



June 16, 2015

To: Washington State D.O.E., Environmental Review Section
Cowlitz Wahkiakum Council of Governments
Ted Sprague, Cowlitz County EDC
E. Elaine Placido, Cowlitz County Department of Building & Planning
Willapa Hills Audubon Society, Permit Reviews
Brooks Johnson, The Daily News

From: John Brickey, Director of Community Development/Building Official

Subject: SEPA Environmental Checklist Review - Application #E 2015-6

Project: **The Longview Planning Commission has initiated a proposal to update the administrative sections of the zoning code. Revised or new sections include; zoning code purpose statements, code conformity requirements, directions on interpreting the zoning code and map, and directions on who enforces the code. The proposed revisions include a chapter addressing nonconforming uses and structures. Approval criteria for site specific rezones are also included in the update. This is a non-project action in Longview, WA.**

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

The non-project action applies citywide.

The SEPA Responsible Official has determined that this proposal will not likely have an adverse impact on the environment and has issued a DNS on this application. Please review the attached SEPA documents and provide your written comments to me no later than **6:00 p.m. June 30, 2015.**

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

Thank you.

Attachments: SEPA checklist and proposed zoning text amendments.

Cc: Applicant
File



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

Description of Proposal: E 2015-6– The Longview Planning Commission has initiated a proposal to update the administrative sections of the zoning code. Revised or new sections include; zoning code purpose statements, code conformity requirements, directions on interpreting the zoning code and map, and directions on who enforces the code. The proposed revisions include a chapter addressing nonconforming uses and structures. Approval criteria for site specific rezones are also included in the update.

Proponent: Steve Langdon, Planning Manager
City of Longview
PO Box 128
Longview, WA 98632
Phone: 360-442-5083

Location of Proposal, Including Street Address, if any: The proposal is a city-wide non-project action.

Lead Agency: City of Longview, Washington

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.



The comment period for this DNS ends at 6:00 on June 30, 2015.

Responsible Official: John Brickey
Position/Title: Director/Building Official
Department: Community Development
Address: PO Box 128, Longview, WA 98632
Contact Person: Adam Trimble, Planner
Phone: (360) 442-5092

Date: June 16, 2015

Signature: _____

John H. Brickey

**City of Longview
Community Development**

**SEPA ENVIRONMENTAL CHECKLIST
UPDATED 2014**

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. background [\[help\]](#)

E 2015-6

1. Name of proposed project, if applicable: *Update to Zoning Code Administrative Sections (PC 2013-4)*
2. Name of applicant: *City of Longview*
3. Address and phone number of applicant and contact person:
Steve Langdon, Planning Manager (360) 442-5083
P.O. Box 128 steve.langdon@ci.longview.wa.us
Longview, WA 98632
4. Date checklist prepared: *June 16, 2015*
5. Agency requesting checklist: *City of Longview*
6. Proposed timing or schedule (including phasing, if applicable): *Planning Commission public hearing and recommendation in July 2015, City Council review and adoption by the end of August 2015*
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *No*
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *None*
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *None known.*
10. List any government approvals or permits that will be needed for your proposal, if known. *City Council adoption of an ordinance.*
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) *The proposal would adopt revised administrative sections to Title 19 Zoning of the Longview Municipal Code (LMC). Revised or new sections include; zoning code purpose statements, code conformity requirements, directions on interpreting the zoning code and map, and directions on who enforces the code. The proposed revisions include a chapter addressing nonconforming uses and structures. Approval criteria for site specific rezones are also included. The proposal is a non-project action within the city limits of Longview, WA. The proposal is attached.*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. *Citywide. The City of Longview is located in Cowlitz County which is in Southwest Washington. Cowlitz County is not fully subject to the Growth Management Act.*

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____ *Not applicable, this is a non-project action.*
- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)
Not applicable, this is a non-project action.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. *Not applicable, this is a non-project action.*
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *Not applicable, this is a non-project action.*
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. *Not applicable.*
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#) *Not applicable.*
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#) *Not applicable.*
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)
Not applicable.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. *Not applicable, this is a non-project action.*

