(d) Interim Improvements. In any case when an applicant is required to construct an interim improvement, one or a combination of the forms of security set forth in this section shall be required to assure maintenance of the interim improvements until the permanent improvements are constructed, and, at the appropriate time as determined by the city engineer, removal of the interim improvement.

(3) Conditions of Bond or Agreement.

(a) Any plat performance bond or other security posted in conformance with this chapter shall be subject to the conditions of this section. In the event of personal bonds, letters of credit, checks or assignments of funds, there shall be executed a formal agreement between the city and the applicant prior to final plat approval fulfilling the conditions of this section.

(b) The improvements to be completed and maintained, and in the case of interim improvements, the improvements to be maintained and removed by the developer shall be specified in the bond or agreement.

(c) The amount of any bond or other security posted or submitted shall be at least 150 percent of the cost of completion of improvements as estimated by the city engineer. In the event of interim improvements, the amount shall include the cost of their completion, maintenance and removal as estimated by the city engineer. The developer may provide cost estimates to the city engineer.

(d) The period in which improvements must be completed shall be specified in the plat performance bond or agreement, which period shall not exceed 18 months from date of final plat approval. Requests for extension shall be made to the planning commission for consideration at a public meeting and shall require a recommendation from the city engineer. The commission shall determine whether sufficient progress has been made and good faith indicated to warrant an extension. The commission shall forward a recommendation to the city council, which shall have sole authority to grant extensions.

(e) Any plat performance bond or agreement shall provide that in the event the specified improvements are not completed within the time limit, the city may declare the bond or agreement to be in default, may complete the work to city specifications, and may recover the full cost thereof from the developer, surety company, bank or cosigner of the security. If the amount of the plat performance bond or other security is less than the cost incurred by the city, the developer shall be liable to the city for the difference. If the amount is greater than the cost incurred by the city, the city shall release the remainder. In the case of any suit or action to enforce provisions of this chapter, the applicant shall pay to the city all costs incidental to litigation, including reasonable attorney fees.

(f) Any plat performance bond or agreement posted or secured under this chapter shall be binding upon the applicant, their heirs, successors and assigns.

(g) Inspection, Maintenance and Removal. Any plat performance bond and any agreement accompanying other secure methods shall include inspection costs.

(4) Inspection and Maintenance of Improvements.

(a) Improvements shall be inspected by the city engineer or designee at the start, during, and at completion of construction and installation. The person, firm or contractor actually performing the work shall notify the city engineer at least 24 hours in advance of commencing operations or commencing any construction phase.

(b) Inspection Fee. After completion of improvements, the applicant shall reimburse the city for the actual cost of the inspections. Such inspection fee shall be paid to the city in accordance with Chapter 12.10 LMC. Payment of inspection fees for improvements whose completion is deferred by plat bonding or other security shall be made to the city upon completion of the improvements.

(c) After completion of improvements, the applicant shall reimburse the city for the actual cost of the inspections. The city shall have authority to invoke any bond or other security posted by the applicant to recover actual inspection costs from the developer, surety company, bank or cosigner or to seek other remedy.

(d) As assurance against defective workmanship or materials employed in the construction or installation of permanent improvements dedicated to the public, the developer at their expense shall be responsible for maintenance of and correction of any defects in said improvements for a period of two years following certification of completion by the city engineer. If improvements are not maintained or if defects are not corrected as requested by the city engineer, the city may invoke any bond or other security posted by the applicant, may cause the work to be done, and may recover the full cost thereof from the applicant, surety company, bank or cosigner, or may seek other remedy.

(e) The developer shall be responsible for maintenance of interim improvements, and, at the time deemed appropriate by the city engineer, for their removal. If interim improvements are not adequately maintained, and at the appropriate time removed, the city may invoke any bond or other security posted by the applicant, may cause the work to be done, and may recover the full cost thereof from the developer, surety company, bank or cosigner, or may seek other remedy.

(5) Issuance of Building Permits. No building permit shall be issued prior to final plat approval and until completion of essential site improvements including but not limited to water distribution system including fire protection, sanitary sewer system, storm drain system, final street surfacing, traffic-control devices and street lighting, and other infrastructure as deemed adequate by the city engineer. No occupancy permit shall be issued prior to satisfactory completion of required improvements unless otherwise bonded for and approved by the city.

(6) As-Built Plans. After completion of all required improvements but prior to acceptance of completed work by the city engineer, the applicant shall furnish the city engineer with an acceptable set of reproducible plans indicating the as-built condition of the work. Such plans shall show all changes, additions and deletions in alignments, grades and other engineering detail from the original detailed construction plans, all which shall be certified by a civil engineer registered in the state of Washington responsible for the work. The spatial data (e.g., C.A.D. drawings, etc.) shall also be supplied to the city. (Ord. 3090 § 2, 2009).

19.80.220 Latecomer reimbursement.
Latecomer agreements are allowed as provided in Chapter 14.18 LMC, Latecomers Agreements. (Ord. 3430 § 2, 2020; Ord. 3090 § 2, 2009).

19.80.230 Appeals.
(1) Subdivisions. Any judicial appeals of the city council's final decision on a preliminary subdivision may be filed as set forth in Chapter 36.70C RCW. (Ord. 3090 § 2, 2009).

Chapter 19.81

AMENDMENTS*

Sections:

19.81.010 Procedure.
19.81.020 Notice of public hearing.
19.81.030 Initiation by planning commission – Procedure.
19.81.040 Initiation by property owner – Procedure – Fees.
19.81.050 Initiation by planning commission – Call for hearing.
19.81.060 Notice of hearing – Publication.
19.81.070 Notice of hearing – Contents.
19.81.080 Site-specific rezones – Public hearing.
19.81.090 Approval criteria for site-specific rezones.

*For the statutory provisions regarding the calling of a public hearing when amending the zoning ordinance, see RCW 35A.63.100 and 35A.63.070.

19.81.010 Procedure.
In accordance with RCW 35A.63.100 the city council may, pursuant to public hearing called by it upon application therefor by any interested party or upon its own order, amend, supplement or modify this title or any part thereof, including the classifications shown on the use district maps which are a part of this title; provided, however, all proposed amendments, supplementation, or modifications shall first be heard by the planning commission and the decision of the planning commission thereon shall be made and reported by said commission to the city council within 90 days of the time that the proposed amendments, supplementations, or modifications were first submitted to the planning commission. (Ord. 1334, 1967).

19.81.020 Notice of public hearing.
(1) Notice of the aforesaid public hearing to be held by the city council shall be given by publishing the same twice in the official newspaper of the city, said publication to be at least seven days apart and the second such publication to be made not more than three days prior to the date fixed for such public hearing.

(2) The notice to be published shall set forth the date, time and place of the public hearing and shall state in general terms the nature of the proposed amendment, supplementation or modification and the area or areas as shown on said use district map, affected by the same. (Ord. 1334, 1967).

19.81.030 Initiation by planning commission – Procedure.
The planning commission, by affirmative vote of a majority of the entire membership of the commission, may initiate any proposal for amending, supplementing or modifying the provisions of this title. In such event, the planning commission shall proceed to call for a public hearing, in the manner hereinafter provided, on said proposal and shall submit to the city council a written report of its decision on said proposal after such public hearing but within 90 days from the time such proposal was first initiated by said planning commission in the manner aforesaid. (Ord. 1334, 1967).

19.81.040 Initiation by property owner – Procedure – Fees.
The owner or owners of any property within the city may submit to the planning commission proposed amendments, modifications or supplementations to this title. Proposals for changes in zone classifications shall be signed by the owner or owners of not less than 51 percent of the area of property for which a change in zone classification is sought. All proposals shall be in writing, signed by the property owner or owners submitting such proposal and shall include their mailing addresses, a clear and concise statement of the nature of the proposed amendment, modification or supplementation and reasons for proposing the same. Simultaneously with the filing of any such proposal or proposals, the property owner or owners submitting the same shall pay to the community and economic development department a fee as established in the Community and Economic Development Department Master Fee Schedule to defray the city's costs and expenses in processing such proposal or proposals, including the publication of public hearing notices as required by this chapter. (Ord. 2907 § 7, 2004; Ord. 2774, 2000; Ord. 2722 § 6, 1999; Ord. 2328 § 6, 1988; Ord. 1542 § 1, 1972; Ord. 1435 § 4, 1969; Ord. 1334, 1967).

19.81.050 Initiation by planning commission – Call for hearing.
Upon receipt of any such proposal the planning commission shall call for a public hearing thereon, in the manner hereinafter provided, and following said public hearing shall submit said proposal, together with the written report of the planning commission giving its decision thereon to the city council, said public hearing and report to be completed within 90 days from the time any such proposal was first submitted to the planning commission at one of its regular meetings. (Ord. 1334, 1967).

19.81.060 Notice of hearing – Publication.
The planning commission shall give notice of all public hearings required to be held by said commission under the provisions of this chapter by publishing such notice twice in the official newspaper of the city, said publications to be at least seven days apart and the second publication to be made not more than three days prior to the date fixed for such public hearing. (Ord. 1334, 1967).

19.81.070 Notice of hearing – Contents.
The notice to be published by the planning commission shall set forth the date, time and place of the public hearing and shall state, in general terms, the nature of the proposed amendment, supplementation or modification and area or areas, shown on said use district maps, affected by the same. (Ord. 1334, 1967).

19.81.080 Site-specific rezones – Public hearing.
Per RCW 36.70B.050, no more than one open-record hearing shall be held for a site-specific rezone. The planning commission is responsible for holding the open-record public hearing for a site-specific rezone. The city attorney is responsible for determining whether the proposed rezone is:

(1) A site-specific rezone involving a specific parcel or small group of parcels and is a quasi-judicial decision; or

(2) An area-wide rezone that involves broad public policy and is a legislative decision. (Ord. 3161 § 4, 2011).

19.81.090 Approval criteria for site-specific rezones.
In its review of an application for rezoning, the city shall consider subsections (1) through (5) of this section. No single factor is controlling; instead, each must be weighed in relation to the other standards. The city shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested zoning designation. Rather, the city shall consider whether the entire range of permitted uses in the requested designation is more appropriate than the range of uses in the existing designation.

(1) The proposal is in accordance with the adopted city of Longview comprehensive plan, any relevant sub-area plans, and the purpose section of the proposed zoning district.

(2) The proposal must bear a substantial relationship to the public health, safety, morals, or general welfare, or protect and preserve historical and cultural places and areas. The rezone may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner(s) of the land will also benefit.

(3) The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the zoning designation, or such facilities, services and transportation networks can be adequately provided in an efficient and timely manner (or are planned to be provided within six years).

(4) The proposal shall not have a substantial adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.

(5) Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area. (Ord. 3297 § 11, 2015).

Chapter 19.90

BINDING SITE PLAN

Sections:

19.90.010 Purpose.
19.90.015 Definitions.
19.90.020 Applicability of provisions.
19.90.025 Approval authority.
19.90.030 Binding site plan components.
19.90.040 Application requirements.
19.90.050 Review procedures.
19.90.060 Planning commission public hearing.
19.90.070 *Repealed.*
19.90.080 Approval criteria.
19.90.090 Recording.
19.90.095 Appeal of Type A binding site plan decision.
19.90.100 Amendment.
19.90.110 Vacation.

19.90.010 Purpose.
The purpose of a binding site plan is to provide an alternative method of land division as provided for in RCW 58.17.035 for the sale or lease of commercial and industrial properties, condominiums, and manufactured home parks. A binding site plan includes a survey together with covenants detailing the performance or nonperformance of certain acts or the use or non-use of property. The option to subdivide property in accordance with standard subdivision procedures provided in Chapter 19.80 LMC is also available. (Ord. 3091 § 2, 2009).

19.90.015 Definitions.
"Binding site plan" means a drawing to a scale specified by local ordinance which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (3) contains provisions making any development be in conformity with the site plan.

"Type A binding site plan" means a binding site plan proposed for the sale or for lease of commercially or industrially zoned property. Type A binding site plans are approved administratively.

"Type B binding site plan" means a binding site plan proposed for the sale or lease of residential property either in a manufactured home park, recreational vehicle park or condominiums. Type B binding site plans are approved by the planning commission after an open-record hearing. (Ord. 3395 § 6, 2019; Ord. 3161 § 5, 2011; Ord. 3091 § 2, 2009).

19.90.020 Applicability of provisions.
This chapter applies to the following:

(1) An alternative method of subdividing land for sale or lease of property in the commercial or industrial zone classifications;

(2) Condominiums authorized under Chapter 64.34 RCW and where allowed in the zoning code;

(3) Manufactured home parks where allowed in the zoning code; and

(4) Recreational vehicle parks where allowed in the zoning code. (Ord. 3395 § 7, 2019; Ord. 3091 § 2, 2009).

19.90.025 Approval authority.
(1) Type A Binding Site Plan. The community development director shall be the approval authority of a Type A binding site plan.

(2) Type B Binding Site Plan. The planning commission shall be the approval authority of a Type B binding site plan. (Ord. 3161 § 6, 2011; Ord. 3091 § 2, 2009).

19.90.030 Binding site plan components.
(1) A binding site plan means a record of survey and associated covenants formalizing a development agreement. The covenants include a written narrative together with a scaled drawing (commonly known as a site plan) which together address the development details required by this chapter.

(2) The covenants shall incorporate: the requirements of the community development director for binding site plans requiring administrative approval; or, for residential uses, the requirements of the planning commission, after consideration of the comments received during the public hearing on the binding site plan.

(3) The community development director may waive lot frontage requirements for Type A binding site plans, if adequate means of lot access in compliance with the fire code is provided. The community development director may also waive the requirement that all signs be located on each business premises for Type A binding site plans for commercial developments that are part of one binding site plan application. Such waivers must be requested by the applicant as part of the binding site plan application and must be incorporated into the written covenant narrative. (Ord. 3161 § 7, 2011; Ord. 3091 § 2, 2009).

19.90.040 Application requirements.
An application for a binding site plan shall include a written narrative and a scaled drawing:

(1) Preapplication Conference. A preapplication conference is not required for a binding site plan, but is strongly encouraged. Prospective developers who do not arrange for a conference may encounter delay or denial. A preapplication conference is nonbinding and advisory in intent and effect. A request for a preapplication conference shall be submitted on forms prepared by the city.

(2) Application Contents. The applicant shall submit the following application materials for a preliminary binding site plan:

(a) Completed preliminary binding site plan application on form supplied by the city;

(b) Payment of all required fees as established in the Community and Economic Development Department Master Fee Schedule;

(c) Completed SEPA environmental checklist, when required by LMC Title 17;

(d) If critical areas exist on the subject site, the permit and report requirements of Chapter 17.10 LMC shall be adhered to and submitted with the preliminary binding site plan application;

(e) Precise drawings showing sanitary and storm sewer cross-sections and grade profiles of the existing ground and proposed streets;

(f) Twenty-five copies of the preliminary binding site plan, conforming to the specifications of this chapter, including 11-inch by 17-inch copies of all large plans so that copies can be made;

(g) If the property is to be developed in phases, each phase shall be clearly labeled and demarcated on the preliminary binding site plan;

(h) A copy of a recent title report for the property issues within the last 60 days, including a legal description according to the official records in the office of the county auditor;

(i) A verified statement with original signatures that the property affected by the applicant is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;

(j) Traffic impact analysis report as required by the city pursuant to Chapter 12.50 LMC;

(k) If it has been determined that a zoning map amendment or variance or waiver from zoning code requirements is required for approval of the preliminary binding site plan, completed applications for a zoning map amendment or variance, or a request for a waiver, if not previously submitted and reviewed;

(l) A tree survey and preservation plan, report or drawing that complies with LMC 19.80.130; provided, that Type A binding site plans are exempt from this requirement;

(m) Preliminary stormwater report;

(n) Project Narrative. A preliminary binding site plan application shall include a narrative that addresses the following topics:

(i) Description of the uses proposed for the site;

(ii) Phasing plan, if applicable;

(iii) Construction schedule;

(iv) Existing covenants or restrictions and easements, if applicable;

(v) Other items required pursuant to applicable portions of LMC;

(vi) For a Type A binding site plan, any requested waivers of the zoning code.

(3) Drawing Specifications. Binding site plan drawings shall be presented on a sheet or sheets having dimensions no larger than 18 inches by 24 inches and shall be drawn at a scale of one inch equals 50 feet or larger. Other scales may be used if approved by the city engineer and community development director. The following information shall be shown on the preliminary binding site plan in one or more sheets:

(a) General. The following general items shall be included:

(i) The proposed name of the development, together with the words “binding site plan”;

(ii) The tract/lot designation(s) of the proposed binding site plan as shown in the records of the Cowlitz County assessor, including lot numbers, section, township and range;

(iii) Date, north-pointing arrow, and scale of drawing;

(iv) Name and address of the owner(s) of the property to be subdivided, of the subdivider or subdivision agent; if other than the owner, and of the surveyor and engineer; and

(v) A vicinity map sufficient to define the location and boundaries of the proposed binding site plan with respect to surrounding property and streets.

(b) Existing Features. The following existing features shall be shown:

(i) Existing structures and other site improvements (parking, driveways, pedestrian/bicycle paths, etc.) and any proposed structures to remain;

(ii) Location, pavement and right-of-way widths, and names of existing public or private streets, roads or alleys within or abutting the tract;

(iii) Location and size of existing sewers, water mains and culverts;

(iv) Location of existing property lines, easements, railroads, monuments, property markers, section lines and city boundary lines within or abutting the tract;

(v) Watercourses, ditches, areas of flooding or ponding, rock outcroppings, and trees eight inches or more in diameter measured four feet above the ground;

(vi) The names and addresses of adjoining property owners from the latest assessment rolls within 300 feet of all boundaries of the proposed binding site plan, shown on the binding site plan in relationship to the property to be subdivided or provided in a separate document;

(vii) Contour lines illustrating topography at two-foot intervals for slopes less than 10 percent and at five-foot intervals for slopes over 10 percent. Contour lines shall extend at least 100 feet beyond the boundaries of the proposed binding site plan. Contours shall be relative to sea level and based on city datum;

(viii) All critical areas shall be shown including streams, wetlands, geological hazard areas and all associated buffers;

(ix) For a binding site plan proposed in the 100-year floodplain, base flood elevation benchmarks.

