

ORDINANCE NO. 3327

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**AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AMENDING CHAPTER 19.44 TO THE LONGVIEW MUNICIPAL CODE ADDRESSING EMERGENCY SHELTERS**

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WHEREAS, the establishment of emergency shelters, especially those known as “low barrier shelters” in neighboring communities has demonstrated that such land uses pose a risk or increase demand on emergency services, and other secondary effects such as higher crime rates and negative impacts on property values. The City is concerned that the creation of new emergency shelters without adequate size, spacing or other appropriate controls could undermine the goals, objectives and policies of the Comprehensive Plan and other City plans and policies; and

WHEREAS, such land use and public safety issues include but are not limited to appropriate zoning, applicable building codes, location restrictions, density, and spacing requirements between emergency housing uses; and

WHEREAS, the City Council originally adopted a six month moratorium on the acceptance of applications for low barrier shelters on October 22, 2015; and

WHEREAS, the moratorium was extended on April 14, 2016 because additional time was needed to study existing and potential impacts from land uses associated with emergency shelters so that the City may implement effective planning controls. In addition, the City needed additional time to conduct an appropriate analysis and to develop a work plan with appropriate recommendations for the Longview Planning Commission to consider regarding the issues noted above; and

WHEREAS, on July 6, 2016 the Planning Commission conducted a public hearing on proposed changes to the Longview Municipal Code addressing homeless shelters, following which it forwarded recommended changes to the Longview City Council; and

WHEREAS, On August 25, 2016 the Longview City Council conducted a workshop to review the Planning Commission’s recommendations; and

WHEREAS, On September 8, 2016, the City Council conducted a public hearing to solicit input on the proposed ordinance.

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

**Section 1** That Section 19.44.020 of Chapter 19.44 of the Longview Municipal Code shall be, and 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						
<b>Retail Sales and Service</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
Sales oriented: stores selling, leasing, or renting consumer, home and business goods	P	P	P	P	P	P <sup>12</sup>
Personal service-oriented: financial, insurance, real estate, professional outlets and offices, and beauty/barber shops	P	P	P	P	P	P
Health care providers <sup>3</sup>	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 <sup>10</sup>	P		P	
Recreational marijuana retail outlets per LMC 19.44.100		P	P		P	P
<b>Eating and Drinking Establishments</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
Restaurant	P	P	P	P	P	P
Restaurant, with incidental consumption of alcoholic beverages	P	P <sup>10</sup>	P	SPU	P	P
Bars, taverns, and nightclubs	P	P <sup>10</sup>	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 <sup>11</sup>		P	P
<b>Lodging, temporary stay</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
Hotels, motels and lodges	P	P	P <sup>4</sup>		P	P
Recreational vehicle (RV) parks and campgrounds					P	
Bed and breakfast inns	P <sup>5</sup>			P		
<b>Vehicle sales, renting, service, and storage</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
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 <sup>12</sup>
Bus, heavy truck, RV, travel trailer or other large vehicle dealers						

Table 19.44.020-1. Permitted uses in commercial zones.						
Use						
Bicycle, motorcycle, all-terrain vehicle dealers	P <sup>6</sup>	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 <sup>13</sup>	P <sup>14</sup>	P	P <sup>12</sup>
<b>Amusement/Cultural</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
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 <sup>7</sup>	P			P	
Gambling casinos, card rooms, bingo parlors, pari-mutuel betting parlors, and video arcades		SPU <sup>10</sup>				
<b>Residential</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
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	SPU <sup>8</sup>					SPU
Emergency shelters for homeless persons and families per LMC 19.44.110	SPU <sup>8</sup>				<del>P</del> SPU	<del>SPU</del>
Residential care facilities per Chapter 19.17 LMC	P	P	P	P	P	P
<b>Education</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
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

Table 19.44.020-1. Permitted uses in commercial zones.						
Use						
<b>Miscellaneous</b>	<b>D-C</b>	<b>CBD</b>	<b>RC<sup>1</sup></b>	<b>NC<sup>2</sup></b>	<b>GC</b>	<b>O/C</b>
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 <sup>9</sup>	P <sup>9</sup>			P <sup>9</sup>	P <sup>9</sup>
Pet grooming	P	P	P	P	P	P
Boat marinas						P
Microbrewery/winery		SPU			SPU	
Religious assembly and institutions, community centers	P <sup>7</sup>	P			P	P
Public safety facility		P	SPU		SPU	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 nonsecular uses without an ongoing 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 2** That a new Section 19.44.110 shall be added to the Longview Municipal Code shall be, and is hereby to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

**19.44.110 Emergency Shelters.**

A. The following standards apply to emergency shelter:

- (1) Emergency shelters shall be consistent with the definition of emergency shelter as given in Chapter 19.09.
- (2) Prohibited Areas. Emergency shelters shall not be allowed in the following areas:
  - (a) Within 325 feet of a single-family residential district such as the R-1 Residential and the Traditional Neighbor Residential districts.
  - (b) Within 650 feet of an established elementary or secondary school whether public or private
  - (c) Within 325 feet of a public park that is 0.5 acre or more in size
  - (d) Within 1,500 feet of another emergency shelter
  - (e) Any area zoned General Commercial that is located generally west of 26th Avenue, Nichols Boulevard and Pacific Way.
- (3) The distances specified in subsection (2) of this section shall be measured as follows:

(a) For subsection (2)(a) of this section, the distance shall be measured as the shortest straight line distance from the nearest wall of the building housing the licensed premises to the residential zoning district boundary line.

(b) For subsections (2)(b) thru (d) of this section, the distance shall be measured as the shortest straight line distance from the property line of the emergency shelter to the property line of a use listed in subsections (2)(b) thru (d) of this section.

B. To assist the Appeal Board of Adjustment in finding the emergency shelter will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare per LMC 19.12.050, the following shall be submitted with special property use application.

(1) A written management plan shall be provided for the review and approval of the Appeal Board of Adjustment. At a minimum, the management plan shall address the following:

a. The specific nature of the emergency shelter, its intended occupants, and the onsite services that are provided;

b. Its potential impact on nearby land uses and proposed methods to mitigate those impacts;

c. Identification of the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility; and

d. Identification of staffing, supervision and security arrangements appropriate to the facility.

C. The approved management plan is binding as long as the emergency shelter is operating even if the management of the emergency shelter has changed. Substantial changes to the management plan may require a new special property use permit as determined by the Community Development Director. If the emergency shelter is found to be in violation of the approved plans, conditions of approvals, or the terms of the permit or management plan, and the owner has failed to correct the violation after proper notice thereof; then the Appeal Board of Adjustment may revoke the special property use permit per 19.12.130.

**Section 3.** 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 4.** That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

**Section 5.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6.** This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2016.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James McNamara  
City Attorney

Published: \_\_\_\_\_