



**TO:** Longview Planning Commission

**FROM:** Steve Langdon, Planning Manager

**HEARING**

**DATE:** July 1, 2015

**SUBJECT: CASE NUMBER PC 2013-4: Update Administrative Portions of Zoning Code.**

**TYPE OF DECISION:** Legislative

**BACKGROUND AND PROPOSAL**

The City has been in the process of updating its zoning code since the latest Comprehensive Plan was adopted in 2007. Most of the update is complete including the residential, commercial and industrial sections of the zoning code. This proposal deals with the administrative portions of the code. Many of the administrative provisions have not been updated since 1967 and are scattered among different chapters. The draft code amendments provide updated language and consolidate code language in easier to find locations. Administrative sections may not be referred to often but are essential when conflicts in code interpretation arise. Highlights of the draft code amendments are summarized below. The complete proposal is attached as Exhibit A.

A. The proposal repeals the following chapters and consolidates much of the language in the repealed chapters into a new "Chapter 19.06 General provisions:"

- Chapter 19.06 General Provisions
- Chapter 19.15 Districts Established
- Chapter 19.69 General Use Regulations
- Chapter 19.75 Nonconforming Uses
- Chapter 19.84 Enforcement by Building Inspector

B. Amends the definition of "Lot of Record" to clarify that Assessor's segregations for tax purposes only are not "Lots of Record."

C. Creates a new Chapter 19.75 titled "Nonconforming Uses and Developments and Substandard Lots of Record."

D. Creates a new section in “Chapter 19.78 Parking” that basically states that a simple change of use of a building does not trigger the need for additional parking spaces. *This language currently exists but is in a hard to find location in the zoning code (Chapter 19.84).*

E. Creates a new section in “Chapter 19.81 Amendments” that adds approval criteria for site specific rezones.

At their June 3, 2015 meeting, the Planning Commission scheduled a public hearing on the matter for their July 1, 2015 regular meeting.

#### S.E.P.A. Determination

An Environmental Checklist for the proposed zoning code amendments was reviewed pursuant to the State Environmental Policy Act and a determination of non-significance was issued on June 16, 2015. [E 2015-6 SEPA checklist]

The comment period for the SEPA checklist will end on June 30, 2015. SEPA documents are attached as Exhibit B.

#### Additional Information

Pursuant to Chapter 19.81 of the Longview Municipal Code, a legal notice was published in the Longview Daily News on June 20, 2015 and June 28, 2015.

#### Citizen Correspondence

As of this writing, the City has received no written comments.

### **COMPREHENSIVE PLAN**

#### **Comprehensive Plan Goals, Objectives and Policies**

There are few goals, objectives and policies within the comprehensive plan that relate to directly to administrative sections of the zoning code. However, the administrative portions of the zoning code support all other aspects of the zoning code. A comprehensive plan goal and policy in support administrative code functions follows:

Goal LU-D To maintain stability and improve the vitality of neighborhoods through adherence to and enforcement of the City land use regulations

Policy ED-A.1.3 Support, the expeditious processing of applications, permits, and licenses necessary to allow new industry, commerce, office, and mixed uses to locate inside the city limits and to facilitate existing business/industry expansion. Maintain up to date information on local requirements relating to zoning, infrastructure, environmental protection, and other requirements.

There are some goals, objectives and policies that apply to specific portions of the proposal. They are:

#### **Policies in support of developing code for non-conforming uses and structures**

Policy LU-A.1.5 Facilitate redevelopment of existing developed land when appropriate. Encourage infill development on vacant or underdeveloped land.

Policy HO-A.6.2 Promote efficient use of land and infrastructure through support for infill development, redensification of neighborhoods, and redevelopment activities.

### **Goals and policies in support of developing criteria for approving site specific rezones**

Goal LU-B To ensure that the location and design of new development is appropriate in type, density, and location considering existing land use patterns, capacity of public facilities, natural characteristics of the land, and the vision of the community.

Policy LU-B.2.4 Consider the impacts of a proposed development on other more citywide public facilities and services, such as existing park and recreation facilities, schools and transit operation, and the need for future capital improvements.

Policy TR-A.2.15 Make integrated land use and transportation decisions through ongoing City land use permit and SEPA processes to ensure that the transportation network supports the community land use vision.

### **RELEVANT CODE SECTIONS**

Longview Municipal Code Chapter 19.81 specifies the procedure, initiation process and hearing and notice requirements related to proposed amendments for Title 19. The “procedure” clause is included below:

#### **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.

#### **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.

## **STAFF DISCUSSION**

None

## **STAFF FINDINGS**

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

1. The administrative portions of a zoning code are essential elements of a defensible zoning ordinance. The proposal provides updated language and organizes administrative sections in a more effective manner.
2. The proposal includes criteria for the approval of site specific rezones. The criteria will help ensure that quasi-judicial decisions are not arbitrary and capricious and that rezones are consistent with Comprehensive Plan and good planning practice.
3. The proposal includes an updated chapter addressing nonconforming uses and structures. This chapter will help ensure that nonconforming uses and structures that are detrimental the neighborhood (public interest) are, over time, converted to more compatible uses while avoiding an unfair requirement for immediate cessation.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed zoning text amendments

## **EXHIBITS**

- A. Draft code amendments
- B. SEPA documents

Report Date: June 24, 2015