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#) *Not applicable.*

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#) *Not applicable.*

3. Water

a. Surface Water: [\[help\]](#)

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *Not applicable, this is a non-project action.*

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#) *Not applicable.*

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#) *Not applicable.*

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#) *Not applicable.*

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#) *Not applicable.*

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#) *Not applicable.*

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *No.*

2) 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. *Not applicable, this is a non-project action.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#) *Not applicable.*
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#) *Not applicable.*
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *Not applicable.*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *Not applicable.*

4. **Plants** [\[help\]](#)

- 3) Check the types of vegetation found on the site: *Not applicable, this is a non-project action.*

a.

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#) *Not applicable.*

c. List threatened and endangered species known to be on or near the site. [\[help\]](#) *Not applicable.*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#) *Not applicable.*

e. List all noxious weeds and invasive species known to be on or near the site. *Not applicable.*

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

Not applicable, this is a non-project action.

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#) *Not applicable.*

- c. Is the site part of a migration route? If so, explain. [\[help\]](#) *Not applicable.*

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#) *Not applicable.*

- e. List any invasive animal species known to be on or near the site. *Not applicable.*

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *Not applicable, this is a non-project action.*

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#) *Not applicable.*

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#) *Not applicable.*

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

Not applicable, this is a non-project action.

- 1) Describe any known or possible contamination at the site from present or past uses. *Not applicable.*
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *Not applicable.*
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced

during the project's development or construction, or at any time during the operating life of the project. *Not applicable.*

4) Describe special emergency services that might be required. *Not applicable.*

5) Proposed measures to reduce or control environmental health hazards, if any: *Not applicable.*

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Not applicable, this is a non-project action.*

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#) *Not applicable.*

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#) *Not applicable.*

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *Not applicable, this is a non-project action.*

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#) *Not applicable.*

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *Not applicable.*

c. Describe any structures on the site. [\[help\]](#) *Not applicable.*

d. Will any structures be demolished? If so, what? [\[help\]](#) *Not applicable.*

e. What is the current zoning classification of the site? [\[help\]](#) *Not applicable.*

f. What is the current comprehensive plan designation of the site? [\[help\]](#) *Not applicable.*

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#) *Not applicable.*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#) *Not applicable.*

- i. Approximately how many people would reside or work in the completed project? [\[help\]](#) *Not applicable.*
- j. Approximately how many people would the completed project displace? [\[help\]](#) *Not applicable.*
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#) *Not applicable.*
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#) *Not applicable.*
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *None.*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *Not applicable, this is a non-project action.*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#) *Not applicable.*
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#) *Not applicable.*

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *Not applicable, this is a non-project action.*
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
None
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)
None

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *Not applicable, this is a non-project action.*
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)
Not applicable.
- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)
Not applicable.

d. Proposed measures to reduce or control light and glare impacts, if any: *None*

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? *Not applicable, this is a non-project action.*

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
Not applicable.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)
None.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. *Not applicable, this is a non-project action.*

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#) *Not applicable.*

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#) *Not applicable.*

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
None.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. *Not applicable, this is a non-project action.*

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
Not applicable.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)
Not applicable.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)
Not applicable.
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#) *Not applicable.*
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#) *Not applicable.*
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *Not applicable.*
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)
None

15. Public services

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

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____ *Not applicable, this is a non-project action.*
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)
Not applicable.

C. Signature [\[HELP\]](#)

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct and complete:

Signature: _____

Name of signee ___Steven L. Langdon_____

Position and Agency/Organization ___Planning Manager, City of Longview_____

Date Submitted: ___June 16, 2015_____

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is not likely to cause a significant adverse increase to the above. The proposal is to update administrative sections of the zoning code. The effect on land use and pollution production is minimal.

Proposed measures to avoid or reduce such increases are: *None*.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is not likely to have a substantial adverse impact on the above. The proposal is to update administrative sections of the zoning code. The effect on flora and fauna is minimal.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: *None*.