(c) Proposed Features. The following proposed features shall be shown on the binding site plan:

(i) The boundary of the proposed binding site plan drawn in a bold line;

(ii) Locations and dimensions of proposed streets, alleys, other public and private ways, easements, lot lines and utilities, with the purpose of easements stated;

(iii) Locations, dimensions and area of public and common park and other open space areas;

(iv) Proposed number assigned to each lot and block, with lots numbered consecutively in a block; proposed names of all streets;

(v) Identification of all areas proposed to be dedicated for public use, with designation of the purpose thereof and any conditions;

(vi) When more than one type of use is proposed, the location, dimensions and area for each type of use (such as commercial or industrial uses);

(vii) If the binding site plan borders a river or stream, the approximate mean high and mean low water elevation and the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of the waterway. (Ord. 3091 § 2, 2009).

19.90.050 Review procedures.

Binding site plans shall be reviewed in accordance with the process set forth below and shall also be consistent with the provisions set forth in Chapter 58.17 RCW:

(1) The community development director shall approve, approve with conditions or deny an application for a Type A binding site plan within 30 days from the date a complete application is submitted. The review period may be stayed upon the request of additional information or at the applicant's request. The approval authority shall base its decision on the criteria set forth in LMC 19.90.080. Type A binding site plans are not subject to the notice or hearing requirements set forth in the remaining portions of this section.

(2) The planning commission is the approval authority for Type B binding site plans. Preliminary drawings of any proposed binding site plan and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from date of filing a complete application thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the

environmental impact statement by the local government agency. The approval authority shall base its decision on the review criteria set forth in LMC 19.90.080.

(3) Public Hearing – Type B Binding Site Plan. The preliminary Type B binding site plan shall be filed not less than 21 days prior to any planning commission meeting. The community development director shall set the hearing date and cause notice to be prepared. Only one open-record public hearing is allowed. Public notice of complete Type B binding site plan applications shall adhere to the following standards:

(a) Publication of Notice of Public Hearing. When processing a Type B binding site plan application, the city shall publish at least one public notice of the public hearing before the planning commission in the city's official newspaper, which notice shall be published at least 10 days prior to the hearing date. A combined SEPA/public hearing notice requires publication at least 14 days prior to the hearing date. Notice of such hearing shall also be mailed to the applicant and to all adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, to be located within 300 feet of any portion of the boundary of the proposed binding site plan. If the owner of the real property proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. The records of the Cowlitz County assessor shall be used in notifying owners of adjacent property. Persons requesting notice of the city's action on an application shall also be notified.

(b) Integrated Notice of SEPA Decision and Public Hearing. The city shall provide notice of the threshold determination as set forth in Chapter 17.20 LMC, and attempt to integrate such notice in the notice for the planning commission's public hearing on the application. The planning commission's public hearing shall be held after expiration of any SEPA comment period, but in general should not be held more than 45 days after the city's SEPA determination. (Ord. 3161 § 8, 2011; Ord. 3091 § 2, 2009).

19.90.060 Planning commission public hearing.
The planning commission shall review Type B proposed binding site plans. Such review shall be made to ensure conformance of the proposed binding site plan to the general purposes of the comprehensive plan and the planning standards and specifications as adopted by the city. The planning commission will review the binding site plan application, make findings of fact and determine whether the binding site plan is approved, disapproved or approved with conditions. The planning commission, if it finds the binding site plan application to be incomplete, may return same to the applicant and request additional information. Written notice of the planning commission's decision should be provided to the applicant within 14 days. (Ord. 3161 § 9, 2011; Ord. 3091 § 2, 2009).

19.90.070 City council review.
Repealed by Ord. 3161. (Ord. 3091 § 2, 2009).

19.90.080 Approval criteria.
To grant approval of a preliminary binding site plan, the applicant must demonstrate compliance with all of the following criteria:

(1) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the city's current ordinances, standards and plans;

(2) Appropriate provisions have been made for but not limited to public health, safety and general welfare;

(3) Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the city's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

(4) Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

(5) The design of the proposed binding site plan has taken into consideration the physical features of the site, including but not limited to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;

(6) Compliance with the following:

(a) State requirements including those set forth in Chapter 58.17 RCW;

(b) Longview parks and recreation plan;

(c) Longview zoning ordinance, except when a variance, amendment, or waiver is approved by the city;

(d) Cowlitz County shoreline master program;

(e) Other plans and programs as the city has adopted;

(f) The standards of this chapter and this title; the International Fire Code and other adopted codes; and

(g) Plans and specifications adopted by the public works department including those set forth in Chapter 12.50 LMC. (Ord. 3091 § 2, 2009).

19.90.090 Recording.
The survey and approved developer agreement shall become effective only upon recording with the Cowlitz County auditor. The lots, parcels or tracts created through this procedure are legal lots of record. The face of the survey and the developer agreement shall indicate that the documents are dependent upon one another and together constitute the binding site plan. Upon approval of the final binding site plan by the planning commission, the applicant or their designee shall file the original drawing of the final binding site plan, along with any associated attachments, for recording with the county auditor. One reproduced full copy of Mylar material shall be furnished to the city engineer. One reproduced 11-inch by 17-inch copy shall be provided to the community development director. (Ord. 3161 § 11, 2011; Ord. 3091 § 2, 2009).

19.90.095 Appeal of Type A binding site plan decision.
(1) Any person aggrieved by the decision of the community development director under LMC 19.90.050(1) may appeal the decision to the appeal board of adjustment in a manner described in Chapter 19.12 LMC.

(2) Appeals shall be submitted to the community development department in writing within 14 calendar days following the date of mailing the decision to the applicant. (Ord. 3161 § 12, 2011).

19.90.100 Amendment.
The recorded binding site plan may be amended at the city's discretion. Amendments to a binding site plan shall be processed pursuant to this title and must be recorded. (Ord. 3091 § 2, 2009).

19.90.110 Vacation.
The planning commission may authorize the vacation of a recorded binding site plan after approval of a new binding site plan. (Ord. 3161 § 13, 2011; Ord. 3091 § 2, 2009).

Ordinance No. 3555

An Ordinance amending Chapters 16.02, 16.13, 16.30, 16.48, 16.75, 17.02, 17.10, 17.20, 17.60, 18.10, 19.06, 19.12, 19.22, 19.42, 19.66, 19.67, 19.68, 19.80, 19.81, and 19.90 of the Longview Municipal Code relating to the establishment of permit and review fees for building, planning, environmental, stormwater, and fire activities.

WHEREAS, it is in the best interest of the City of Longview to streamline and consolidate the fee structure for consistency and efficiency, and

WHEREAS, the City recognizes the need to remove specific fee references from various sections of the municipal code and instead adopt a master fee schedule to allow for more flexibility and easier updates to fees as necessary, and

WHEREAS, the implementation of a master fee schedule will ensure that all fees are consistently applied, reviewed, and adjusted as needed by the City, and

WHEREAS, multiple amendments to Titles 16, 17, 18, and 19 of the Longview Municipal Code are necessary to accomplish this purpose.

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

Section 1. That the aforementioned Chapters of Longview Municipal Code shall be and are hereby amended to read as shown in Exhibits F through Y, attached and hereto and incorporated by reference as part of this ordinance, provided that manifest and numbering errors shall be corrected prior to publication.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, 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 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.

Section 3. That the City of Longview City Clerk is hereby ordered and directed to cause Ordinance to be published.

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

Section 5. 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 13th day of March 2025.

Approved by the Mayor the 13th day of March 2025.

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
Charlotte Archer
City Attorney

Resolution No. 2548

A resolution of the City Council of the City of Longview, Washington establishing the City's Community and Economic Development Department Master Fee Schedule

WHEREAS, the Community Development Department provides a wide range of services, including planning, zoning, building permits, fire permits, inspections, and code enforcement, which require appropriate fee structures for cost recovery and service delivery; and

WHEREAS, the adoption of a master fee schedule for the Community Development Department will simplify the process of fee determination, making it easier for the public and staff to access and understand applicable fees for permits, applications, and inspections; and

"**WHEREAS**, the adoption of a master fee schedule will allow for periodic updates to be made by resolution, providing flexibility in responding to changes in costs and service demands; and

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

Section 1. Community and Economic Development Fee Schedule is established as set forth in the schedules attached hereto as Exhibit A and incorporated by reference.

Section 2. This resolution shall be effective March 13th, 2025.

Passed by the City Council of the City of Longview, Washington, and approved by its Mayor at a meeting of said City Council held on this 13th day of March, 2025.

_____

Mayor

Attest:_____

City Clerk

Community and Economic Development Department
Broadway St.|PO Box 128|Longview, WA 98632
360-442-5086|www.mylongview.com

Community & Economic Development Department Master Fee Schedule

Building Fees & Valuation Table 1-A

Total Valuation	Fee
$1.00 to $500.00	$31.30
$501.00 to $2,000.00	$31.30 for the first $500.00, plus $4.25 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	$98.45 for the first $2,000.00, plus $18.80 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$523.00 for the first $25,000.00, plus $13.25 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$848.75 for the first $50,000.00 plus $9.44 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,00.00	$1,310.00 for the first $100,000.00 plus $7.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$4,263.24 for the first $500,000.00 plus $6.32 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$7,394.00 for the first $1,000,000.00 plus $5.20 for each additional $1,000.00, or fraction thereof

Building Plan Review, One- and Two- Family Dwellings: Plan Review fees for One- and Two- Family Dwellings are 65% of the building permit fee as shown in the building valuation table 1-A.

Building Plan Review, All Other Structures: Plan Review fees are 70% of the building permit fee as shown in the building valuation table 1-A.

Commercial Demolition Permit: Based on valuation, see Table 1-A

Residential Demolition Permit: $75

Commercial Fence Permit: Based on valuation, see Table 1-A

Residential Fence Permit: $75

"Same-As" Plan Review: 30% of building permit fee as shown in the building valuation table 1-A

Manufactured Housing, on lot: Based on home valuation, see Table 1-A.

Manufactured Housing, when in Manufactured Home Park:

Single-Wide:	$132
Double Wide:	$165
Triple Wide:	$197

Other Fees:

Wood Stoves	$47
Re-roof/Re-siding	$75
Window Replacement	$75
Sheds (<200sf)	$75

The following values are used to determine standard square-foot valuation for specific structures. This table is to determine a standardized valuation to be used in conjunction with Table 1-A and 1-B to determine permit fees. Valuations are based on ICC's Building Valuation Data Sheet dated February 2020.

Single Family/Duplex	$115/sq ft
Triplex or Multi-family	$100/sq ft
Addition (living area)	$90/sq ft
Garage (attached/detached)	$50/sq ft
Pole Building	$40/sq ft
Pole Building (Roof Only)	$25/sq ft
Carport/Patio Cover	$20/sq ft
Wood Deck	$20/sq ft
Wood Deck w/Roof Cover	$30/sq ft
Flatwork (concrete/asphalt)	$3/sq ft

Community and Economic Development Department
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Community & Economic Development Department Master Fee Schedule

Mechanical Fees

Description	Fee
Issuance Fee, Each Mechanical Permit	$28
Issuance Fee, Each Supplemental Permit	$14.25
Equipment Installation	
Furnace	$20.50
Boiler	$20.50
Compressor and/or Absorption Systems (heat pump)	$20.50
Evaporative Coolers	$20.50
Air Handler (not part of A/C system)	$20.50
Ventilation System (not part of A/C system)	$20.50
Ventilation Hood (incl. associated ductwork)	$20.50
Fireplace Insert (gas or wood)	$20.50
Incinerator	$20.50
Fire and/or Smoke Damper	$20.50
Other Equipment regulated under Mechanical Code	$20.50
Equipment Repair or Addition	$18.25
Vents	
Appliance Vent	$10.25
Ventilation Fan, Single Unit	10.25
Piping Systems	
Gas Piping	$7.15
Hazardous Process Piping	$7.15
Non-Hazardous Process Piping	$7.15
Additional outlets beyond four	$3.15/unit

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Community & Economic Development Department Master Fee Schedule

Plumbing Fees

Description	Fee
Issuance Fee, Each Plumbing Permit	$28.50
Issuance Fee, Each Supplemental Permit	$14.25
Fixtures, Devices, & Equipment	
Water Heater (incl. vent)	$9.15
Fixture Requiring a Trap (incl. piping/backflow)	$9.15
Industrial Waste Receptor	$9.15
Grease Trap	$9.15
Water Treatment Equipment	$9.15
Lawn Sprinkler	$9.15
Backflow Preventer	$9.15
Other Equipment regulated under Plumbing Code	$9.15
Equipment/Fixture Repair or Addition	$9.15
Building Sewer	$20.50
Gas Piping Systems	
System Installation, up to Four Outlets	$7.15
Additional outlets beyond four	$3.15/unit
Other Systems	
Rainwater Systems, Per Drain (inside building)	$9.15
Private Sewage System	$32.50
Graywater System	$32.50
Installation/Testing of Reclaimed Water System	$38.75
Annual Testing of Reclaimed Water System	$38.75
Medical Gas Piping, up to Five Outlets (specific gas)	$62
Additional Outlets Over Five	$7.15

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Community & Economic Development Department Master Fee Schedule

Fire/Life Safety Fees & Valuation Table 1-B

Total Valuation	Fire Permit Fee
$1.00 to $500.00	$31.30
$501.00 to $2,000.00	$31.30 for the first $500.00, plus $4.25 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	$98.45 for the first $2,000.00, plus $18.80 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$523.00 for the first $25,000.00, plus $13.25 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$848.75 for the first $50,000.00 plus $9.44 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,00.00	$1,310.00 for the first $100,000.00 plus $7.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$4,263.24 for the first $500,000.00 plus $6.32 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$7,394.00 for the first $1,000,000.00 plus $5.20 for each additional $1,000.00, or fraction thereof

Fire Permit Plan Review: Plan Review fees for fire permits are 70% of the fire permit fee as shown in the valuation table 1-B.

Fire Review of Building Permits: Fire Review fees are 5% of the building permit fee as shown in table 1-B. This does not apply to R-3 occupancies (SFD, Duplexes) or U ocupancies. Minimum Permit fee is $62.

Fire Code Operational Permits: $62

Each Additional Operational Permit at same location: $31

Annual Inspection of Certificate of Occupancy (IBC Ch1, Sec.111): $20

Special Event Reviews: $62

Fireworks Retail Sales: $100

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Community & Economic Development Department Master Fee Schedule

Hourly, Reinspection, and Public Notice

Building/Fire Inspections Outside Normal Business Hours	$62/hour (2-hour min)
Building/Fire Reinspection Fees	$62/hr
Additional Building/Fire Plan Review - Changes, Additions, Revisions	$62/hr
Use of Outside Consultants, Plan Checking, and/or Inspections	Actual Cost + Admin OH
Administrative Overhead	$45/hr
Review of Building Offical Determination (BOA)	$463
Investigation Fee - Work Commenced Without a Permit	100% of permit fee
Public Notice - Board of Adjustment, Zoning/CP Amendments	Actual Cost
Other Inspections/Reviews - No Fees Specifically Indicated	$62/hr

Pre-application Reviews

Minor Pre-application	$100
Major Pre-application	$400

NOTE: Minimum for any hourly charge is one half hour, except for inspections outside normal business hours.

NOTE: 50% of Pre-application Reviews fees may be credited towards a subsequent permit or project review application when an application for said project is submitted within 6 months of the related pre-application meeting. In no instance shall this credit result in a refund or additional credits should the amount credited exceed the cost of the subsequent permit.

NOTE: Public Notice costs shall apply to all project applications requiring Appeals Board of Adjustment review, or applicant-initiated zoning/comprehensive plan amendments. This cost includes the cost for legal ads and mailing(s).

