



**STAFF REPORT**  
**to the**  
**LONGVIEW APPEAL BOARD OF ADJUSTMENT**

**PRESENTED BY:** Adam Trimble, Planner

**HEARING DATE:** May 8, 2018

**APPLICATION NO.:** ABA 2018-1

**APPLICANT:** Cowlitz 2 Fire and Rescue

**PROPERTY OWNER:** Cowlitz 2

**REQUEST:** Special Property Use Permit in accordance with LMC §19.20.020 for a Public safety facility in the R-1, Residential District.

**LOCATION:** 5699/5701 Ocean Beach Hwy (Parcel Numbers: 107300100 & 107260100).

**ASSOCIATED CASES:** None.

**ZONING DISTRICT:** R-1, Residential District

**BACKGROUND AND PROPOSAL**

The Cowlitz 2 Fire District is replacing an existing fire station that consists of a single mobile home residential unit and a three apparatus bay building, with a new 7,440 square foot fire station. All existing parking stalls (18) will be demolished and replaced with 15 new parking stalls. Site landscaping will be installed to provide a 25' enhanced wetland buffer due to proximity to a wetland. A public sidewalk will be built along the entire Ocean Beach highway frontage. The property is in the R-1, Residential District, which allows public safety facilities, as a Special Property Use and notes that "An ambulance service facility is only permitted when integrated with a public safety facility such as a fire station". [Exhibit A: SPU application, Exhibit B site plan & rendering drawings].

The site is accessed from Ocean Beach Highway with two driveways, one of which lines up directly with the three apparatus bays. The new site plan will reduce access to one driveway onto

Ocean Beach Highway and make use of an existing driveway owned by Cowlitz County and used by Cowlitz County public works [Exhibit C: aerial photo, street view].

The owner of the property is Cowlitz County Fire District #2.

Neighboring land uses include:

North – Single family residence, vacant land, mini-storage and a commercial development and state route 4.

South – a Cowlitz County roads department maintenance facility

East – vacant land, a fuel station and convenience store

West – single family residences facing Ocean Beach Highway

The Comprehensive Plan classification for the property is Public/Quasi-Public/Institutional.

In accordance with LMC §19.12.090(1), written notice of the public hearing for the Special Property Use Permit petition was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal on Thursday, April 26, 2018 [Exhibit D].

The property was posted on Thursday, April 26, 2018, and re-posted May 1, 2018 with a notice of public hearing announcing the proposed land use application. Legal notice of the public hearing appeared in the Longview Daily News on Sunday, April 29, 2018 and Saturday May 5, 2018.

## **SEPA DETERMINATION**

A State Environmental Policy Act checklist was required and a SEPA Determination of Non-Significance (DNS) for this application was made April 25, 2018. As of the date of this report, two comments have been received; from the CDID #1, with no impacts and from the Southwest Washington Clean Air Agency, regarding construction debris and any back-up power generator [Exhibit E].

## **CRITICAL AREA ORDINANCE REQUIREMENTS**

There are identified Critical Area wetlands on this parcel. Therefore, a Critical Area Permit is required and has been applied for [Exhibit F]. The site plan shows some of the development occurring in a required wetland buffer. The applicant proposes to use ‘buffer enhancement’ where the wetland buffer may be reduced by up to 25 percent; provided, that 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.

## **APPLICABLE CODE SECTIONS**

Section 19.18.010(5) of the Longview Municipal Code (LMC) requires the land use proposed to receive approval via a public hearing process, and the issuance of a Special Property Use Permit by the Appeal Board of Adjustment. The specific code citations are listed below.

For Residential Zoning Districts described in 19.20 of the Longview Municipal Code, table 19.20.020 includes uses that are permitted (“P”), not allowed, or allowed through a special property use permit (“SPU”):

Table 19.20.020-1 Permitted Uses in Residential Districts

Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Public safety facility <sup>6</sup>	SPU	SPU	SPU	SPU	SPU

LMC § 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 an 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 [LMC 19.12.050].

### LMC §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.

### **STAFF ANALYSIS**

In reviewing LMC §19.12.050, which contains the criteria that shall guide the Board during their review of this petition, staff finds the following:

- (i) *That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity.*

The proposed fire station is a replacement and will consolidate two buildings into one, in addition to improving landscaping and wetland plantings. Existing homes in the vicinity will experience no increase in intensity of the fire station use as a result of this project.

- (ii) *That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic.*

The City Traffic Engineer has evaluated the site for possible impacts and found that the proposal will increase safety by reducing, narrowing and relocating driveways as required by the City's Access Management ordinance and by providing a sidewalk along that portion of Ocean Beach highway.

- (iii) *That adequate ingress and egress will be available for fire and other vehicular emergency equipment.*

The use is a fire station and will have a building designed to make use of two access points onto Ocean Beach highway.

- (iv) *That adequate off-street parking will be provided to prevent congestion of public streets.*

The zoning code does not provide a specific requirement for fire stations but does require a minimum of 8 stalls based on square footage. Fifteen spaces are proposed.

LMC §19.12.050 also requires the Board to adopt the following finding if granting the Special Property Use Permit:

- (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.*

The application is to construct a modern fire station to continue to serve and protect the community.

As of this writing, staff has received no comments from neighboring property owners.

## **STAFF DISCUSSION**

The City's Building Official, Fire Marshal, and Public Works Department have had the opportunity to review the Special Property Use application for 5699 Ocean Beach Highway. The applicant will be constructing a public sidewalk as part of the project which will improve pedestrian accessibility and safety along the South side of Ocean Beach highway.

## **STAFF FINDINGS**

1. 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.
2. The R-1 Residential District permits the proposed use subject to a granting of a Special Property Use Permit by the Longview Appeal Board of Adjustment.
3. The use as proposed meets the criteria found in LMC §19.12.050.

## **RECOMMENDATION**

Staff recommends that the Appeal Board of Adjustment grant a Special Property Use Permit for the Cowlitz 2 Fire & Rescue fire station replacement at 5699 Ocean Beach Highway.

## **EXHIBITS**

- A. Special Property Use Permit application
- B. Site plan and rendering
- C. Aerial photo and street view
- D. Notice of Public Hearing (property owner notification).
- E. SEPA checklist
- F. Critical Area Permit

Staff Report Date: May 1, 2018