3. How would the proposal be likely to deplete energy or natural resources?

There is no indication that the proposal will deplete natural resources.

Proposed measures to protect or conserve energy and natural resources are: *None*.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is not likely to adversely impact the above.

Proposed measures to protect such resources or to avoid or reduce impacts are: *None*.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The administrative sections of the zoning code provide needed guidelines in implementing the code. Successful implementation of the zoning code and map helps to avoid land use conflicts.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The proposal is designed to avoid shoreline and land use impacts by helping to implement the zoning code.

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

The proposal is not likely to significantly increase demands on transportation, public services or utilities.

Proposed measures to reduce or respond to such demand(s) are: *None.*

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. *None known.*

SECTION 1. The following Title page including chapter list of Title 19, of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

Title 19
ZONING¹

Chapters:

- 19.03 Comprehensive Plan
- 19.06 General Provisions
- 19.09 Definitions
- 19.12 Appeal Board of Adjustment
- 19.14 Repealed
- 19.15 Districts Established
- 19.16 Repealed
- 19.17 Residential Care Facilities
- 19.18 Repealed
- 19.20 Residential Zoning Districts
- 19.21 Repealed
- 19.22 Supplemental Residential Zoning Standards
- 19.24 Repealed
- 19.27 Repealed
- 19.28 Standards for Manufactured Home Parks
- 19.30 Repealed
- 19.32 Repealed
- 19.33 Country Club District, C-D
- 19.35 Riverfront District, RF-1
- 19.39 Civic Center District, C-C
- 19.40 County Fairgrounds District, C-F
- 19.41 Seasonal Sales – Temporary Use Permit
- 19.42 Repealed
- 19.44 Commercial Zoning Districts
- 19.45 Repealed
- 19.46 Supplemental Commercial Zoning Standards
- 19.48 Repealed
- 19.51 Repealed
- 19.52 Repealed
- 19.53 Repealed
- 19.54 Repealed
- 19.55 Performance Standards – Industrial/Manufacturing Zones

- 19.57 Repealed
- 19.58 Industrial Zoning Districts
- 19.59 Repealed
- 19.60 Repealed
- 19.63 Repealed
- 19.65 Repealed
- 19.66 Planned Unit Development
- 19.67 Short Subdivisions
- 19.68 Boundary Line Adjustments
- ~~19.69 General Use Regulations~~
- 19.70 Adult Entertainment Establishments
- 19.72 Repealed
- 19.75 Nonconforming Uses
- 19.78 Off-Street Parking and Loading
- 19.79 Repealed
- 19.80 Longview Subdivision Code
- 19.81 Amendments
- ~~19.84 Enforcement by Building Inspector~~
- 19.87 Violations
- 19.90 Binding Site Plan

1. For the statutory provisions regarding planning and zoning in a code city, see Chapter 35A.63 RCW. For the provisions regarding the required elements of the comprehensive plan, see RCW 35A.63.061. ~~For the statutory provisions regarding zoning in a code city, see Chapter 35A.63 RCW.~~

SECTION 2. Chapter 06 of Title 19 is repealed in its entirety and replaced as follows; provided manifest and numbering errors shall be corrected prior to publication:

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.”

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; and
- (6) To ensure that land use decisions are made in accordance with the public interest and applicable laws of the State of Washington;
- (7) To provide adequate open space for light and air.

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.

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. If any conflict between the zoning map and text of this title ensue, the text of this title shall prevail.

(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 .5, and to the next lower whole number when the fraction is equal to or less than .5, 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.

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 1-3 above, shall be construed as following such feature; and
- (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.
- (6) Cowlitz River. For those portions of the Cowlitz River where the City limits is the center of the river, the zoning district of the abutting land extends into the river to the City limit line.