Community and Economic Development Department
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Community & Economic Development Department Master Fee Schedule

Land Division Fees

Description	Fee
Short Subdivision (Short plat)	
Preliminary Short Subdivision Review	$959
Final Short Plat Review	$200
Subdivision (Long Plat)	
Preliminary Plat Review	$1,738 + $81 per lot
Preliminary Approval Extension	$339
Final Plat Review	$1,738 + $81 per lot
Modification of Preliminary Approval	$1,738
Alteration/Vacation	$1,738
Binding Site Plans (BSP)	
Type A Binding Site Plan	$1,159 + $81 per lot
Type B Binding Site Plan	$2,317 + $105 per lot
Planned Unit Development (PUD)	
Preliminary PUD Review	$2,317 + $105 per lot
Final PUD Review	$2,317 + $105 per lot
PUD Amendment	$696
Boundary Line Adjustment	$349

Community and Economic Development Department
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Community & Economic Development Department Master Fee Schedule

Environmental Fees

Description	Fee
State Environmental Policy Act (SEPA)	
SEPA DNS	$579
SEPA MDNS	$879
SEPA DS/EIS	$4,634
SEPA Exemption Letter	$115
Critical Areas/Floodplain	
Critical Areas Review/Determination	$115
Floodplain Permit	$290
Shorelines	
Shorelines Exemption	$115
Shorelines Substantial Development Permit (SSDP)	$1,159
Shorelines Conditional Use	$579
Shorelines Conditional Use w/SSDP	$115
Shorelines Variance	$579
Shorelines Variance w/SSDP	$115
Shorelines Application Revision	$290
Stormwater Review	
Private Stormwater Retention/Detention Review	Based on Valuation - Table 1-A
Private Stormwater - Off-Site Regional Facility	$31

Community and Economic Development Department
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Community & Economic Development Department Master Fee Schedule

Other Land Use Fees

Description	Fee
Zoning/Comprehensive Plan Amendments	
Zoning Map/Text Amendment	$2,317
Comprehensive Plan Amendment	$2,317
Combined Zoning and Comprehensive Plan Amendment	$2,896
Variances/Waivers	
Fence Waiver	$463
All Other Variances	$1,159
Special Property Uses	
Accessory Dwelling Unit(s) - Detached	$460
Accessory Dwelling Unit(s) - Attached	$230
Downtown Commercial District Special Property Use	$696
All Other Special Property Uses	$696
Temporary Use: Mobile Vendor/Food Truck/Seasonal Sales	$62
Wireless Communications Facilities	
Type 1	TBD
Type 2	TBD
Type 3	$696
Appeals	
Appeal of Administrative Decision	$463
Appeals to Board of Adjustment (BLA, BSP)	$463
Appeals to Superior Court (Var/SU/Sub/BOA decisions)	$1,159
SEPA DNS Appeal	$579
SEPA MDNS Appeal	$879
SEPA DS/EIS Appeal	$4,634
Transcript Fees	$20 first/$10 each add'l page

*

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:

SECOND HALF APRIL 2025 ACCOUNTS PAYABLE: $1,656,365.18

SECOND HALF APRIL 2025 PAYROLL:
$429,246.95, checks
$1,053,141.05, direct deposits
$910,463.23, wire transfers
$2,392,851.23 Total

STAFF CONTACT:
Lindy Kennedy, Accountant
Dana Beck, Payroll Specialist

Attachments: None

City of Longview

Agenda Summary

PROJECT COMPLETION – DOWNTOWN TRAFFIC SIGNAL UPGRADES

RECOMMENDED ACTION:
MOTION TO ACCEPT AS COMPLETE THE DOWNTOWN TRAFFIC SIGNAL UPGRADES

COUNCIL INITIATIVE ADDRESSED:
Improve transportation systems
Improve streets and roads

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:
The Downtown Traffic Signal Upgrades has been completed in accordance with the plans and specifications under Contract No. 23-C117-T entered into between the City of Longview and Mill Plain Electric, Inc. The City Council must accept the project as complete before final contract closeout can be accomplished.

STAFF CONTACT:
Levi Lindeman, Project Engineer

Attachments: None

City of Longview

Agenda Summary

PROJECT COMPLETION – MINT VALLEY RACQUET COMPLEX ROOF INSULATION AND VENTING

RECOMMENDED ACTION:
MOTION TO ACCEPT AS COMPLETE THE MINT VALLEY RACQUET COMPLEX ROOF INSULATION AND VENTING PROJECT

COUNCIL INITIATIVE ADDRESSED:
Continue effective financial management
Address quality of place issues

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:
The Mint Valley Racquet Complex Roof Insulation and Venting has been completed in accordance with the plans and specifications under Contract No. 24-2379-F entered into between the City of Longview and Alpha Developers LLC. The City Council must accept the project as complete before final contract closeout can be accomplished.

STAFF CONTACT:
Levi Lindeman, Project Engineer

Attachments: None

City of Longview

Agenda Summary

SET PUBLIC HEARING – 2026-2031 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP)

RECOMMENDED ACTION:
MOTION TO SET THE CITY COUNCIL MEETING ON JUNE 12, 2025, AS THE DATE AND TIME FOR A PUBLIC HEARING ON THE 2026-2031 SIX-YEAR TIP/POP

COUNCIL STRATEGIC INITIATIVE ADDRESSED:
Improve streets and roads
Improve transportation systems

SUMMARY STATEMENT:
State law requires that each city update its Six-Year Transportation Improvement Program (TIP) annually and file a copy of the adopted program with the Secretary of Transportation.

Federal law also requires transit agencies receiving Federal Transit Administration (FTA) funding to prepare a Program of Projects (POP) identifying the projects to be funded with FTA funding, and to conduct a public hearing and outreach process prior to adopting the POP. The TIP includes FTA funded projects and meets the requirements of the POP.

After adoption, the TIP/POP can be subsequently amended to include new projects and funding sources.

STAFF CONTACT:
Chris Collins, Public Works Director

Attachments: None

City of Longview

Agenda Summary

SET PUBLIC HEARING FOR AMENDMENTS TO LONGVIEW MUNICIPAL CODE CHAPTERS 19.67 SHORT SUBDIVISION AND 19.80 LONGVIEW SUBDIVISION CODES

RECOMMENDED ACTION:

MOTION TO SET A PUBLIC HEARING JUNE 12th, 2025

COUNCIL INITIATIVE ADDRESSED:
Continue effective financial management
Strengthen economic conditions and create new opportunities

SUMMARY STATEMENT:
The purpose of the proposed amendments are intended to clarify requirements, expand the scope of short subdivisions, encourage infill development, streamline completion of subdivision projects, and ensure consistency between the Short Subdivision Ordinance and the Longview Subdivision Code. Changes include expanding Short Subdivisions from 4 lots to 9 lots, adding references to LMC 19.77 Shared Driveways, clarifying timing and responsibility for required improvements, and the elimination of Mylar requirements for final plats.

Staff is intending to hold a workshop as a first touch in the proposed changes at the May 22nd Council meeting, with the hearing to approve/disapprove scheduled for June 12th. Details of proposed changes have been provided in the attached summary document, as well as lineout/strikeout copies of the proposed ordinance(s).

STAFF CONTACT:
Nick Little, Community Development Director
Nick.little@ci.longview.wa.us

Attachments:
1. Summary Subdivision Code

Memorandum

TO: Interested Parties

FROM: Nick Little, CED Director
Nick.little@longview.ci.wa.gov

DATE: April 2nd, 2025

SUBJECT: **Intent to Adopt Revised Short Subdivision Regulations Chapter 19.67 LMC; Intent to Adopt Consistency Updates to Longview Subdivision Code, Chapter 19.80 LMC**

The proposed updates cover sections of both LMC 19.67 (Short Subdivisions) and LMC 19.80 (Longview Subdivision Code) and are intended to clarify requirements, expand the scope of short subdivisions, ensure consistency between the two ordinances, and streamline completion of subdivisions. Strikeout/underline versions of the proposed code changes have been provided, along with the following bullet points that reference specific code changes.

LMC 19.67 Short Subdivisions

- Expand short subdivisions from a maximum of four (4) lots to nine (9) lots.
- Add reference to LMC 19.77, Shared Driveways as criteria for preliminary and final short plat approval. Includes timing and responsibility for the required improvements.
- Add signature block for Community Development Director.
- Updates final acceptance items for engineering documents by replacing "computer disc" with "digital file."
- Include clarification that required improvements are at the expense of the owner or developer.

LMC 19.80 Longview Subdivision Code

- Update "Applicability" language to reflect changes in Short Subdivision code.
- Update application requirements to reduce unneeded documentation.
- Allow paper final plats in addition to Mylar for review and recording to be consistent with current Short Plat procedures.

LMC 19.67 Short Subdivision Update Summary

The most significant of the proposed changes is the expansion of short subdivision to include up to nine (9) lots, which is an increase over the current limit of four (4) lots. This is flexibility that is available to cities in RCW 58.17, and is used by a large number of jurisdictions throughout Washington, both fully and partially planning under RCW 36.70A. The proposed changes seek to encourage and streamline development and redevelopment of existing larger, suburban parcels that otherwise are being underutilized. It further aims to reduce the barrier for middle- and low-income housing by providing a lower cost and more efficient method to proceed with smaller subdivisions.

The second significant change is clarification on the required improvements and timing of said improvements for short subdivisions. With the advent of LMC 19.77 (Shared Driveways) we have seen a marked increase in proposed short subdivisions utilizing shared driveways. However, additional language was not provided in the short subdivision ordinance indicating when and if said improvements would be constructed. This proposed language would put the cost of completing the driveway upgrades on the developer rather than the future homeowners and creates a direct link between LMC 19.67 and LMC 19.77. This approach addresses emerging issues regarding certain infrastructure improvements that were being inconsistently being applied, resulting in unexpected costs to future homeowners and builders.

The remaining changes are largely administrative in nature and serve to streamline review and/or submittal requirements for both types of subdivisions. Unit Lot Subdivisions pursuant to RCW 58.17.060(3) are not part of this update but are expected to be part of later consistency updates in early 2026.

LMC 19.80 Longview Subdivision Code Update Summary

Proposed changes to the Longview Subdivision Code (LMC 19.80) are largely to correct language for consistency with LMC 19.67, Short Subdivisions. Minor corrections regarding application materials is included to facilitate the City's ongoing transition to digital review of project applications.

City of Longview

Agenda Summary

SET PUBLIC HEARING FOR THE ADOPTION OF A NEW CHAPTER TO THE LONGVIEW MUNICPAL CODE, TO BE KNOWN AS CHAPTER 19.25 MULTI-UNIT OVERLAY ZONE; AMENDING THE COMPREHENSIVE PLAN MAP FOR A PORTION OF HIGHLANDS NEIGHBORHOOD FROM HIGH DENSITY TO MEDIUM DENSITY RESIDENTIAL, AND ESTABLISHING THE R-1 ZONING DESIGNATION AS THE PERMANENT UNDERLYING ZONING DESIGNATION

RECOMMENDED ACTION:

MOTION TO SET A PUBLIC HEARING JUNE 12th, 2025

COUNCIL INITIATIVE ADDRESSED:
Continue effective financial management
Strengthen economic conditions and create new opportunities

SUMMARY STATEMENT:
The proposed ordinance would create a new chapter in LMC, to be called Chapter 19.25 Multi-Unit Overlay Zone (MUZO). The proposed ordinance is an overlay zone to be used in specific R-1 zoning designations to allow for expanded residential development options, and includes specific development standards and density changes to areas subject to the MUZO. The MUZO will initially be placed on portions of the Highlands Neighborhood subject to the interim regulations established in July 2024 under Ordinance 3541 and extended in January 2025 under Ordinance 3552.

Concurrent with the establishment of the MUZO for the Highlands area is an amendment of the Comprehensive Plan map to the aforementioned portion of the Highlands to change from High Density Residential to Medium Density Residential; and an amendment to zoning map to establish the R-1 Zone as the underlying zoning designation for this area on a permanent basis.

Staff is intending to hold a workshop as a first touch in the proposed changes at the May 22nd Council meeting, with the hearing to approve/disapprove scheduled for June 12th. Details of proposed changes have been provided in the attached summary document, as well as lineout/strikeout copies of the proposed ordinance(s).

STAFF CONTACT:
Nick Little, Community Development Director
Nick.little@ci.longview.wa.us

Attachments:
1. MUZO Information and Summary

Memorandum

TO: City Council

FROM: Nick Little, CED Director

DATE: April 29, 2025

SUBJECT: **Multi-Unit Overlay Zone (MUZO) and associated Comprehensive Plan and Zoning Map amendment**

In July 2024, the City Council adopted interim zoning regulations for the Highlands neighborhood, changing the zoning designation from R-4 (High Density Residential) to R-1 (Low Density Residential). In accordance with RCW 36.70A.390 and RCW 35.63.220, the required public hearing was held in September 2024. The interim regulations were extended for six additional months in January 2025 and are set to expire in July 2025.

The proposed zoning map and Comprehensive Plan amendments represent the long-term solution to replace the interim regulations. These amendments would permanently rezone the affected areas to R-1 and adjust the Comprehensive Plan designation to "Medium-Density Residential." This change provides a more balanced approach that better reflects neighborhood character, resident concerns, and infrastructure capacity while allowing for a moderate level of residential development.

To support this zoning change, a new overlay zone has been developed. This overlay modifies the base R-1 zoning regulations to allow additional housing types and design flexibility. Specifically, it would permit duplexes outright and allow triplexes and fourplexes through a special land use review process. The overlay also includes tailored development standards to address the unique conditions of the Highlands neighborhood and support appropriate multi-unit housing development.

As an overlay, this zoning tool could be applied to other R-1 areas citywide where increased housing options are suitable, based on neighborhood context and available infrastructure. The intent is to promote diverse and affordable housing opportunities where appropriate.

Together, these permanent zoning and plan changes resolve the interim regulations by providing a clear, tailored framework for sustainable residential development in the Highlands.

Brief Outline of MUZO

- The proposed MUZO would be applied to the Highlands Neighborhood (see attached map package). In the future, it could be applied to any specified geographical area that is currently zoned R-1 after going through Planning Commission legislative review. The overlay zone is not intended to be placed on individual parcels.

- The City's Comprehensive Plan Map would amend the Highlands Neighborhood to "Medium-Density Residential" to create concurrence between the proposed overlay and the Comprehensive Plan.

- Allowed Uses in the MUZO:
    - All those uses normally allowed in R-1 Zoning Designation
    - Duplexes would be an additional allowed use
    - Tri-plex/fourplex developments would be a special land use and subject to Appeals Board of Adjustment review

- Development standards:
    - The base development standards of the R-1 zone would remain, but be modified as follows:
        - Maximum impervious raised to 75%
    - Off-street Parking would be required as stated in LMC 19.78
        - 4 spaces for duplexes
        - 2 spaces for SFD
        - Parking requirements would be 1.5 space/unit (4 spaces for triplex, 6 spaces for fourplex).
        - Triplex/fourplex parking standards could be modified to include on-street parking as ***partially*** satisfying total parking requirements, subject to the special use review process.
    - Crime Prevention Through Environmental Design (CPTED) design elements from LMC 19.12.060 would apply to all duplex, triplex, and fourplex developments in the MUZO.
    - Partial alley upgrades may be required to provide for adequate emergency service access

Public Engagement and Timing

Extensive public engagement opportunities have been provided throughout this process. Since September 2024, six regular Planning Commission workshops and one special meeting were held. The City Council also conducted three public hearings related to the initial adoption and extension of the interim regulations, all of which included opportunities for public comment. Key concerns raised by the community included parking availability, crime, density, and public infrastructure. The proposed approach has been shaped by this input and is generally supported

by the feedback received. It addresses the identified concerns while offering more redevelopment options than currently allowed under standard R-1 zoning.

The proposed zoning and Comprehensive Plan amendments have undergone preliminary legal review. A Planning Commission public hearing was held on April 2, 2025, resulting in a recommendation for approval. A SEPA determination was issued later in April, and the proposal was submitted to the Washington State Department of Commerce for the required 60-day review, which will conclude on June 7, 2025.

The interim regulations are set to expire on July 23, 2025.

Thank you,

Nick Little
CED Director, City of Longview

City of Longview

Agenda Summary

RESOLUTION NO. 2555 - INTERLOCAL AGREEMENT FOR COLUMBIA THEATRE PARKING LOT IMPROVEMENTS

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2555 APPROVING INTERLOCAL AGREEMENT FOR THE COLUMBIA THEATRE PARKING LOT IMPROVEMENTS PROJECT.

COUNCIL INITIATIVE ADDRESSED:
Continue effective financial management
Address quality of place issues

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:
Background:
The City of Longview, in partnership with the Cowlitz County Public Facilities District (PFD) and the Columbia Theatre Association for the Performing Arts (Facility Manager), seeks to improve the safety, functionality, and aesthetics of the Columbia Theatre parking lot. The parking lot is currently in deteriorating condition, lacks adequate lighting, and does not have a modern security system in place.

Summary:
This Interlocal Agreement (ILA) outlines roles, responsibilities, and funding commitments between the City, PFD, and Facility Manager for the reconstruction and improvement of the Columbia Theatre parking lot. The City will lead the design, bidding, and construction management of the project, with the Parks and Recreation Department contributing in-kind services for tree removal and replacement. Improvements include pavement reconstruction, lighting upgrades, security camera installation, signage, curbing, and sidewalk repairs. The project is to be completed by December 31, 2025.

FINANCIAL SUMMARY:
The Cowlitz County PFD will provide funding up to $400,000. Any additional costs will require joint review and agreement by the parties involved.

STAFF CONTACT:
Chris Collins, Assistant City Manager/Public Works Director

Attachments:
1. Res 2555 ILA Columbia Theater Parking Lot
2. Agreement for CTPA Parking Lot Rehab - Final 04.23.25

RESOLUTION 2555

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE COWLITZ COUNTY PUBLIC FACILITIES DISTRICT AND THE COLUMBIA THEATRE ASSOCIATION FOR THE PERFORMING ARTS FOR THE COLUMBIA THEATRE PARKING LOT IMPROVEMENTS PROJECT.

WHEREAS, the Columbia Theatre parking lot has deteriorated and currently presents safety concerns due to inadequate lighting, degraded pavement conditions, and lack of modern security infrastructure; and

WHEREAS, the City of Longview, the Cowlitz County Public Facilities District (PFD), and the Columbia Theatre Association for the Performing Arts (Facility Manager) have jointly identified the need for physical and safety improvements to the parking lot; and

WHEREAS, the PFD possesses the authority and has agreed to provide funding up to $400,000 for the improvements; and

WHEREAS, the City has expertise in public works project management and will provide design, bidding, and construction oversight services for the project; and

WHEREAS, the Facility Manager will coordinate with the City and PFD, approve design elements, and facilitate payment processing through PFD reimbursements; and

WHEREAS, the improvements will enhance public safety, accessibility, and overall function of the parking area in support of the Columbia Theatre and surrounding facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW:

Section 1. The City Manager is hereby authorized to execute the Interlocal Agreement, in substantially the form attached hereto, with the Cowlitz County Public Facilities District and the Columbia Theatre Association for the Performing Arts for the Columbia Theatre Parking Lot Improvements Project.

Section 2. The City Manager is further authorized to take such actions as may be necessary to carry out the terms of the Interlocal Agreement.

ADOPTED by the City Council of the City of Longview, Washington, this ___ day of _____, 2025.

_____
M A Y O R

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

AGREEMENT FOR PARKING LOT IMPROVEMENTS
FOR
THE COLUMBIA THEATRE FOR THE PERFORMING ARTS

THIS AGREEMENT is made and entered into this _____ day of _____, 2025, by and between THE CITY OF LONGVIEW, WASHINGTON, a municipal corporation duly organized and existing under the laws of the State of Washington, hereinafter referred to as " City", the COWLITZ COUNTY PUBLIC FACILITIES DISTRICT, a municipal corporation duly organized and existing under the laws of the State of Washington, hereinafter referred to as "PFD", and THE COLUMBIA THEATRE ASSOCIATION FOR THE PERFORMING ARTS, a Washington non-profit corporation, hereinafter referred to as "Facility Manager"; collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, on May 23, 2024, the Parties entered into the Revised and Restated Agreement for Operation and Management of the Columbia Theatre for the Performing Arts, as amended on April 24, 2025; and

WHEREAS, PFD is a municipal corporation that possesses all the usual powers of a corporation for public purposes including, but not limited to, the authority to enter into contracts, including contracts with public and private parties, to acquire, own, sell, transfer, lease, and otherwise acquire or dispose of property; and

WHEREAS, PFD has the authority to improve and rehabilitate facilities to be used for community events, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances; and

WHEREAS, the Revised and Restated Agreement for Operation and Management of the Columbia Theatre for the Performing Arts provides that PFD is to arrange at its cost for major repair and replacement of the theatre facility and systems when considered necessary by PFD, subject to the availability of funds; and

WHEREAS, the Facility Manager is responsible for operating, supervising and managing the maintenance, repair and restoration of the Columbia Theatre for the Performing Arts; and

WHEREAS, the City has expertise at designing, bidding and contract management for public works; and

WHEREAS, the Parties desire to make physical and safety improvements to the Columbia Theatre parking lot as the condition of the parking lot has deteriorated and is a safety hazard, there is inadequate lighting, and there is a lack of security monitoring of the parking lot.

NOW, THEREFORE, in consideration of the mutual promises and agreements of the Parties herein contained, and the benefits to be derived therefrom, it is hereby agreed as follows:

1. The parking lot (Lots 1, 18, and 19, Block 82, Plat of Longview No. 2; Parcel Nos. 00494 and 00505) shall be reconstructed to commercial standards and additional improvements and safety upgrades will be completed, all in accordance with the following general scope of work and the preliminary plans titled "City Of Longview Washington Columbia Theatre Parking Lot Paving Project", prepared by the City dated June 4, 2024, which are hereby incorporated into and considered a part of this Agreement by reference:
    a) Removal of existing parking lot asphalt concrete pavement.
    b) Limited removal of crushed rock only in areas of failed base and/or top course layers.
    c) Construct new pavement structural section and asphalt concrete surfacing.
    d) Remove and replace identified select sections of concrete curbs, ramps, driveways, gutters and sidewalks.
    e) Replace and supplement signage, pavement markings, and parking lot wheel stops. Wheel stops shall be placed to prevent vehicle damage to the building.
    f) Install new and/or additional light fixtures on existing and/or new utility poles, or mounted to the building, to provide improved illumination for safety.
    g) Install new security system with cameras and digital video recorder covering the alley and parking lot areas, with the capability of adding cameras in the future to cover other areas as determined by the Facility Manager.
    h) Remove specifically identified street trees and replace with new trees approved by the City, along with planter strip landscape restoration.

2. City will provide design, bidding, and construction management services through its Public Works Department, and will prepare necessary plans, specifications, and estimates to bid this project as a public work. Proposals for specialty services for which the City desires reimbursement, such as lighting, security cameras, or special inspections, will be presented to the Facility Manager for approval prior to the work commencing.
3. In accordance with prior planning, the Parks and Recreation Department will provide the labor, equipment, and materials to remove and replace the identified street trees, at no cost to the Facility Manager or PFD.
4. The City shall obtain written approval from Facility Manager and PFD of the final plans, specifications, and estimates prior to soliciting bids or proposals. Portions of the security cameras system may qualify for sole source procurement due to integration with the Facility Manager's existing software.
5. PFD will provide funding up to $400,000 for this project. In the event that costs exceed the authorized funds, representatives of the City, Facility Manager, and PFD will meet to decide how to proceed. This may include scaling back or modifying the scope of the project, acquiring additional funds from any or all of the Parties, or canceling the work.
6. City shall obtain written authorization from Facility Manager and PFD prior to executing any cost increase amendments or change orders, or amendments or change orders that would substantially alter the scope of the project or functionality of the final product.
7. Facility Manager and PFD shall designate project representatives to coordinate with the City to facilitate completion of the project and authorize changes that do not increase the total project cost above the authorized funding level of $400,000.
8. City will provide construction engineering and project management services for the work. City will coordinate construction activities with the Facility Manager and Housing Opportunities of SW Washington to reduce impacts to theatre operations and Sylvester Apartments residents.
9. Prior consultation with the City Stormwater Division indicated reconstruction of the parking lot will not require new storm water management measures such as new retention/detention structures or new runoff treatment. The City will confirm the preliminary determination upon review of the final plans.

10. City shall invoice the Facility Manager monthly for reimbursement of engineering, management, and construction costs. Facility Manager shall review and approve each invoice prior to requesting funding from PFD. PFD shall provide funding to the Facility Manager for approved invoices. The Facility Manager shall use the funding to pay the City invoices and provide PFD with proof of payment.
11. City shall defend and hold PFD and Facility Manager harmless from any claims related to the design, bidding, contracting or construction management of the project.
12. The project shall be completed by December 31, 2025.

This Agreement contains the entire agreement between the Parties with respect to the parking lot improvement project contemplated herein.

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in Longview, Washington, on the date first above written.

COLUMBIA THEATRE ASSOCIATION FOR THE PERFORMING ARTS

By:_____

Kelly Ragsdale, Managing Director

CITY OF LONGVIEW

By:_____

Jennifer Wills, City Manager

Approved as to form:

_____

City Attorney

COWLITZ COUNTY PUBLIC FACILITIES DISTRICT

By:_____

Joan Landau, President

Approved as to form:

_____

E. Bronson Potter, Attorney for PFD

City of Longview

Agenda Summary

RESOLUTION NO. 2556 - INTERLOCAL AGREEMENT WITH COWLITZ COUNTY FOR ON-CALL BUILDING INSPECTION AND CODE REVIEW SERVICES

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION 2556, INTERLOCAL AGREEMENT WITH COWLITZ COUNTY FOR ON-CALL BUILDING INSPECTION AND PLAN REVIEW SERVICES

COUNCIL INITIATIVE ADDRESSED:
Continue effective financial management
Strengthen economic conditions and create new opportunities

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:
This interlocal agreement puts into place an agreement with Cowlitz County to provide on-call building inspection and plan review services, as needed. This would cover situations where one or both of CED's building inspectors and/or plans examiners are out of the office for an extended period of time, allowing CED to continue to deliver timely building and plan review services.
Currently, the City attempts to contract with local temp agencies for this service, which is problematic due to the lack of qualified individuals to perform these tasks. This agreement puts a framework in place for the City to leverage Cowlitz County staff and expertise for those few times such coverage is needed.

STAFF CONTACT:
Nick Little, Community Development Director
Nick.little@ci.longview.wa.us

Attachments:
1. Resolution 2556
2. Interlocal Agreement - On-Call Building Inspection and Plan Review Services

RESOLUTION NO. 2556

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LONGVIEW AND COWLITZ COUNTY FOR ON-CALL BUILDING INSPECTION AND PLAN REVIEW SERVICES

WHEREAS, the City of Longview's Community and Economic Development (CED) Department is responsible for providing building inspection and plan review services to ensure public safety and compliance with applicable building codes; and

WHEREAS, there may be times when one or both of the City's building inspectors and/or plans examiners are unavailable due to illness, leave, or other extended absences, impacting the City's ability to provide timely and efficient services; and

WHEREAS, current efforts to address staffing shortages through temporary staffing agencies have proven challenging due to the lack of availability of qualified personnel; and

WHEREAS, Cowlitz County has qualified personnel and is willing to provide on-call building inspection and plan review services to the City of Longview on an as-needed basis; and

WHEREAS, Chapter 39.34 RCW authorizes public agencies to enter into interlocal agreements for the joint performance of any governmental service, activity, or undertaking which each public agency is authorized by law to perform individually; and

WHEREAS, the proposed interlocal agreement establishes a framework for cooperation between the City and Cowlitz County, enabling the City to leverage County staff and expertise when needed and ensure continuity of services to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, WASHINGTON:

Section 1. The City Council hereby approves the Interlocal Agreement between the City of Longview and Cowlitz County relating to on-call building inspection and plan review services.

Section 2. The City Manager is hereby authorized to execute the Interlocal Agreement between the City of Longview and Cowlitz County for on-call building inspection and plan review services, substantially in the form presented to the City Council.

Section 3. This Resolution shall become effective immediately upon passage.

ADOPTED by the City Council of the City of Longview, Washington, this _____day of _____, 2025.

APPROVED AS TO FORM:

_____ _____

City Attorney Mayor

ATTEST:

_____

City Clerk

Interlocal Agreement Between the City of Longview and Cowlitz County
Relating to Building Code Administration, Plans Examination, and Building Inspection Services

This Interlocal Agreement, hereinafter "Agreement" is entered into between the City of Longview ("City") and Cowlitz County, Washington ("County") on the effective date set forth herein.

WHEREAS, City and County are public agencies as defined by RCW 39.34, the Interlocal Cooperation Act, and are authorized thereunder to enter interlocal agreements based on mutual advantage and thereby to provide services and facilities in the manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs of local communities; and

WHEREAS, the Cowlitz County Building & Planning Department maintains building and planning divisions that regularly enforces and administers the building code requirements, reviews building permit applications, planning actions, and conducts building inspections; and

WHEREAS, the City desires to utilize the resources of Cowlitz County to assist the City in performing Longview building and development code administration through plan reviews and building inspections; and

WHEREAS, City has agreed to compensate County for performing these administrative services; and

NOW THEREFORE, in consideration of the terms and provisions contained herein, it is agreed between City and County as follows:

1. Purpose. It is the purpose of this Agreement to establish the framework, roles, and responsibilities to have County provide staffing and resources to perform building code administration through plan reviews and inspection services on behalf of the City. County resources and staffing will be provided to the City upon request, except when the provision of staffing and resources harms or impairs the County in performance of County's statutory and regulatory duties and responsibilities. The County Director of Building and Planning (County Director) will be the sole determinant of such harm and impairment.

2. Cowlitz County Building and Development Code Review Services.
   Upon request by the City, and in a timely manner, the County Building and Planning Director (County Director) will provide its Department of Building and Planning staff (County staff) to review residential and commercial building plans for compliance with the current Washington and City building and land use development codes. All such services provided by County staff will be performed as agents of the City, for the limited purpose of enforcing State and City laws, ordinances, and regulations relating to application of said building and development codes. Direction, oversight, interpretation, and application of said building and development codes, and performance of procedures therewith, shall be at the direction of the City Community Development Director (City Director), as assisted by the City Building Official or City Building and Planning staff (City staff), and the City Attorney.

3. County Building Official Services. The City Director shall perform the duties of the City Building Official to enforce and administer the provisions of the City building and development codes in accordance with Washington state adopted building and development codes, as amended by the City.

    a. Unless County services are requested in accordance with section 2, above, City staff will perform permit intake, application administration and monitoring, and permit issuance for the City, prior to building code inspection.
    b. Upon request by the City, County will provide Building Official services to City to assist the City Building Official in accordance with the application of current building and development codes and standards as adopted and amended by the State of Washington and the City.
    c. All such services provided by the County Building Official or designee, will be performed as an agent of the City, for the limited purpose of applying State and City laws, ordinances, and regulations in the performance of services regarding said building and development codes and standards.
    d. When County services are requested, in accordance with section 2, above, the County Building Official or designee shall rely on the interpretations of the City of State laws, ordinances, and regulations relating to application of said building and development codes and standards, as provided to the County by the City Director or designee, and by the City Attorney.
    e. City retains responsibility for all hearings, appeals, and administrative enforcement activities arising from building inspection services, regardless of which party performed the services, provided the County will provide available staff as additional resources to assist with these proceedings when requested by the City.

4. Building and Development Plan Review Services.
    a. Pursuant to Section 2, above, and upon request by City, County staff will review plans for code compliance and in accordance with the current development and construction codes as adopted and amended by the State of Washington and the City.
    b. The City shall timely submit requests for any plan review services to the County Building Director, or his/her designee. Plans shall be reviewed and returned to the applicant within the timeframes established for such review in accordance with processing procedures established between the County and the City. Such procedures shall be established and agreed upon by both parties for 1.) notification and submission of plans by the City to County for reviews to be completed, and 2.) the notification and involvement of City staff of plan on review issues, with status updates and review completion and return of materials.
    c. If plans are deemed incomplete for purposes of review for code compliance, County staff will timely notify the applicant and the City Director. If plans are accepted for review and deemed compliant after review by County staff, it will indicate in writing that the drawings have been reviewed for code compliance. Sets of plans deemed compliant shall be returned to the City for issuance of final approvals and permitting.

d. Pursuant to Section 2, above, and upon request by City, the County Director will assign available County staff to attend pre-application meetings and pre-submission meetings in accordance with the provision of building and development plan reviews.
e. When County services are requested by the City, then in accordance with section 2, above, the County staff shall rely on the interpretations of City development and construction codes, in accordance with State and City laws, ordinances, and regulations, as provided by the City Director or designee and by the City Attorney.

5. Provision of Building Inspection Services. Pursuant to Section 3, above, and upon request by the City, County staff shall perform building inspections, including building, plumbing, and mechanical inspections. The governing codes used for inspection shall be those adopted by the City within Chapter 16.02 of the Longview Municipal Code, as amended. Inspections will be performed according to an inspection schedule set by the County Director in consultation with the City Director and City Attorney. Procedures shall be established and agreed upon by both parties for 1) notification of county designated staff of inspections waiting to be scheduled, 2) the regular conduct and completion of building inspections, and 3) the notification of City staff of inspection status and disposition.

6. Terms of Agreement. This agreement shall become effective immediately upon ratification by both legislative bodies of the City of Longview and Cowlitz County and shall continue indefinitely unless terminated by either party upon providing the other party with sixty (60) days advance written notice of such termination.

7. Payment to County. In consideration of this Agreement and the services provided, City shall pay County an hourly rate for all services provided by County under this Agreement, as listed in Exhibit A. Payments for services rendered shall be made by City within thirty (30) days of receipt of the billing statement from County, subject to the dispute resolution provision set forth at Section 7(b).
    a. Billing statement. County shall submit a monthly statement to City that shall contain the following:
        i. Date of service
        ii. Hours of work
    b. Billing statement dispute. If there is a dispute regarding the amount of money owed by City to the County, staff shall make every effort to resolve such a dispute. In the event that there is no resolution to the dispute, the disputed amount shall be placed into this registry of the Cowlitz County Superior Court until the dispute is resolved by agreement of the parties or in a court with jurisdiction over the subject matter of the dispute, City shall be required to pay County regardless of whether City is paid or collects fees for the services that involve the work of County. Payments for services rendered shall be made by City each month within thirty (30) days of receipt of the billing statement from County.

8. Ownership of Property and Records.
    a. Real and Personal Property. The parties to this Agreement do not contemplate the acquisition or financing of any property to carry out the purposes of this Agreement. Any property owned or acquired by City shall remain the property of City, and the property owned or acquired by County shall remain the property of County.
    b. Equipment and Supplies for Performance. The County shall furnish all equipment and supplies for its staff to perform the services under the provisions of sections 2 through 5, above.

9. Independent Contractor. The Parties understand and agree that County is acting hereunder as an independent contractor and shall maintain control of all County employees, including by not limited to hiring, firing, discipline, evaluation, and establishment of standards of performance thereof. All County personnel rendering service hereunder shall be employees of the County, although they may from time-to-time act as agents and officers of the City, as set forth herein. County staff shall consult with the City on questions and for guidance in the interpretation and application of City building and development code necessary to carry out the provisions of this Agreement. The City retains authority to make all discretionary decisions required by City code and, if necessary, to reverse or modify any discretionary decisions made by County staff in performance of this Agreement. County staff shall follow the reasonable instructions of the City Director, or his or her designee, provided such instructions are in the furtherance of the performance of services by County to the City pursuant to the terms of this Agreement.

10. Termination.
    a. Termination by Notice. This Agreement may be terminated by either party upon it providing the other party with sixty (60) days advance written notice of such termination.
    b. Termination by Mutual Written Agreement. This Agreement may be terminated at any time by mutual written agreement of the parties.
    c. Termination for Breach. County may terminate this Agreement with fourteen (14) days advance written notice upon the failure of City to make payments as required by this agreement. City may terminate this Agreement upon fourteen (14) days advance written notice in the event County fails to provide services as required in this Agreement except disputes handled per Section 7.2.
    d. Provisions 11 (Indemnification) and 12(c) (Insurance) shall survive the termination of this Agreement to any claim or liability arising out of any event occurring prior to the effective date of termination.

11. Indemnification and Hold Harmless. County agreed to defend, indemnify, and hold harmless City and each of its employees, officials, agents, and volunteers, from all losses, claims, liabilities, lawsuits, or legal judgements arising out of any negligent or tortious actions or inactions by County or any of its employees, officials, agents, or volunteers, while acting within the scope of the duties required by this agreement. All costs, including but not limited to attorneys' fees, court fees, mediation fees, arbitration fees, settlements, awards of compensation, awards of damages of every kind, etc., shall be paid by the County or its insurer. This provision shall survive

the expiration of this Agreement. This provision shall also survive and remain in effect if a court or other entity with jurisdiction determines that this Interlocal Agreement is not enforceable.