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	\$1,704 + \$79 per lot
Subdivision – Preliminary plat extension	\$332
Subdivision – Final plat	\$1,704 + \$79 per lot
Short plat	\$1,136
Short plat appeal	\$1,136
Binding site plan A	\$1,136 + \$79 per lot
Binding site plan B	\$2,272 + \$103 per lot
Planned unit development – Preliminary	\$2,272 + \$103 per lot
Planned unit development – Final	\$2,272 + \$103 per

Table 19-A – Longview Fee Schedule for Planning Actions	
ACTION	FEE
	lot
Planned unit development – Amendment	\$682
Boundary line adjustment	\$342
Boundary line adjustment appeal	\$342
Vacation hearing	\$342
Rezone request	\$2,272
Zoning text amendment request	\$2,272
Comprehensive plan amendment request	\$2,272
Special property use hearing for D-C district	\$682
Seasonal Sales Temporary Use Permit	\$58
APPEAL BOARD OF ADJUSTMENT	
Appeal of administrative decision	\$454
Review of the building official's interpretation	\$454
Similar use determination	\$454
Special property use hearing	\$682
Variance hearing	\$1,136
OTHER INSPECTIONS AND FEES	
1. Additional review required by changes, additions or revisions to submitted documents (minimum charge – one-half hour)	\$61 per hour ¹
2. For use of outside consultants	Actual costs ²

Table 19-A – Longview Fee Schedule for Planning Actions	
ACTION	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.	

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 be charged at the rate shown in amended Table 19-A.

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:

Residential district, R-1;
Residential district, R-2;
Residential district, R-3;
Residential district, R-4;
Traditional neighborhood residential, TNR;
Downtown commerce, D-C;
Country club district, C-D;
Civic center district, C-C;
Central business district, CBD;
Regional commercial district, RC;
General commercial district, GC;
Neighborhood commercial district, NC;
Riverfront district, RF-1;
Light industrial district, LI-A;
Light industrial district, LI-B;
Heavy industrial district, HI;
Commercial/industrial district, C/I.

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 in at the Longview Community Development Department. Zoning for all land within the City of Longview is established as shown on the Official Zoning Map.

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 or threatened 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; or
- (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 Title 1.
- (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.

SECTION 3. The following Section of Title 19, Chapter 09 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.09.410 Lot of record.

“Lot of record” means a plot of land:

- (1) That was created and recorded before February 19, 2010; and
- (2) For which the deed, or other instrument dividing the land, is recorded with the Cowlitz County auditor’s office.
- (3) An owner’s segregation processed through the Cowlitz County Assessor’s Office for taxing purposes only is not a “lot of record.”

SECTION 4. The following chapter shall be and is hereby repealed in its entirety:

19.15 Districts Established

SECTION 5. The title to Title 19, Chapter 22 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.22 Supplemental Residential Zoning Standards

SECTION 6. The following Section of Title 19, Chapter 20 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.20.020 Uses.

Table 19.20.020-1 includes uses that are permitted (“P”) or allowed through a special property use permit (“SPU”). If a field is blank, the use is not allowed in that particular zone. A field that is marked with a “P-PUD” symbol is only permitted if allowed via an approved planned unit development (PUD) and preliminary plat (as required) in accordance with Chapter [19.66](#) LMC. Approval of a PUD is discretionary and is not appropriate for development of a single residence on a single existing lot. Note that more specific development standards may apply to various uses as set forth in LMC [19.20.040](#), [19.20.050](#), [19.20.060](#) and [19.20.070](#).

Table 19.20.020 -1 Permitted Uses in Residential Districts					
Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Single-family dwelling ¹ (including manufactured homes per Chapter 16.38 LMC)	P	P ²	See note 1	See note 1	P
Duplex (two-family dwellings)		P ²	P	P	
Triplex (three-family dwellings)		P ²	P	P	
Fourplex (four-family dwellings)		P ²	P	P	
Multifamily dwelling		P- PUD	P	P	
Townhouse (single-family attached dwelling)	P- PUD	P	P	P	P- PUD
Townhouse (two attached townhouses only per zero lot line provisions)					P
Accessory dwelling unit ⁵	P	P	P	P	P
Home occupation	P	P	P	P	P
Accessory structure	P	P	P	P	P

Table 19.20.020 -1 Permitted Uses in Residential Districts					
Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Manufactured home park	SPU P ⁷				
Day care, family home with 12 or fewer children	P	P	P	P	P
Day care center (exceeding 12 children)		SPU	SPU	P	
Adult family home	P	P	P	P	P
Residential treatment facilities other than adult family homes and those listed elsewhere in the use table				SPU	
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses			SPU	P	
Hospitals, medical clinics, health care providers as they are defined in RCW 48.44.010 (10) and (15) as presently enacted or hereafter amended; including accessory services to the above uses				P ⁶	
Office buildings, office uses				P	
Hotels and motels				SPU	
Home gardens and gardening of vacant land ³	P	P	P	P	P
Public or private schools	SPU	SPU	SPU	SPU	SPU
Parks and public playgrounds, including public facilities for athletic events	P	P	P	P	P
Religious and secular assembly uses	SPU	SPU	SPU	SPU	SPU
Public utility structures	SPU	P	P	P	SPU
Cemeteries, funeral homes and associated uses	SPU	SPU	SPU	SPU	SPU
Agricultural activity per LMC 19.20.070 (2)	P				P
Wireless facilities ⁴	See note 4	See note 4	See note 4	See note 4	See note 4
Public safety facility ⁶	SPU	SPU	SPU	SPU	SPU

Notes:

1. New single-family dwellings are only permitted within the R-3 and R-4 zones on lots existing at the time of the initial enactment of the ordinance codified in this chapter.

2. Only one single-family dwelling, duplex, triplex or fourplex shall be located on a legal lot unless otherwise approved via a planned unit development in accordance with Chapter [19.66](#) LMC. This note is not intended to prohibit accessory dwelling units.

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

4. Please see Chapter [16.75](#) LMC for wireless communication locations, standards and requirements.

5. Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments.

6. An ambulance service facility is only permitted when integrated with a public safety facility such as a fire station.

7. Subject to the approval processes as given in LMC Chapters 19.28 and 19.90.

SECTION 7. The following Section of Title 19, Chapter 44 of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.44.020 Uses.

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

Table 19.44.020-1. Permitted uses in commercial zones.						
Use						
Retail Sales and Service	D-C	CBD	RC¹	NC²	GC	O/C
Sales oriented: Stores selling, leasing, or renting consumer, home and business goods	P	P	P	P	P	P ¹²
Personal service-oriented: Financial, insurance, real estate, professional outlets and offices, and beauty/barber shops	P	P	P	P	P	P
Health care providers ³	P	P	P	P	P	P

Repair oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; tailor; locksmith; and upholsterer	P	P		P	P	P
Stand-alone liquor store		P ¹⁰	P		P	
Eating and Drinking Establishments	D-C	CBD	RC¹	NC²	GC	O/C
Restaurant	P	P	P	P	P	P
Restaurant, with incidental consumption of alcoholic beverages	P	P ¹⁰	P	SPU	P	P
Bars, taverns, and nightclubs	P	P ¹⁰	P		P	
Restaurant, with drive-through facility	SPU	P	P		P	P
Restaurant, with seating in the public right-of-way	P	P		P	P	P
Walk-up food establishment with no indoor seating	SPU				SPU	SPU
Brewpub	P	P	P ¹¹		P	P
Lodging, temporary stay	D-C	CBD	RC¹	NC²	GC	O/C
Hotels, motels and lodges	P	P	P ⁴		P	P
Recreational vehicle (RV) parks and campgrounds					P	
Bed and breakfast inns	P ⁵			P		
Vehicle sales, renting, service, and storage	D-C	CBD	RC¹	NC²	GC	O/C
Vehicle repair and service of consumer motor vehicles, including motorcycles, all-terrain vehicles and light and medium trucks.		P			P	P