City agrees to defend, indemnify, and hold harmless County and each of its employees, officials, agents, and volunteers from all losses, damages, claims, liabilities, lawsuits, or legal judgments arising out of any negligent or tortious actions or inactions by City or any of its employees, officials, agents, or volunteers, while acting within the scope of the duties required by this Agreement. All costs, including but not limited to attorneys' fees, court fees, mediation fees, arbitration fees, settlements, awards of compensation, awards of damages of every kind, etc., shall be paid by City or its insurer. This provision shall survive the expiration or earlier termination of this Agreement. This provision shall also survive and remain in effect if a court or other entity with jurisdiction determines that this Interlocal Agreement is not enforceable.

In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules, regulations, policies, interpretations, or directives. If any clause, claim, suit, action, or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, rule, regulation, policy, interpretation or directive is at issue, the City shall defend the same at its sole expense and if judgement is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorneys' fees.

It is further specifically and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under industrial insurance, Title 51 RCW, solely to carry out the purposes of this indemnification clause. The parties further acknowledge that they have mutually negotiated this waiver.

The rights, duties and obligations set forth in this section (indemnification and hold harmless) survive termination or expiration of this agreement.

12. Miscellaneous.
    a. Administration. This Agreement shall be jointly administered by the County Building and Planning Director and the City Community Development Director as contract managers.
    b. Non-Exclusive Agreement. Nothing in this Agreement obligates the City to request the services from the County set forth hereunder and the City is free to obtain such services from another source at any time.
    c. Non-Waiver of Breach. The failure of either party to insist upon strict performance of any of the covenants and agreements contained in this Agreement, or to exercise any option conferred by this Agreement in one of more instances, shall not be construed to be a waiver or relinquishment of those covenants, agreements, or options, and the same shall be and remain in full force and effect.
    d. Resolution of disputes and governing law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. If the parties are unable to settle any dispute, difference or claim arising from the parties' performance of

this Agreement, the exclusive means of resolving that dispute, difference, or claim, shall be by filling suit exclusively under the venue, rules and jurisdiction of the Cowlitz County Superior Court, Cowlitz County, Washington, unless the parties agree in writing to an alternative dispute resolution process. Except as otherwise stated herein, in any claim or lawsuit for damages arising from the parties' performance of this Agreement, each party shall pay all its legal costs and attorney's fees incurred in defending or bringing such claim or lawsuit, in addition to any other recovery or award provided by law; provided, however, nothing in this paragraph shall be construed to limit the parties' right to indemnification under this Agreement.

f. Assignment. Any assignment of this Agreement by either party without the prior written consent of the non-assigning party shall be void. If the non-assigning party gives its consent to any assignment, the terms of this Agreement shall continue in full force and effect and no further assignment shall be made without additional written consent.
g. Modification. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of each party and subject to ratification by the legislative body of each entity.
h. Compliance with Laws. Each party agrees to comply with all local, federal, and state laws, rules and regulations that are now effective or in the future become applicable to this Agreement.
i. Entire Agreement. The written terms and provisions of this Agreement, together with any exhibits attached hereto, shall supersede all prior communications, negotiations, representations, or agreements, either verbal or written of any officer or other representative of each party, and such statements shall not be effective or be construed as entering or forming a part of or altering in any manner this Agreement. All the exhibits are hereby made part of this Agreement. Should any of the language of any exhibits to this Agreement conflict with any language contained in this Agreement, the language of this document shall prevail.
j. Severability. If any section of this Agreement is adjudicated to be invalid, such action shall not affect the validity of any section not so adjudicated.
k. Interpretation. The legal presumption that an ambiguous term of this Agreement should be interpreted against the party who prepared the Agreement shall not apply.
l. Notice. All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the Agreement, unless notified to the contrary. Any written notice hereunder shall become effective upon personal service or three (3) business days after the date of mailing by registered or certified mail and shall be deemed sufficiently given if sent to the addresses at the address stated in this Agreement or such other address as may be hereafter specified in writing.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

In Witness, the parties below execute this Agreement, which shall become effective on the last date entered below.

Dated: _____, 2025

CITY OF LONGVIEW, WASHSHINGTON

_____
Jennifer Wills, City Manager

Attest:

_____
City Clerk

Approved as to form:
Longview City Attorney

Dated:_____, 2025

BOARD OF COMMISSIONERS
COWLITZ COUNTY, WASHINGTON

_____
Richard R. Dahl, Chair

_____
Steve Rader, Commissioner

_____
Steven L. Ferrell, Commissioner

Attest:

_____
Kelly Grayson, Clerk of the Board

Approved as to form:
Chief Civil Deputy Prosecutor

EXHIBIT A

Building department services fees: $90.00 / per hour

City of Longview

Agenda Summary

RESOLUTION NO. 2557 - AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT FOR LOWER COLUMBIA SWAT AND FOR LAW ENFORCEMENT MUTUAL AID BETWEEN CITY OF LONGVIEW, CITY OF KELSO, CITY OF CASTLE ROCK AND COWLITZ COUNTY

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2557 AND AUTHORIZE THE CITY MANAGER TO SIGN THE AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT

The City of Longview is a major member of Lower Columbia SWAT, and an interlocal agreement is required to maintain our participation in this group. Lower Columbia SWAT's mission is to respond to incidents of major disorder, high-risk criminal incidents, and other law enforcement events requiring tactical intervention.

This agreement outlines the role of Lower Columbia SWAT, providing the means for the sharing of resources, personnel, knowledge, and training. It also provides the framework for the responsibilities and liabilities of each party.

Changes have been made to the original 2006 agreement to reflect the withdrawal of Cowlitz 2 Fire & Rescue, and addition of the Castle Rock Police Department.

Attachments:
1. Resolution 2557 for SWAT Interlocal 050125
2. Amended and Restated Interlocal Agreement for Lower Columbia SWAT 4-21-25_

CITY OF LONGVIEW
RESOLUTION NO. 2557

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR LOWER COLUMBIA SWAT AND FOR LAW ENFORCEMENT MUTAL AID BETWEEN CITY OF LONGVIEW, COWLITZ COUNTY, CITY OF KELSO, AND CITY OF CASTLE ROCK

WHEREAS, the City of Longview exercises its police powers, through its law enforcement agency, to preserve public safety; and

WHEREAS, in furtherance of that goal, the City utilizes regional partnerships to address major public safety issues that may affect more than one law enforcement agency, necessitating joint cooperation in order that persons and property may be protected, and the peace maintained; and

WHEREAS, Chapter 10.93 RCW, the Washington Mutual Aid Peace Officers Powers Act, authorizes the Parties to enter into an agreement for mutual aid pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW; and

WHEREAS, in 2006, Longview, Kelso, Cowlitz County, and Cowlitz 2 Fire & Rescue formed a multi-jurisdictional Special Weapons and Tactics (SWAT) team commonly known as "Lower Columbia SWAT"; and

WHEREAS, on May 13, 2011, Cowlitz 2 Fire & Rescue withdrew from Lower Columbia SWAT; and

WHEREAS, the Lower Columbia SWAT partners seek to update and restate the 2006 agreement to officially add Castle Rock to the Lower Columbia SWAT a; and

WHEREAS, the City Council finds that it is necessary and desirable that an updated and restated cooperative agreement be executed for the purposes of effectuating mutual aid, and.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview as follows:

Section 1. The City Manager is authorized to execute an agreement with Cowlitz County, the City of Kelso, and the City of Castle Rock, for the operation of the Lower Columbia SWAT and for associated mutual aid. This agreement replaces the 2006 ILA for similar purpose.

PASSED by the City Council of Longview, Washington, and executed by its Mayor this _____ day of _____, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT FOR LOWER COLUMBIA SWAT (SPECIAL WEAPONS AND TACTICS) AND FOR LAW ENFORCEMENT MUTUAL AID BETWEEN CITY OF LONGVIEW, CITY OF KELSO, CITY OF CASTLE ROCK, AND COWLITZ COUNTY

This Interlocal Cooperation Agreement (the "**Agreement**") is made and entered into pursuant to Chapter 39.34 RCW, the "Interlocal Cooperation Act," by and between the City of Longview, a municipal corporation organized under the laws of the State of Washington, acting by and through its City Manager after approval by the City Council ("**Longview**"); the City of Kelso, a municipal corporation organized under the laws of the State of Washington, acting by and through its City Manager after approval by the City Council ("**Kelso**"); the City of Castle Rock, a municipal corporation organized under the laws of the State of Washington, acting by and through its Mayor after approval by the City Council ("**Castle Rock**"); and, Cowlitz County, Washington, a political subdivision of the State of Washington, acting by and through its Board of Commissioners (the "**County**), on the date stated below. Longview, Kelso, Castle Rock, and the County will be referred to collectively as the "**Parties**" or individually as "Party."

RECITALS

1. In 2006, Longview, Kelso, the County, and Cowlitz 2 Fire & Rescue formed a multi-jurisdictional Special Weapons and Tactics (SWAT) team commonly known as "**Lower Columbia SWAT**."

2. On May 13, 2011, Cowlitz 2 Fire & Rescue withdrew from Lower Columbia SWAT.

3. By this Agreement, the Parties seek to officially add Castle Rock to Lower Columbia SWAT and update and replace the 2006 Interlocal.

4. The Parties have the responsibility of protecting lives and property and keeping the peace.

5. The Parties recognize that a major disorder or law enforcement operation may affect more than one law enforcement agency, necessitating joint cooperation in order that persons and property may be protected and the peace maintained.

6. It is necessary and desirable that an updated and restated cooperative agreement be executed for the purposes of effectuating mutual aid, and Chapter 10.93 RCW, the Washington Mutual Aid Peace Officers Powers Act, authorizes the Parties to enter into an agreement for mutual aid pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

   Now therefore, in consideration of the mutual covenants contained herein, the Parties agree as follows:

AGREEMENT

1. **Incorporation of Recitals**. The above Recitals are hereby incorporated into the substantive provisions of this Agreement.

2. **Definitions**. The following terms shall have the following meanings, unless the context indicates otherwise:

   a. "Assisting Agency." Any or all other police agencies contacted for Mutual Aid by the Primarily Responsible Agency.

   b. "Major Disorder." A large-scale breach of peace, public disturbance, or natural disaster. Some examples include but are not limited to: earthquake; large scale flooding; pre-planned or spontaneous rallies, demonstrations, marches, or acts of civil disobedience that result in disorderly conduct, riot, or violence.

   c. "Mobilization." To organize or put into readiness for active law enforcement services.

   d. "Mutual Aid." Aid or assistance in which two or more agencies agree to perform in common.

   e. "Other Law Enforcement Event." A rapidly unfolding event that requires the law enforcement services of more than one agency but is not viewed by law enforcement agencies as a Major Disorder. Some examples include, but are not limited to: active shooter, apprehension of a violent offender, or a series of simultaneous priority calls for service that overburden an agency's resources.

   f. "Primary Jurisdiction." The geographical area of jurisdiction of the Primarily Responsible Agency.

   g. "Primarily Responsible Agency." The law enforcement agency within whose local geographical jurisdiction a Major Disorder or Other Law Enforcement Event first occurs.

   h. "Signatory Agency." Law enforcement agencies participating in this Agreement whose governing body has authorized and signed this Agreement.

   i. "SWAT Manual." The "Lower Columbia SWAT Standards and Tactics" Manual dated February 2021, or the version thereafter amended with prior notice to each Party that has signed this Agreement.

3. In the event of a Major Disorder, or Other Law Enforcement Event, the first law enforcement resources to be used shall be those of the Primarily Responsible Agency. In the event that such resources are inadequate to control the situation by the Primarily Responsible Agency, or there is a need for a specialized unit, a request for Mutual Aid under this Agreement shall be made directly to an Assisting Agency (requests for specific

individual units) or through the office of the County Sheriff who is designated as the mutual aid coordinator for the county in accordance with the Washington State Law Enforcement Mobilization Plan. Such requests for assistance shall, if possible, specify the number of police officers and types of equipment requested, and shall further specify where and to whom such officers are to report and where and to whom the equipment should be delivered. Assisting Agencies shall inform the requesting agency at the earliest possible time whether resources are available and to what extent.

4. In the event of Mobilization under this Agreement, the Primarily Responsible Agency shall take charge of the operation unless the Primarily Responsible Agency specifically requests that a different law enforcement agency fulfill this responsibility or unless the scope of the problem is multi-jurisdictional, in which case the provisions of the Washington State Law Enforcement Mobilization Plan and/or Intrastate Mutual Aid Plan pursuant to RCWs 43.43 and/or 38.56 become operative. This shall include directing the assignment of all personnel and equipment. The assignment of duties to officers of Assisting Agencies shall be made by the supervising officer of the Primarily Responsible Agency unless that responsibility is delegated to a different law enforcement agency as indicated above.

   4.1 In the event that the situation, by its nature, requires tactical intervention whereby the Primarily Responsible Agency requests a tactical response by Lower Columbia SWAT, responsibility for command and control of such tactical team and its operation shall reside with the three Lower Columbia SWAT Commanders: one supplied by the County, one by Kelso, and one by Longview. The Parties will select a Lead SWAT Commander position on a rotating basis, with this Lead Commander position being purely administrative in nature. Each SWAT mission will be run jointly by the three SWAT Commanders. If one or two of the SWAT Commanders are unavailable for a mission, the remaining SWAT Commanders or SWAT Commander will lead the mission. If none of the three SWAT Commanders are available, then the County Sheriff and the Chiefs of Police for Longview and Kelso may designate alternate SWAT Commanders to run the mission. Mobilization of Lower Columbia SWAT will be in accordance with the provisions of the SWAT Manual, attached hereto as **Exhibit A**. Any change to the SWAT Manual shall be provided to each party to this Agreement thirty (30) days in advance of the effective date of such change.

5. The Signatory Agencies shall provide the names, addresses, and phone numbers of its staff who have the authority to commit personnel and/or equipment to any Mobilization effort.

6. Any Signatory Agencies participating in Mutual Aid or SWAT under the terms of this Agreement shall make all press releases through the Primarily Responsible Agency, or jointly, if agencies have concurrent jurisdiction and have agreed to make joint press releases.

7. The Primarily Responsible Agency shall establish a command post in such a manner as to provide an area suitable for the staging and direction of resources and shall notify all Assisting Agencies at the earliest possible time of its location.

8. Arrest policies shall be determined by mutual agreement of the Signatory Agencies at the outset of any Mutual Aid incident.

9. Transportation of prisoners to the Cowlitz County Jail shall be coordinated by the supervising officer in charge of the incident.

10. Each agency shall be responsible for any repairs and/or damages done to their own vehicles or equipment as a result of participating in Mutual Aid. Should the request for Mutual Aid from the Primarily Responsible Agency be for materials or equipment only, then the Primarily Responsible Agency shall be responsible for any repairs and/or replacement of damaged items.

11. The Primarily Responsible Agency shall not be responsible for salaries, benefits, or overtime pay for officers from Assisting Agencies.

12. Each Signatory Agency shall carry for the duration of this Agreement general liability insurance, including coverage for police professional liability and auto liability with the below minimums. It is understood that each of the Parties hereto may fulfill the requirements set forth in this section through either self-insurance or a duly authorized insurance pool.

General Liability:	$10,000,000.00
Auto:	$10,000,000.00

13. **Liability for Lower Columbia SWAT Responses Only.** The following provisions apply regarding liability solely for tactical responses involving Lower Columbia SWAT. For liability regarding general Mutual Aid, Paragraph 14 applies.

13.1 Equal Sharing of Liability. The Parties agree that liability for the negligent or unintentionally tortious actions of the Lower Columbia SWAT Team or any deputy or police officer or employee working for or on behalf of Lower Columbia SWAT be shared equally on an equal shares basis between the Signatory Agencies. It is further the agreement of the Parties that no Party should be required to pay more than an equal share of the cost of payment of any judgment or settlement for a liability claim which arises out of and is proximately caused by the actions of any officer, employee, or Party which is acting on behalf of or in support of Lower Columbia SWAT and acting within the scope of any person's employment or duties to said Lower Columbia SWAT. This risk sharing agreement shall not apply to judgments against any Party or officer for punitive damages or for damages resulting from intentionally tortious actions. This general agreement on liability sharing is subject to the following terms and conditions set forth below in Sections 13.2 to 13.10.

13.2 Hold Harmless. Each Party agrees to hold harmless and indemnify the other Signatory Agencies from any loss, claim, or liability arising from or out of the negligent or unintentional tortious actions or inactions of its officers and employees or each other as related to any Lower Columbia SWAT activity. Such liability shall be apportioned among the Parties equally on an equal shares basis subject to any limitation set forth below.

13.3. Defense of Lawsuits. Each Party shall be responsible for selecting and retaining legal counsel for itself and for any employee of said Party who is named in a lawsuit alleging liability arising out of Lower Columbia SWAT operations. Each Party who retains counsel for itself and/or its officers and employees shall be responsible for paying the attorney's fees incurred by that counsel. The Parties shall not share costs of defense among each other unless they specifically agree to have one attorney representing all of them in any particular legal action.

13.4. Notice of Claims and Lawsuits and Settlements. In the event that a lawsuit is brought against a participating Party, its officers and employees for actions arising out of or in support of the Lower Columbia SWAT Team operations, it shall be the duty of each said Party to notify the other Parties that said claims or lawsuit has been initiated. No settlement of any such claim or lawsuit by any single Party shall require equal shares contribution by any Party unless it was done with the knowledge and specific consent of the other participating Parties. Any settlement made by any individual Party or member which does not have the consent of the other Signatory Agencies to this Agreement will not require any sharing of payment of said settlement on behalf of the non-consenting Parties.

13.4.1. Settlement Procedure.

13.4.1(1). Any Party who believes that it would be liable for a settlement or judgment which should be equally shared by the other Signatory Agencies to this Agreement shall have the burden of notifying each other Signatory Agency of all settlement demands made to that Party and any claims and/or lawsuits naming that Party and/or its officers and employees for what may be a joint liability. Furthermore, if the other Signatory Agencies are not named as parties to the actions, it shall be the burden of the Party named in the lawsuit to keep the other Signatory Agencies fully apprised of all developments in the case and all settlement demands, mediations, or any other efforts made towards settlement. Settlements require the specific consent of all Signatory Agencies to this Agreement before any equal share obligations for payment by all Signatory Agencies becomes effective.