Automobile, light and medium truck dealers		P			P	P ¹²
Bus, heavy truck, RV, travel trailer or other large vehicle dealers						
Bicycle, motorcycle, all-terrain vehicle dealers	P ⁶	P	P		P	
Boat or marine craft dealer					P	P
Vehicle storage, outdoor					P	
Vehicle washing					P	P
Vehicle renting and leasing		P			P	P
Vehicle fueling station		P	P ¹³	P ¹⁴	P	P ¹²
Amusement/Cultural	D-C	CBD	RC¹	NC²	GC	O/C
Indoor continuous entertainment activities such as bowling alleys, skating rinks, game arcades and pool halls	P	P	P		P	
Outdoor continuous entertainment activities such as miniature golf and skateboard facilities					P	
Theaters, indoor	P	P	P		P	
Drive-in theaters, stadiums and arenas					P	
Museums, botanical and zoological gardens, public plazas, performing and cultural arts studios	P	P			P	
Athletic, health and racket clubs	P	P	P	P	P	P
Circuses, carnivals, or amusement rides		SPU			SPU	
Membership clubs such as fraternal organizations	P ⁷	P			P	

Gambling casinos, card rooms, bingo parlors, pari-mutuel betting parlors, and video arcades		SPU ¹⁰				
Residential	D-C	CBD	RC¹	NC²	GC	O/C
Residential dwellings above the first story of commercial buildings	P	P		P	P	P
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses	SPU				SPU	SPU
Existing residences without any increase in density			P			
Transitional housing facility	SPU8					SPU
Emergency shelters for homeless persons and families	SPU8				P	
<u>Residential Care Facilities per Chapter 19.17</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Education	D-C	CBD	RC¹	NC²	GC	O/C
Schools that meet state requirements for elementary, secondary or higher education, public or private	SPU					
Vocational or technical institutions and colleges	SPU	P			P	P
Dance, music or art schools or studios; athletic, sports-training or martial arts facilities or schools	SPU	P		SPU	P	P
Driving school	SPU	P			P	P
Miscellaneous	D-C	CBD	RC¹	NC²	GC	O/C
Day care facilities for the care of more than 12 children	SPU	P		P	P	P
Commercial off-street parking lots and garages	SPU	P			P	P

Sidewalk businesses in accordance with LMC 12.30.090 through 12.30.140	P	P		P	P	P
Funeral parlors		P			P	P
Basic utility facilities, non-building structures	SPU	SPU	SPU	SPU	P	SPU
Self-service storage (mini warehouses)					P	SPU
Convention centers	SPU	P	P		P	P
Bus terminals and stations, transportation and transit facilities	SPU	P	P	P	P	P
Drive-in and drive-through facilities associated with an allowed use	SPU	P	P		P	P
Telecommunications structures and equipment, subject to the provisions of Chapter 16.75 LMC		P	P	P	P	P
Small animal clinics or veterinary hospitals	P ⁹	P ⁹			P ⁹	P ⁹
Pet grooming	P	P	P	P	P	P
Boat marinas						P
Microbrewery/winery		SPU			SPU	
Religious assembly and institutions, community centers	P ⁷	P			P	P

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

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

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

4. Motels/hotels and lodging facilities shall have a minimum of 40 guest rooms.

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

6. No outdoor display of motorized vehicles is allowed.

7. In the D-C district any property use intended to primarily provide meeting areas for secular and non-secular uses without an on-going active ground-floor use is prohibited. An active ground floor use means a retail, business, or entertainment use where persons come and go on a constant and frequent basis.
8. No ground floor residential.
9. The medical care and services administered to animals shall occur only within the confines of the principal building located on the premises.
10. These uses are not allowed within 700 feet of the center line of the west end of the city street named Mark Morris Court.
11. Brewpubs are permitted outright only in conjunction with LMC 19.44.050(4), Sit-down restaurants with a minimum enclosed floor area of 5,000 square feet.
12. These uses are only allowed in the O/C district if they are located west of 12th Avenue except Assessor's Parcel Number 08749 is allowed to have these uses also.
13. Per LMC 19.44.050.
14. Per LMC 19.44.040.