13.4.1(2). No Party shall enter into a settlement with a claimant or plaintiff unless said settlement ends the liability of all Parties to this Agreement and on behalf of their respective employees and officers. It is the intent of this Agreement that the Parties act in good faith on behalf of each other in conducting settlement negotiations on liability claims or lawsuits so that, whenever possible, all Parties to this Agreement agree with the settlement costs or, in the alternative, that all Parties to this Agreement reject settlement demands and agree to go to trial and share equally in any judgment incurred as a result of the decision to go to trial.

13.5 Cooperation in Defense of Lawsuits. The Parties and their respective defense counsel shall, to the extent reasonably legally possible and consistent with the best interests of their respective clients, cooperate in the defense of any lawsuit arising out of

the operations of the Lower Columbia SWAT Team and shall agree, wherever possible, to share non-attorney fee-related costs such as records gathering, preparation of trial exhibits, and the retention and payment of expert witnesses.

13.6 Payment of Judgments. It is the intention of the Signatory Agencies under this Agreement to jointly pay any judgment on an equal share basis for any judgment against any officer and/or employee and/or Party for negligence or unintentional tortious action arising out of their conduct in the course of their employment or duties performing as Lower Columbia SWAT Team members or in support of such Lower Columbia SWAT Team operations; regardless of what percentage of liability may be attributed to that Signatory Agency or its officers and employees by way of verdict or judgment, including the costs of any awarded plaintiff's attorney's fees and costs. It is the intent of the Parties to add up the total combined judgment against any Signatory Agency and/or officer and/or employee for compensatory damages and/or plaintiff's attorney's fees and costs and to divide said total combined judgment into equal shares and each Party would then pay its equal share of the total combined judgment to satisfy the judgment. Any Party which refused to pay its equal share would then be liable to the Parties who paid that Party's share in order to satisfy a judgment plus any attorney's fees incurred in the collection of said monies from the non-paying Party.

13.7 Nothing Herein Shall Require Or Be Interpreted To:

13.7.1. Waive any defense arising out of Title 51 RCW.

13.7.2. Limit or restrict the ability of any Party, officer, or employee to exercise any right, defense, or remedy which a party to a lawsuit may have with respect to claims of third parties, including, but not limited to, any good faith attempts to seek dismissal of legal claims against a party by any proper means allowed under the civil rules in either state or federal court.

13.7.3. Cover or apportion or require proportionate payment of any judgment against any individual or Party for intentionally wrongful conduct outside the scope of employment of any individual or for any judgment for punitive damages, fines, or sanctions against any individual or Party. Payment of punitive damage awards shall be the sole responsibility of the individual against whom said judgment is rendered and/or his or her municipal employer, should that employer elect to make said payment voluntarily. This Agreement does not require equal sharing of any punitive damage awards, fines, or sanctions.

13.8 Insurance Coverage. The Parties shall, to the best of their ability, coordinate their liability insurance coverages and/or self-insured coverages to the extent possible to fully implement and follow the Agreement set forth herein. However, the consent of any liability insurance carrier or self-insured pool or organization is not required to make this Agreement effective as between the Signatory Agencies signing this Agreement and the failure of any insurance carrier or self-insured pooling organization to agree or follow the terms of this provision on liability shall not relieve any individual Party from its obligation under this Agreement.

14. **Liability for Mutual Aid Responses Only**. For Mutual Aid responses, where the Primarily Responsible Agency requests assistance from another Party as an Assisting Agency in response to a Major Disorder or Other Law Enforcement Event, the Primarily Responsible Agency shall indemnify and hold harmless any Assisting Agency and the officers, agents, and employees of any Assisting Agency from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason of or arising out of the performance of Mutual Aid. In making such assurances, the Primarily Responsible Agency specifically agrees to indemnify and hold harmless any Assisting Agency from any and all bodily injury claims brought by employees of any Assisting Agency and expressly waives its immunity under the Industrial Insurance Act, Title 51 RCW, as to those claims which are brought against any Assisting Agency. Provided, however, this paragraph does not purport to indemnify or hold harmless any Assisting Agency against liability for (1) damages caused by or resulting from the sole negligence of the Assisting Agency or the Assisting Agency's officers, agents, or employees, or (2) damages caused by or resulting from an officer, agent, or employee of an Assisting Agency acting outside the scope of his or her employment.

15. Whenever any commissioned officer of a Signatory Agency, acting pursuant to this Agreement is injured and thus unable to perform his or her duties by reason of engaging in Mutual Aid but is not at the time acting under the immediate direction of his or her employer, the officer or his or her dependents shall be accorded by his or her employer the same benefits which he or she or they would have received had that officer been acting under the immediate direction of his or her employer in his or her own jurisdiction.

16. Full-time, paid commissioned officers who are responding to any call for Mutual Aid shall be automatically commissioned by virtue of this Agreement, through the commissioning authority of the Primarily Responsible Agency, and, therefore, shall be empowered to exercise the same police authority during the time of Mutual Aid as though they were full-time commissioned officers of the Primarily Responsible Agency.

17. Each Signatory Agency shall develop and maintain a current plan for Mobilization of its personnel and other resources to effectively provide Mutual Aid to the other Signatory Agencies pursuant to the relevant provisions of the SWAT Manual.

18. **Termination**. Any Signatory Agency may withdraw from this Agreement when a period of twenty (20) days has elapsed after notification is made by registered letter to the other Signatory Agencies' normal business addresses. Withdrawal or non-execution of this Agreement by any one agency shall not affect the continued efficacy of the Agreement regarding the other Signatory Agencies.

19. **Venue**. This Agreement has been and shall be construed as having been made and delivered in the State of Washington, and it is mutually understood and agreed by each Party hereto that this Agreement shall be governed by the laws of the State of Washington, both as to interpretation and performance. Any action in a lawsuit in equity or judicial proceedings for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in courts of competent jurisdiction in state court in Cowlitz County, Washington, or in the federal court for the Western District of Washington.

20. **Modification**. No changes or modification to this Agreement shall be valid or binding upon the Parties to this Agreement unless such changes or modifications are in writing and executed by all Parties.

21. **Severability**. It is understood and agreed by the Parties hereto that if any part of this Agreement is declared invalid, the validity of the remaining provisions shall not be affected, and the rights and obligations of the Parties shall be construed as if the Agreement did not contain the invalid part. If it should appear that any provision herein conflicts with any statutory provision of the State of Washington, said provision shall be deemed inoperative and null and void insofar as it may be in conflict therewith and shall be modified to conform to such statutory provisions.

22. **Extent of Agreement**. This Agreement contains terms and conditions agreed upon by the Parties. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement between the Parties hereto.

23. **Relation of Agreement to Statewide Mutual Aid Plan**. All the provisions of this Agreement are designed to be in accordance with the provisions of the Washington State Law Enforcement Mobilization Plan and/or Intrastate Mutual Aid Plan pursuant to RCW Chapters 43.43 and/or 38.56. While this document serves to clarify and define the working relationship for law enforcement mutual aid, nothing herein precludes the adoption of specific mutual aid agreements between the Signatory Agencies of this county and those of other counties which comprise respectively the district and regional configurations mentioned in the mutual aid plan.

24. **Contract Representatives**. The Parties' designated representatives shall be responsible for the administration of this Agreement and for receiving notices given in connection with this Agreement. The following are designated as the representatives of the Parties:

For the County:

Name:	Bradley Thurman
Title:	Sheriff
Department:	Cowlitz County Sheriff's Office
Address:	312 S.W. First Avenue Kelso, WA 98626
Telephone:	360-577-3092
E-mail:	thurmanb@cowlitzwa.gov
Fax:	360-577-1047

For Kelso:

Name:	Rich Fletcher
Title:	Chief of Police
Department:	Kelso Police Department
Address:	201 S. Pacific Avenue Kelso, WA 98626
Telephone:	360-423-1270
E-mail:	rfletcher@kelso.gov

Fax: 360-423-0577

For Longview:
Name: Robert Huhta
Title: Chief of Police
Department: Longview Police Department
Address: 1351 Hudson St
Longview, WA 98632
Telephone: 360-442-5800
E-mail: robert.huhta@ci.longview.wa.us
Fax: 360-442-5963

For Castle Rock:
Name: Charlie Worley
Title: Chief of Police
Department: Castle Rock Police Department
Address: 141 A Street SW
Castle Rock, WA 98611
Telephone: 360-274-4711
E-mail: cworley@crpolice.org

25. **Plan Review**. Each of the Signatory Agencies shall meet annually to review and recommend any necessary changes to the plan set forth in this Agreement.

26. **Joint Board**. This Agreement creates no joint board and no separate legal entity.

27. **Duration of Agreement**. This Agreement shall be effective on the date of the last signature affixed hereto and shall terminate only upon mutual agreement of the Parties, but consistent with **Section 17** above.

28. **Recording or Posting**. The Cowlitz County Sheriff's Office shall file this Agreement with the Cowlitz County Auditor's Office and each Signatory Agency shall post it upon a website as provided by RCW 39.34.040.

29. **Signature Authority**. Each person signing this Agreement on behalf of a Party warrants that he or she has full authority to sign this Agreement on that Party's behalf.

30. **Counterparts**. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall be deemed one agreement. Each counterpart may be executed and delivered by facsimile to the other party.

[Remainder of page intentionally left blank. Parties' signatures follow]

Approved in Open Session this __ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

_____
Richard R. Dahl, Chairman

_____
Steve Ferrell, Commissioner

_____
Steve Rader, Commissioner

ATTEST:

_____
Kelly Grayson, Clerk of the Board

COWLITZ COUNTY SHERIFF'S OFFICE

_____
Bradley Thurman, Sheriff

[Remainder of page intentionally left blank. Parties' signatures follow]

CITY OF LONGVIEW, WASHINGTON

_____
Jennifer Wills, City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
Charlotte Archer, City Attorney

[Remainder of page intentionally left blank. Parties' signatures follow]

CITY OF KELSO, WASHINGTON

_____
Andy Hamilton, City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
Janean Z. Parker, City Attorney

[Remainder of page intentionally left blank. Parties' signatures follow]

CITY OF CASTLE ROCK, WASHINGTON

_____
Paul Helenberg, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
Frank F. Randolph, City Attorney

[Remainder of page intentionally left blank.]

City of Longview

Agenda Summary

RESOLUTION NO. 2558 - ADOPTING THE CWCOG REGIONAL COMPREHENSIVE SAFETY ACTION PLAN FOR THE METROPOLITAN PLANNING AREA

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2558 APPROVING ADOPTION OF CWCOG REGIONAL COMPREHENSIVE SAFETY ACTION PLAN FOR THE METROPOLITAN PLANNING AREA

COUNCIL INITIATIVE ADDRESSED:
Improve Streets and Roads
Improve Transportation System

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:
Background:
In 2023, the local Cowlitz-Wahkiakum Council of Governments (CWCOG) was awarded a federal 2022 Safe Streets and Roads for All (SS4A) planning grant from the US Department of Transportation (USDOT) to develop a regional safety action plan. The CWCOG has been busy over the last year developing a Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area (MPA) which includes the City of Longview. At the April 24th, 2025 CWCOG Board meeting, CWCOG adopted the Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area.
Summary:
The adoption of this resolution is Longview's commitment to Vision Zero. Vison Zero means a commitment to the goal of zero roadway fatalities and serious injuries. This region Safety Action Plan focuses on approaches to reduce and eliminate roadway fatalities and serious injuries by looking at six core principles: safer road users, safer land uses, safer vehicles, safer speeds, safer roads, and post-crash care. This allows the city to meet the requirements to apply for future Federal Safe Streets and Roads for All (SS4A) funding grants towards City transportation improvement projects.

FINANCIAL SUMMARY:
There is no impact to City Budget by this action.

STAFF CONTACT:
Chris Collins, Assistant City Manager/Public Works Director

Attachments:
1. Res 2558 - CWCOG Safety Action Plan Adoption
2. Res 2558 Attachment - CWCOG Res 26-06 SS4A Safety Action Plan

RESOLUTION NO. 2558

A RESOLUTION ADOPTING THE CWCOG REGIONAL COMPREHENSIVE SAFETY ACTION PLAN FOR THE METROPOLITAN PLANNING AREA, FOR THE CITY OF LONGVIEW, WASHINGTON.

WHEREAS, the City is part of the bi-state Metropolitan Planning Organization for Cowlitz County, Washington and the City of Rainier, Oregon; and

WHEREAS, the Cowlitz-Wahkiakum Council of Governments (CWCOG) was awarded a Federal 2022 Safe Streets and Roads for All (SS4A) planning grant from the United States Department of Transportation (USDOT) to fund development of a Regional Comprehensive Safety Action plan to identify safety countermeasures and projects to reduce fetal and serious injury crashes for all modes – vehicles, motorcycles, pedestrians, and bicyclists; and

WHEREAS, in compliance with the SS4A program requirements the CWCOG Board of Directors established a regional commitment to the eventual goal of zero roadway fatalities and serious injuries ("Vision Zero") on September 26, 2024; and

WHEREAS, an adopted Regional Comprehensive Safety Action Plan will ensure City of Longview is eligible to apply for USDOT SS4A implementation grants, use said plan as a local road safety plan to apply for WSDOT federal safety grants, or to support grant applications to other programs; and

WHEREAS, CWCOG Board of Directors by resolution adopted the Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area on April 24th, 2025; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview adopts the Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area.

PASSED by the City Council of the City of Longview in regular session and approved by the Mayor this _8th___ day of _May_, 2025.

_____

M A Y O R

ATTEST:

_____

City Clerk

Administration Annex ~ PO Box 128 ~ Kelso, WA 98626-4195
(360) 577-3041 ~ www.cwcog.org

DATE: April 17, 2025

TO: Cowlitz-Wahkiakum Council of Governments Board of Directors Representatives and Alternates

FROM: William A. Fashing, Executive Director

SUBJECT: Resolution 25-06: Regional Comprehensive Safety Action Plan

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Request
Staff requests adoption of Resolution 25-06 to approve the Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area including all of Cowlitz County and the City of Rainier, Oregon.

Background
In 2023, the CWCOG was awarded a Federal Fiscal Year 2022 Safe Streets and Roads for All (SS4A) planning grant from the US Department of Transportation (USDOT) to develop a regional safety action plan. After executing a grant agreement with USDOT in mid-2023 then following a procurement process to hire a consultant, the CWCOG has been busy over the last year developing a Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area (MPA). The MPA includes all cities in Cowlitz County, the unincorporated portions of the county, and (crossing over the Columbia River) the City of Rainier, Oregon. This memo has two objectives as follows: 1) Provide an Overview of the Plan (*"What is the Comprehensive Safety Action Plan"*); and 2) Highlight a Few Recommended Safety Countermeasures Included Multiple Times in the Plan. The Regional Comprehensive Safety Action Plan for your consideration is available on the CWCOG website, please use this link (https://www.cwcog.org/wp-content/uploads/bsk-pdf-manager/2025/04/Revised_Final_CWCOG_CSAP_3-31-25.pdf).

What is the Comprehensive Safety Action Plan?
The CWCOG's Comprehensive Safety Action Plan (also referred to as a Safety Action Plan) was developed based on the Safe Systems Approach, a holistic and comprehensive process that represents a paradigm shift in how we plan for the safety of our transportation system. There are six core principles (outer ring - graphic to the right) to the Safe Systems Approach. This approach seeks to reduce and eliminate roadway fatalities and serious injuries by focusing on several different aspects that impact safety (***Safer Road Users***, ***Safer Land Use***, ***Safer Vehicles***, ***Safer Speeds***, ***Safer Roads***, ***Post-Crash Care***).

A key requirement for a Safety Action Plan is having a commitment to Vision Zero. ***Vision Zero means a commitment to the goal of zero roadway fatalities and serious injuries.*** Or put another way the idea that there is only one acceptable number of fatalities and serious

injuries, zero. On September 26, 2024, the CWCOG Board of Directors adopted Resolution No. 24-14 establishing a regional commitment to Vision Zero to meet this key Safety Action Plan requirement. Resolution 24-14 created multiple targets to work towards achieving the aspirational goal of no roadway fatalities or serious injuries. The targets were as follows.

(1) A 30% reduction in roadway fatalities and serious injuries by 2030 (based on 2023 starting year).
(2) A 60% reduction in roadway fatalities and serious injuries by 2036 (based on 2023 starting year).
(3) Zero roadway fatalities and serious injuries by 2042.

This Safety Action Plan has identified proven safety countermeasures throughout the Metropolitan Planning Area based on a systemic, data-driven analysis rooted in the Safe Systems Approach. Two critical parts of the safety analysis are: 1) Identification of Crash Risk Factors; and 2) Identification of High-Injury and High-Risk Networks. Primary crash risk factors identified across our region were: 1) ***Vehicle Speeds***; 2) ***Driving Under the Influence/Distracted Driving***; 3) ***Vulnerable Road Users***; 4) ***Left/Right Turn Intersection Conflicts***; 5) ***Fixed Objects***; 6) ***Failure to Yield***; and 7) ***Driveway Spacing***. A High-Injury Network is focused on where crashes have already occurred; whereas, High-Risk focuses on identifying streets that share common characteristics with the actual crash locations.

As a result of the safety analysis and stakeholder/public outreach, this Safety Action Plan developed lists of recommended safety countermeasures for locations on either the High-Injury or High-Risk Networks to address specific crash risk factors. These safety countermeasures will provide the CWCOG (and member agencies) lists of immediate or short, medium, or long-term actions to continuously work toward the aspirational goal of zero roadway fatalities and serious injuries. There are lists for Cowlitz County and each of the six cities. There are also recommended safety countermeasures identified on state routes that could be implemented by WSDOT, a local agency, or both. In total there are 234 safety countermeasures recommended in this Safety Action Plan with the totals by jurisdiction in the table below.