SECTION 8. The following chapter shall be and is hereby repealed in its entirety:
19.69 General Use Regulations

SECTION 9. Chapter 75 of Title 19 is repealed in its entirety and replaced as follows; provided manifest and numbering errors shall be corrected prior to publication:

Chapter 19.75 Nonconforming Uses and Developments and Substandard Lots of Record

Sections:

19.75.010 Nonconforming Uses and Developments – Purpose

19.75.020 Nonconforming Uses

19.75.030 Nonconforming Development

19.75.040 Substandard lots of record

19.75.010 Nonconforming Uses and Developments – Purpose.

This Chapter provides standards and procedures for nonconforming situations (i.e., existing uses or development that do not comply with this Title). The standards for nonconforming uses and development are intended to provide some relief from code requirements for uses and developments that were established prior to the effective date of this Title and do not comply with current standards. Whenever this Chapter refers to the effective date of this Title, the reference shall be deemed to include the effective date of any amendments to this Title if the amendment, rather than this Title as originally adopted, creates a nonconforming situation. This

chapter also applies to nonconforming uses or development that became such as a result of being annexed into the City.

19.75.020 Nonconforming Uses.

Where at the time of adoption of this Title a use of land exists which would not be permitted by the regulations imposed by this Title and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

(1) Expansion Prohibited. No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Title. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land:

(2) Location. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Title;

(3) Discontinuation or Abandonment. The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

- (a) On the date when the use of land is physically vacated;
- (b) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
- (c) On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
- (d) On the date a request for final reading water and/or power meters is made to the applicable utility providers.

(4) Application of Zoning Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by the Code for the zoning district in which such land is located.

19.75.030 Nonconforming Development, Substandard Lots of Record

Where a development exists at the effective date of adoption or amendment of this Title that could not be built under the terms of this Title by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed,

the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

(1) Alterations. No such nonconforming development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Title or will decrease its nonconformity;

(2) Destruction. Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Cowlitz County Assessor, it shall be reconstructed only in conformity with this Title;

(3) Roadway Access. The owner of a nonconforming access connection (i.e., street or highway access) may be required to bring the nonconforming access into conformance with this Title and Title 12 and other applicable standards as a condition of the City or other roadway authority approving a new access connection permit, or a change in land use.

(4) Relocation or Removal. Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Title.

(5) Reduction of Lot Size by Governmental Action. Where the owner of a legally platted lot or successor in title has a lot reduced in size as a result of governmental action, and does not own sufficient land to enable the lot to conform to the dimensional requirements of the zoning code, such lot may be used as a building site for a single-family residence or other nonresidential use permitted in the district in which the lot is located, provided that:

(a) Where the lot area or mean lot width is reduced by governmental action by **less** than 20 percent of the minimum specified in the zoning code, the Director shall issue a development approval or certificate of occupancy; and

(b) In those cases where the lot area or mean lot width is reduced by governmental action by **more** than 20 percent, the Director may approve as a building site a dimension that conforms as closely as possible to the required dimensions of the zoning code, provided that the combined area of the principal building and accessory building shall not cover more than 40 percent of the lot area remaining after governmental action.

SECTION 10. A new Section of Title 19, Chapter 78 of the Longview Municipal Code is hereby added to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.78.65 Change of use and/or occupancy.

A change of use and/or occupancy of any existing structures or buildings does not require additional parking or loading spaces, so long as no existing structure or building is to be enlarged or extended in ground floor area.

SECTION 11. A new Section of Title 19, Chapter 81 of the Longview Municipal Code is hereby added to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

19.81.090 Approval criteria for site specific rezones.

In its review of an application for rezoning, the City shall consider the criteria 1 thru 5 as provided in 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.

SECTION 12. The following chapter shall be and is hereby repealed in its entirety:

Chapter 19.84 Enforcement by Building Inspector