Jurisdiction	**Total Countermeasures Recommended**	**Number of Countermeasures by Estimated Length of Time to Implement**			
		Immediate	*Short*	*Medium*	*Long*
Castle Rock	14	2	8	2	2
Kalama	13	2	8	3	
Kelso	24	3	18	3	
Longview	43	7	30	6	
Rainier (OR)	22		18	4	
Woodland	15		9	6	
Unincorporated Cowlitz County	24		14	7	3
State Routes	79		48	27	4

Estimated Length of Time Definitions
Immediate: Less than 1 Year
Short: 1 to 2 Years
Medium: 2 to 5 Years
Long: Greater than 5 Years

To assist with project implementation, this Safety Action Plan, in Appendix G, includes short-term implementation options for potential federal or state grants in the next couple of years. Further, in Appendix H, there are sixteen (16) project sheets for potential grant applications that could be the best fit for each agency in the short term. A project sheet is meant to provide useful information, maps, or photos to assist with the process of preparing a grant application.

Highlights of Key Recommended Safety Countermeasures

Among the 234 recommended safety countermeasures identified in the plan, CWCOG staff reviewed the lists of recommendations and found recurring themes (countermeasures recommended multiple times). Below are descriptions (the "what" and "why") for a few of these countermeasures. For more information on all Proven Safety Countermeasures, please refer to the FHWA's *Making Our Roads Safer One Countermeasure at a Time* publication available at this link (https://highways.dot.gov/sites/fhwa.dot.gov/files/Proven%20Safety%20Countermeasures%20Booklet_0.pdf).

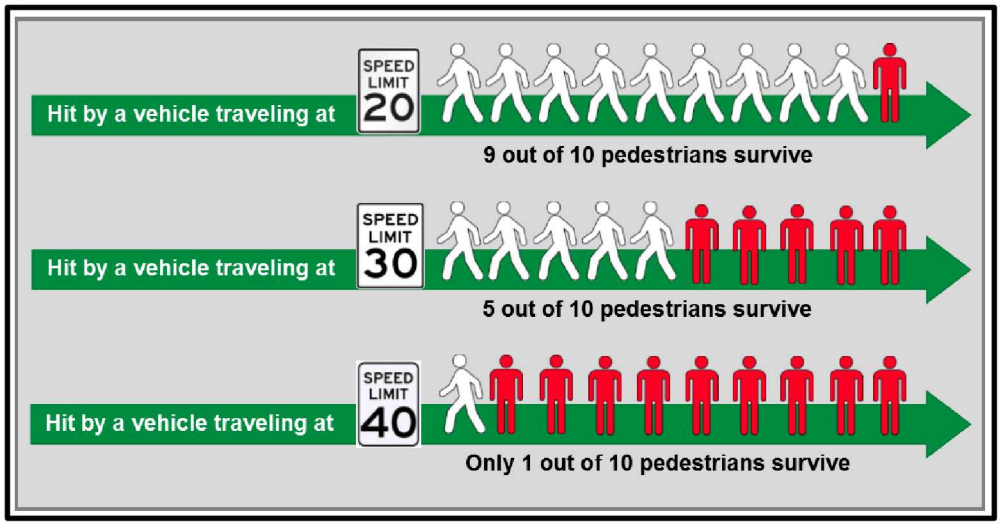
Lower Speed Limits/Speed Reader Feedback Signs

What?

These countermeasures help drivers to drive at speeds that are safe for all users. Speed education and enforcement, in addition to engineering projects to implement lower speed limits or speed reader feedback signs, will also be critical to the efforts to reduce roadway fatalities and serious injuries. The CWCOG Target Zero program helps to coordinate High Visibility Enforcement (HVE) patrols or programs such as Teens in the Driver Seat as part of efforts to help people understand their role in working to improve traffic safety.

Why?

Multiple studies consistently show that slowing down traffic significantly decreases the risk of severe outcomes. The graphic below shows clearly how the risk of death increases dramatically when vehicle speed increases.



Source: www.radarsign.com/how-effective-are-radar-speed-signs/

Rumble Strips/Enhanced Delineation of Curves

What?

Longitudinal rumble strips are milled or raised elements on the pavement intended to alert drivers through vibration and sound that their vehicle has left the travel lane. Another common project to enhance curve delineation is installation of retroreflective chevron signs around curves in the roadway (see image below).

Source: FHWA

Why?

Per the FHWA, both rumble strips and enhanced delineation of curves through chevron signs are proven to reduce fatal and injury crashes. Centerline rumble strips have shown reductions of 44-64% in head-on fatal/injury crashes; whereas shoulder rumble strips help reduce off the road fatal/injury collisions by 13-51%. A chevron sign has been found to reduce nighttime crashes by 25% and fatal/injury collisions by 16%.

Leading Pedestrian Intervals/Rectangular Rapid Flashing Beacons

What?

Both a Leading Pedestrian Interval (LPI) and Rectangular Rapid Flashing Beacon (RRFB) are used to improve pedestrian safety. A LPI is a timing adjustment to the pedestrian walk signal at intersections to provide an extra 3-7 seconds for a person to enter the crosswalk before vehicles are given a green light. An LPI helps pedestrians establish their presence in a crosswalk, so drivers know they are there. The RRFB is a pedestrian warning sign with two rectangular-shaped yellow indicators that flash with an alternating high frequency when activated by a pedestrian push button (see image below). The RRFB assists in increasing driver awareness that someone wants to cross the street. Both LPI and RRFB pedestrian improvements have already been implemented on projects around the region.

Source: CWCOG

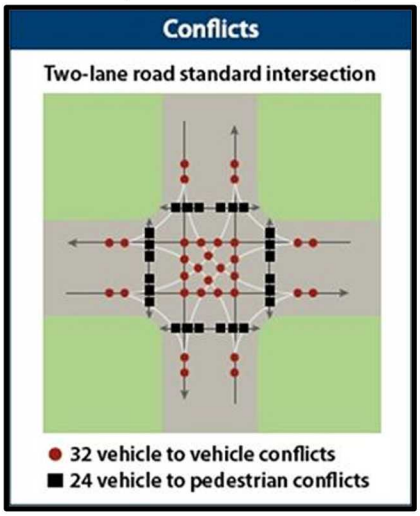
Why?

The crash reduction percentages are significant for both an LPI and RRFB. A LPI has been shown to reduce pedestrian-vehicle crashes by 13%. However, the RRFB has close to a 50% reduction in pedestrian crashes.

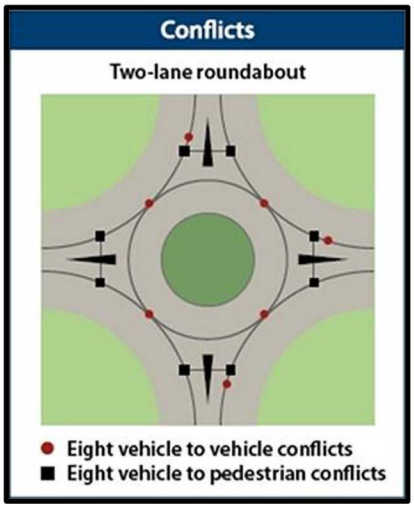
Roundabouts

What?

A roundabout is an intersection that safely and efficiently moves vehicles in a circular, counterclockwise direction. At a roundabout the approach is curved, and vehicles must yield to traffic already in the roundabout. Roundabout designs are intended to slow vehicle speeds. Per the images from the FHWA (see images below), a two-lane roundabout significantly reduces the number of vehicle to vehicle and vehicle to pedestrian conflict points compared with a standard intersection.



Source: FHWA



Source: FHWA

The design for a roundabout virtually eliminates the potential of "t-bone" crashes; a common crash type with stop-controlled or signalized intersections that contribute to severity of crashes.

Why?

Studies by the Insurance Institute for Highway Safety and the FHWA have shown roundabouts typically achieve the following reductions in crashes (see https://wsdot.wa.gov/travel/traffic-safety-methods/roundabouts).

- 37% reduction in overall crashes
- 75% reduction in injury crashes
- 90% reduction in fatal crashes
- 40% reduction in pedestrian-involved crashes

Public Participation

This Safety Action Plan was developed with input from local and state agencies, community organization stakeholders, and the public. Below is a summary of stakeholder involvement and public outreach events.

- Pop-up Event and Interactive Activities at International Festival in Longview
- Online Public Survey and Interactive Web Map (to identify locations with safety concerns)
- Eleven Community Organizations Participated in Listening Sessions
- Four Cowlitz Area Technical Advisory Committee Meetings to Review/Provide Feedback on Plan Development
- Two Rounds of Interviews with CWCOG Member Agencies on Crash Histories, Safety Countermeasures, and Local Priorities
- Transportation Safety Public Open House

In addition, a minimum 15-day public comment period was held as required by the CWCOG Public Participation Plan to allow for comments. The official public comment period began on January 31, 2025 and ran until February 18, 2025 at 11:00 a.m. People also had the option to call CWCOG staff to provide comments or alternatively could attend the Transportation Safety Public Open House. No comments were received during the official public comment period; however, many agency or stakeholder comments were received throughout plan development.

CWCOG Staff Recommended Text Revision

After completion of the final Regional Comprehensive Safety Action Plan, CWCOG staff distributed a copy of the final plan to be considered by the CWCOG Board of Directors to members of the Cowlitz Area Technical Advisory Committee. Staff at the City of Kelso notified CWCOG staff that the last sentence of the last paragraph pertaining to the City of Kelso on page 221 was incomplete ("inadvertently cut off"). This last sentence should be as follows.

> *However, in interviews with consultants, the City of Kelso has indicated that they are not staffed to take on projects on state routes without WSDOT commitment to fund on-going operations, repair, and maintenance. A WSDOT letter of concurrence and a Kelso-WSDOT funding partnership would be required.*

CWCOG staff recommends the Regional Comprehensive Safety Action Plan be adopted with this recommended change to page 221. The draft resolution provides for this recommended change to be incorporated.

Policy Implications

The reduction of serious injury and fatal crashes will have positive impacts on the region and our area residents. Area emergency response personnel could see a reduction in the number of traumatic events that they respond to each year, promoting better mental health and job satisfaction. The reduction could also decrease the cost of responses to those crashes.

Budget Implications

Staff time to develop the Safety Action Plan was included in the 2025 Unified Planning Work Program and within the existing budget. There is no impact on the CWCOG Annual Budget.

Staffing Implications

The CWCOG budget includes the FTEs to accomplish this work.

If you should have any questions, please contact Robert Stevens at 360-577-3041 or via email rstevens@cwcog.org.

A resolution is attached for your consideration.

Attachment

Cowlitz-Wahkiakum Council of Governments (CWCOG)

A Resolution Adopting the Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area	)))	RESOLUTION NO. 25-06

WHEREAS, the Cowlitz-Wahkiakum Council of Governments (CWCOG) is the bi-state Metropolitan Planning Organization (MPO) for Cowlitz County, Washington and the City of Rainier, Oregon; and

WHEREAS, the CWCOG as an MPO fulfills metropolitan transportation planning requirements in federal law (23 USC 134) within the Metropolitan Planning Area; and

WHEREAS, the CWCOG was awarded a Federal Fiscal Year (FFY) 2022 Safe Streets and Roads for All (SS4A) planning grant from the United States Department of Transportation (USDOT) to fund development of a Regional Comprehensive Safety Action Plan to identify safety countermeasures and projects to reduce fatal and serious injury crashes for all modes – vehicles, motorcycles, pedestrians, and bicyclists; and

WHEREAS, in compliance with the SS4A program requirements the CWCOG Board of Directors established a regional commitment to the eventual goal of zero roadway fatalities and serious injuries ("Vision Zero") on September 26, 2024 (Resolution No. 24-14); and

WHEREAS, an adopted Regional Comprehensive Safety Action Plan will make all Metropolitan Planning Area jurisdictions (Cowlitz County, City of Castle Rock, City of Kalama, City of Kelso, City of Longview, City of Woodland, City of Rainier [Oregon]) eligible to apply for USDOT SS4A implementation grants, use said plan as a local road safety plan to apply for WSDOT federal safety grants, or to support grant applications to other programs; and

WHEREAS, CWCOG staff, in response to public comment, does recommend a text change to correct an incomplete sentence on page to page 221 of the Plan as outlined in the Board of Director's Meeting packet memo dated April 17, 2025;

NOW, THEREFORE BE IT RESOLVED that by affirmative action on this resolution the CWCOG Board of Directors adopts the Regional Comprehensive Safety Action Plan for the Metropolitan Planning Area.

PASSED AND APPROVED this 24th day of April 2025.

_____	_____
William A. Fashing, Executive Director	Mike Karnofski, Chair

City of Longview

Agenda Summary

COWLITZ TRIBE ACTIVE TRANSPORTATION PROJECT PLANNING CONCEPTS

RECOMMENDED ACTION:
COUNCIL CONCURRENCE ON THE BIKE LANE DESIGN AND LOCATION

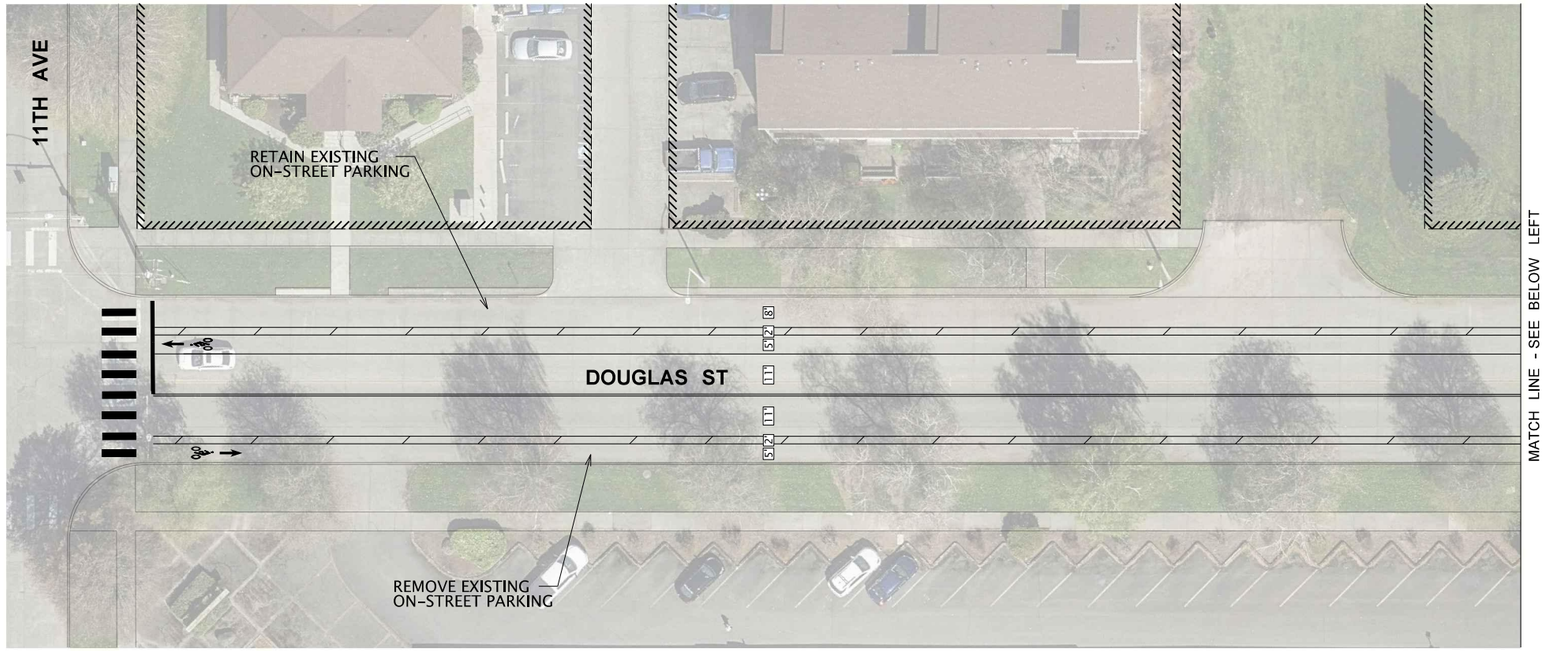
COUNCIL STRATEGIC INITIATIVE ADDRESSED:
Improve streets and roads
Improve transportation systems

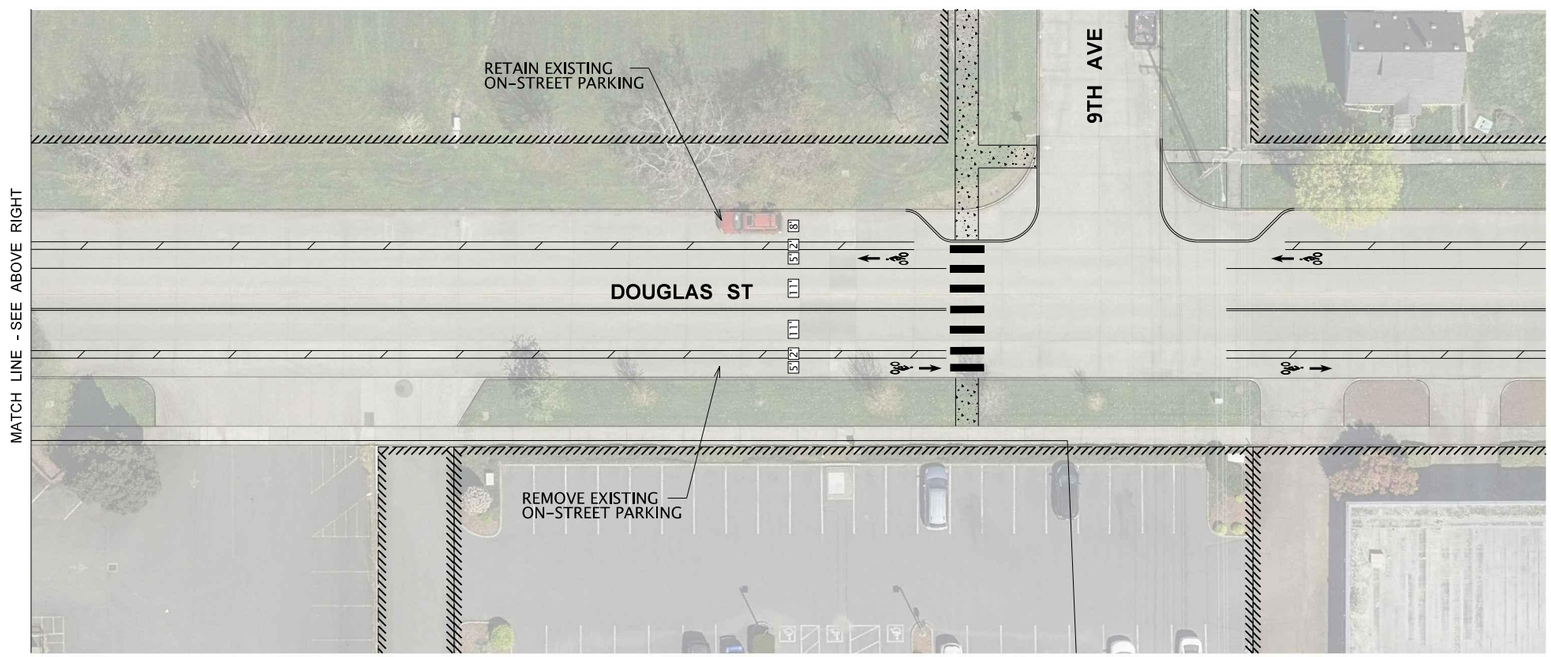
SUMMARY STATEMENT:
The Cowlitz Tribe is working on a project to improve active transportation options around their tribal headquarters near downtown Longview. The project team consists of the Tribe, WSDOT, Parametrix engineering consultant, and City staff. The team is developing conceptual projects in an area roughly bound by 7th Ave to 11th Ave and from Douglas St to Hudson St. Ideas include improved sidewalks, crosswalks, lighting, bike lanes, and other safety and accessibility improvements.

One of the potential projects includes improvements to Douglas St. These improvements could include upgraded ADA ramps and crosswalks at several intersections. Also, the team proposes completion of bike lanes from 7th Ave to 11th Ave. This section was included in the City's 2022 Bicycle and Pedestrian Master Plan, project # 33. The concept design shows parking removed on the south side, where there are existing off-street parking lots. The idea is conceptual at this time and would be subject to further design development if selected for funding.

STAFF CONTACT:
Chris Collins, Public Works Director/Assistant City Manager

Attachments:
1. DOUGLAS ST BIKE LANE CONCEPT - 2025-04-30





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0 20 40
SCALE IN FEET

FILE NAME	U:\PSO\Projects\Clients\1631-WSDOT\554-1631-172 ActiveTranspAugment\99Svcs\CADD\DGN\ATAP\Cowlitz\Douglas_For_City_Exhibit.dgn				REGION NO.	STATE	FED.AID PROJ. NO.: N/A
TIME	5:19:43 PM				10	WASH	FUNDED BY WASHINGTON'S CLIMATE COMMITMENT ACT
DATE	4/30/2025						
PLOTTED BY	HnastAle				JOB NUMBER		
DESIGNED BY	ACH				XXX		
ENTERED BY							
CHECKED BY	KTP				CONTRACT NO.		LOCATION NO.
PROJ. ENGR.	KTP				XXX		1 (COWLITZ)
REGIONAL ADM.		REVISION	DATE	BY			

CONCEPTUAL DESIGN

Washington State Department of Transportation

ACTIVE TRANSPORTATION ASSISTANCE PROGRAM
PHASE 1: 2024-25

COWLITZ INDIAN TRIBE
CITY OF LONGVIEW, WASHINGTON

EXHIBIT: DOUGLAS BIKE LANES

PLAN REF NO. P1-1

SHEET 1 OF 1 SHEETS

City of Longview

Agenda Summary

INTRODUCTION AND DISCUSSION OF SOLID WASTE AND RECYCLING RATE CHANGES FOR SECOND HALF 2025 AND 2026

RECOMMENDED ACTION:
PROVIDE FEEDBACK AND DIRECTION; IDENTIFY AREAS WHERE ADDITIONAL INFORMATION MAY BE DESIRED

COUNCIL INITIATIVE ADDRESSED:
Continue effective financial management

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:
Solid Waste rates need to be regularly updated to keep pace with current costs and ensure that the solid waste budget is funded for the upcoming years. The purpose of this "first touch" is to discuss the solid waste/recycling fund, introduce rate scenarios for the upcoming year and what is coming that may impact the future of the solid waste/recycling program. Staff is seeking to relay pertinent information, answer questions, and receive feedback on proposed rate scenarios. Staff is intending to hold a second workshop at the May 22 meeting if desired, to add further information and answer additional questions that may arise.

STAFF CONTACT:
Nick Little, CED Director
Nick.little@ci.longview.wa.us

Attachments:
1. Longview_Solid_Waste_Overview_2025

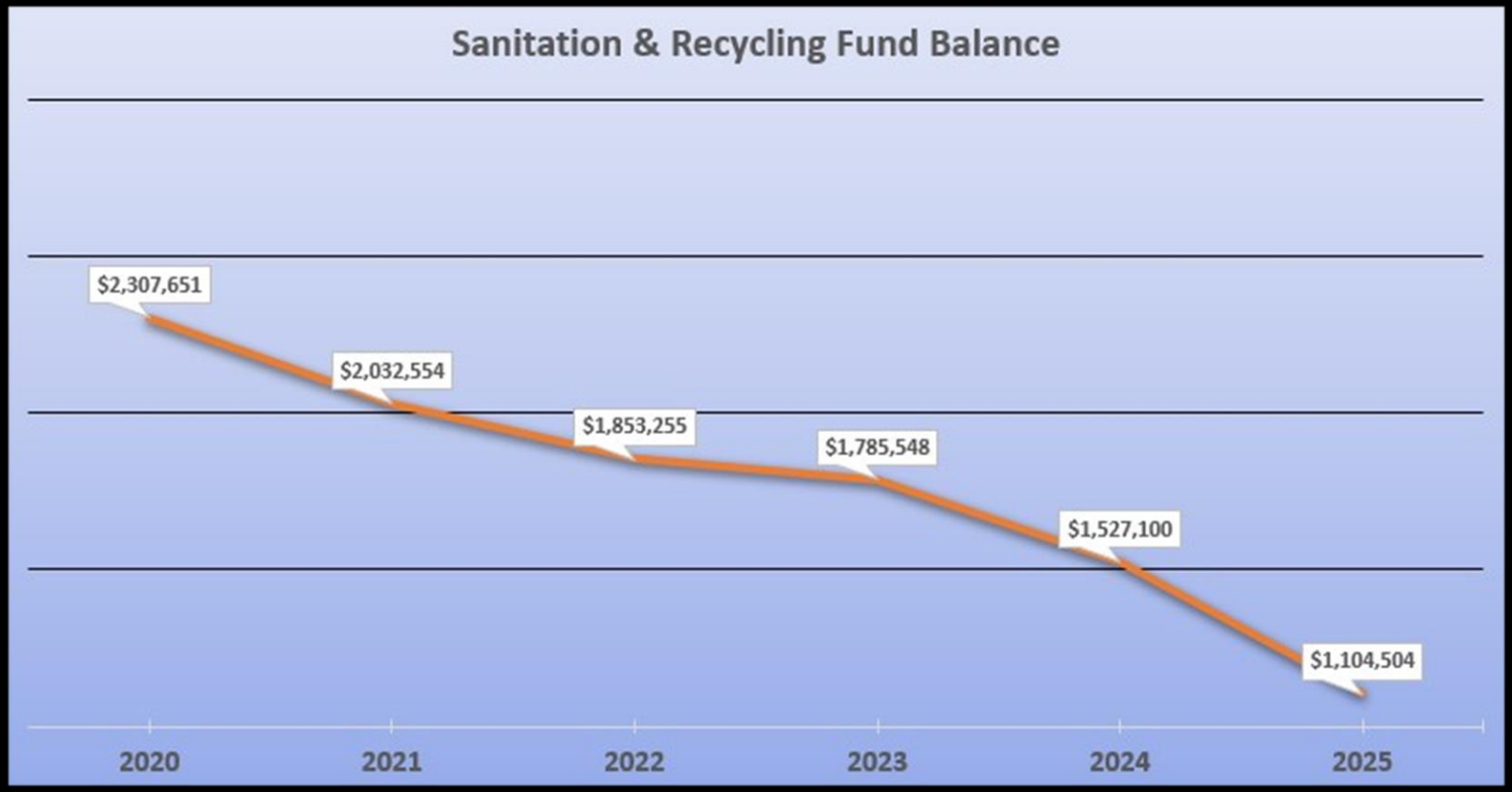
City of Longview Solid Waste Fund Overview

Budget, Trends, Proposed Rates, and Upcoming Legislation - 2025

5-Year Revenue and Expenditure Trends

Trends 2020 to 2024 *(Overall Fund)*

- Revenue growth: +2.75%
- Expenditure increase: +4.37%
- Ending fund balance:
  - 2020: $2.03 million (35.36%)
  - 2024: $1.10 million (16.38%)
  - *Average* year over year : -$216,000


Sanitation & Recycling Fund Balance
$2,307,651
$2,032,554
$1,853,255
$1,785,548
$1,527,100
$1,104,504
2020
2021
2022
2023
2024
2025

Collection/Disposal Sorting Costs 2020 to 2024 *(collection/disposal/sorting only)*

- **Garbage collection**
  - 2020: $1.76 million
  - 2024: $2.50 million

- **Garbage Disposal:**
  - 2020: $1.65 million
  - 2024: $1.61 million

- **Recycling Collection/Sorting:**
  - 2020: $981,000
  - 2024: $1.1 million

Why the Fund Balance Decline?

- Increase in garbage and recycling collection costs
  - ~18% increase in collection/disposal/sorting
- Rate increases have not kept pace with collection/disposal cost increases
  - ~6% increase in garbage/recycling rates ($18.78 to $19.92)
- Overall Fund trend over 5 years
  - +2.75% revenue* vs. +4.37% expenditure*

*5-year averages

What does the Solid Waste Fund pay for?

Collection and Disposal *(2024)*

- Garbage Collection & Disposal
  - Collection: *$2.5 million*
  - Disposal: *$1.6 million*

- Recycling Collection & Disposal
  - Collection: *$888,000*
  - Sorting: *$211,000*

- **TOTAL: $5.2 million** *(2024 actual)*

STAFF

- Fully funds two positions
  - Code Enforcement/Solid Waste
- Partially funds three positions
  - City Manager
  - CED Director
  - Public Information Officer

- **TOTAL: $447,000** *(2025 budget) (Salary + benefits)*

Operations: Overhead, Taxes, and Misc.

- Administrative overhead
- Taxes (state and County)
- Equipment
  - Motor pool
  - Office equipment reserve
- Judgements

- **TOTAL: $1.1 million** *(2024 actual)*

Direct Collection/Disposal Costs

- Most costs are direct and essential:
  - Garbage & recycling collection/disposal/sorting: $5.2m
  - Taxes and operations tied to collection/disposal: $1.1m

- Combined $6.3 million of $6.7 million budget
- **~94% of budget**

Key Takeaways

Expenditures are fast outpacing revenues

~91% of expenditures are direct costs

~9% that is “discretionary” really isn’t

Solid Waste/Recycling Rates

Residential Solid Waste/Recycling Rates

Year	Monthly Rate	$ Rate Incr.	% Rate Incr.	Ending Fund Balance
2013	$16.39	$0.55	3.5%	
2014	$17.78	$1.39	8.5%	
2015	$18.41	$0.63	3.5%	
2016	$18.41	$0.00	0.0%	
2017	$18.41	$0.00	0.0%	
2018	$18.41	$0.00	0.0%	
2019	$18.41	$0.00	0.0%	$2.31m
2020	$18.78	$0.37	2.0%	$2.03m
2021	$18.78	$0.00	0.0%	$1.85m
2022	$19.34	$0.56	3.0%	$1.78m
2023	$19.34	$0.00	0.0%	$1.53m
2024	$19.92	$0.58	3.0%	$1.10m

- Ending fund balance should have at least <u>two months of reserve operating cost</u>

16.67%

or

$1.16 million *(2025 budget)*

in reserve operating cost

Residential Solid Waste/Recycling Rates (Projection - No Change Scenario)

Year	Monthly Rate	EFB%	Ending Fund Balance
2013	$16.39		
2014	$17.78		
2015	$18.41		
2016	$18.41		
2017	$18.41		
2018	$18.41		
2019	$18.41		$2.31m
2020	$18.78	35.36%	$2.03m
2021	$18.78	32.49%	$1.85m
2022	$19.34	30.25%	$1.78m
2023	$19.34	24.39%	$1.53m
2024	$19.92	16.38%	$1.10m
2025	***$19.92***	***5.49%***	***$381k***

Proposal

- Set rates for remainder of 2025 and 2026
  - $2.99 rate increase for residential (15%)
  - New Residential Rate: $22.71

  - 15% rate increase for other rates

  - Projected Ending Fund Balance:
    - 2025: $1.31m (18.89%)
    - 2026: $1.31m (18.20%)

Comparison: Monthly Solid Waste Rates

- Longview: $22.71 *(proposed)*
- Rural Clark Co: $47.76
- Urban Clark Co: $47.28
- Camas: $31.64
- Ridgefield: $46.24
- Vancouver: $81.10
- Washougal: $55.18
- Kelso: $17.13 (no recycling)
- Cowlitz Co: $30 (no recycling)

Rate Componenets

SW Collection	$8.56
SW Disposal	$5.42
Operations	$5.20
Recycling Collection	$3.73
TOTAL:	**$22.91**

Residential Solid Waste/Recycling Rates (Projection – Proposed Scenario)

Year	Monthly Rate	EFB%	Ending Fund Balance
2013	$16.39		
2014	$17.78		
2015	$18.41		
2016	$18.41		
2017	$18.41		
2018	$18.41		
2019	$18.41		$2.31m
2020	$18.78	35.36%	$2.03m
2021	$18.78	32.49%	$1.85m
2022	$19.34	30.25%	$1.78m
2023	$19.34	24.39%	$1.53m
2024	$19.92	16.38%	$1.10m
2025	***$22.91***	***18.89%***	***$1.31m***
2026	***$22.91***	***18.20%***	***$1.30m***

Options Explored

- Drop Curbside Recycling?
  - Not allowed under SB 5284
- Reduce Recycling Pickup Frequency?
  - Likely not allowed under SB 5284
  - Limited savings regardless
- Reduce Garbage Container Size?
  - Minimal savings

Upcoming Changes in the Solid Waste/Recycling World

Coming Changes - SB 5284 / HB 1150

- Mandates curbside recycling
- Uniform list of recyclable materials from ECY
- Creates Producer Responsibility Organizations (PROs)
  - Design, fund, and implement recycling services
  - Reimburse cities/haulers (50% in 2030 → 90% in 2032)

Coming Changes - HB 1497 (Organics)

- Mandatory curbside organics collection by 2027
- Standardize container colors by 2028
- Revise city codes & develop education materials
- Track and report data for compliance and funding

What does this mean for Longview?

- Important factor in contract negotiations with Waste Connection in 2027
  - Unclear what this will mean for rates *after* 2027
- Expand education/outreach
- Establish data collection and monitoring
- Develop exemptions where available

Summary

- Expenditures are fast outpacing revenues
- ~94% of expenditures are direct costs
- Already below minimum fund balance and trending downward with current rates

- Proposed rate increase intended to stabilize fund and maintain MFB
- Proposed rate ($22.91) still significantly less than most surrounding jurisdictions
- Proposed rate to last through 2025 and 2026
  - 2025 actuals will be reviewed to gauge progress

- Changes to curbside recycling coming (2030)
- Organic waste management required by 2027
- Will impact rates and contract negotiations
- A healthy SWF will help Longview’s negotiations in 2027

Comments, questions, or concerns?

Longview Therapeutic Court

History

- Discussions started in 2023
- Judge Imboden agreed to work with the City of Longview
- Developed the program
- Officially launched in March of 2024

Partnerships

JUDGE IMBODEN

DISTRICT COURT

LONGVIEW CITY ATTORNEY'S OFFICE

LONGVIEW POLICE DEPARTMENT BEHAVIORAL HEALTH UNIT

Program

- Eligibility guidelines
- Voluntary-minimum of 12 months
- Referred by their attorneys to City Attorneys office
- Intake screening completed by Community Outreach Coordinator or Crisis Response Specialist
- Therapeutic Court Agreement
- Participant added to Therapeutic Court Docket
- Weekly meetings

Statistics

Total referrals-50

Participants-20

Active-13 participants have successfully completed inpatient treatment, remain compliant with intensive outpatient services and are actively working toward long-term stability.

Graduation-We anticipate 4 – 6 participants will graduate in August of 2025.

Success Story

- Patrol arrested individual for Misdemeanor Theft
- BHU responded and assessed for behavioral health support
- Coordination between City Attorney and Defense Attorney
- Community Outreach Coordinator completed intake
- Secured an inpatient treatment bed
- Individual completed inpatient, engaged in outpatient, gained full-time employment, and on track to graduate program in August

Funding Opportunity

The Administrative Office of the Courts-State Grant Funding Opportunity

July 1, 2025 – June 30, 2026

Case Manager position and related equipment

Next Steps

01

City Council concurrence to submit application for the grant and City Manager authoring letter of support.

02

Creation of case manager job description

03

Start hiring process if awarded grant funding

Questions?