

ORDINANCE NO. 3244

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON ADOPTING REVIEW CRITERIA AND OBJECTIVES TO BE UTILIZED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW IN THE REVIEW OF PETITIONS REQUESTING ANNEXATION TO THE CITY LIMITS OF THE CITY OF LONGVIEW.

WHEREAS, the City has received requests for City water service for properties located outside of City limits and within the industrial area adjacent to the Columbia River. There has been a long-standing agreement between Cowlitz County and the City that the City would not force annexation of the industrial lands located between the existing City limits and the Columbia River. However, the 2006 Comprehensive Plan does not contain any policies that include the agreement. Thus, staff was directed to produce draft Comprehensive Plan amendments that would incorporate the agreement between the County and the City; and

WHEREAS, the City Council asked staff to develop an impact analysis process for major annexation requests and other clarifications to annexation policies were needed; and

WHEREAS, on October 15, 2009 and March 7, 2013, the City Council held workshops regarding annexation issues and policies and then at their March 28, 2013 regular meeting directed the City Attorney to prepare an ordinance for their review and approval; and

WHEREAS, the Planning Commission held a workshop on the proposed amendments at their August 2012 regular meeting. At their November 7, 2012 regular meeting the Planning Commission held a public hearing on the proposed Comprehensive Plan amendments. Following the public hearing, the Planning Commission voted unanimously to recommend approval of the amendments; and

WHEREAS, an Environmental Checklist for the proposed Comprehensive Plan amendments regarding annexation policy was reviewed pursuant to the State Environmental Policy Act and a determination of non-significance was issued on September 19, 2012. [E 2012-11 SEPA checklist] The comment period for the SEPA checklist ended on October 3, 2012; and

WHEREAS, Goal LU-F To further coordinate planning and decision making among the City, County, and other urban service providers in matters relating to urban services and development, ensure that annexation to the City of Longview meet development and growth needs, create reasonable service areas for city services, and form logical extensions of city boundaries; and

WHEREAS, it is the intention of the City Council to ensure reasonable compatible growth and it has been determined that the interests of the people of the City of Longview would be best served if properties proposed for annexation were subject to the following criteria.

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

Section 1 That the Comprehensive Plan of the City of Longview shall be, and is hereby amended to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

Goal LU-F

To further coordinate planning and decision making among the City, County, and other urban service providers in matters relating to urban services and development, ensure that annexations to the City of Longview meet development and growth needs, create reasonable service areas for city services, and form logical extensions of city boundaries.

Objective LU-F.1

By December ~~2008~~ 2014, the City should coordinate with Cowlitz County and revise existing agreements or enter into a new interlocal agreement with the County to ensure consultation and review of proposed development within the Planning Area is consistent with the City's Vision and Comprehensive Plan.

Policy LU-F.1.1

Encourage Cowlitz County to adopt Longview's land use designations and regulations for land within the PAB.

Policy LU-F.1.2

Ensure that areas annexing to the City are:

- adjacent contiguous to city limits;
- within the City sewer and water service areas and within the Longview PAB;
- serve to promote development close to the general core area of the City;
- contribute to the consolidation and regularization of city limits;
- use natural or manmade boundaries that are readily identifiable in the field, such as roads/freeways, railroads, ditches, waterways, wetlands, and ridges; and
- include or exclude an entire neighborhood, rather than dividing portions of the neighborhood between City and County jurisdictions.

Policy LU-F.1.3

The City should encourage annexations that encompass unincorporated islands and peninsulas; furthermore, the City should ensure that a proposed annexation does not create odd-shaped “arms” or make for unincorporated arms or “islands” surrounded by City limits.

Policy LU-F.1.4

Require unincorporated areas or new developments adjacent ~~contiguous~~ to City limits and within the Longview PAB who request City sewer or water service to annex to the City before extensions will be granted.

Policy LU-F.1.5

Require that unincorporated areas or new development requesting connection to City sewer and/or water systems that are not adjacent ~~contiguous~~ to City limits but are within the City’s sewer and/or water service area and the Longview PAB enter into an agreement with the City requiring future annexation when adjacent or nearby properties come into the City. Such agreements should be recorded against the affected properties.

Policy LU-F.1.6

Condition annexations, as appropriate, on capital improvements or building improvements being made by the property owners or other requirements deemed appropriate by the City.

Policy LU-F.1.7

Owners within an annexing area should expect to contribute to capital improvements serving the area and to assume a portion of City indebtedness upon annexation.

Policy LU-F.1.8

Encourage and promote the consolidation and regularization of city limits in the general area of West Longview along Ocean Beach Highway.

Policy LU-F.1.9

Upon annexation, require properties to assume Longview Comprehensive Plan land use designations and zoning.

Policy LU-F.1.10

Areas where the availability of infrastructure and services allows for the development of urban densities should be annexed to the City of Longview. The City of Longview should be the primary service provider of urban infrastructure and services in the resultant area provided that the City can offer such services in an efficient and cost-effective manner. Water and sewer service should be provided by the City or by the Beacon Hill Water and Sewer District within their respective service areas.

Policy LU-F.1.11

Urban development within the City's Planning Area Boundary should not occur without annexation unless there is an interlocal agreement with Cowlitz County defining land use, zoning, annexation phasing, urban services and design standards, and impact mitigation requirements.

Policy LU-F.1.12

The extension of sewer services beyond the City's Planning Area Boundary should be prohibited except that an extension may be made if it is determined by the City and/or the Cowlitz County Health Department that a public health emergency exists or is imminent, or if it is determined that existing development is a threat to the City's water supply aquifer.

Policy LU-F.1.13

Annexations proposed by the petition method should be expanded to include areas surrounded by the City on three sides and those properties with recorded covenants to annex, provided the expansion does not render the proposal incapable of meeting state guidelines.

Policy LU-F.1.14

Responsibility for extension of sewer and water lines in the Planning Area Boundary should lie with the development applicant and not with the City.

Policy LU-F.1.15

Sewage collection and water distribution systems installed within the Planning Area Boundary should be designed to serve the anticipated future growth of that area as determined by the City of Longview.

Policy LU-F.1.16

Policies LU-F.1.4 and LU-F.1.5 shall not apply to the lands located between the City limits and the Columbia River as shown in Figure 2.3.

Policy LU-F.1.17

The City should be the only purveyor of sewer and water services within the Planning Area Boundary except within the Beacon Hill Water and Sewer District service areas as identified in each agency's water and sewer comprehensive plans.

Policy LU-F.1.18

For proposed annexations twenty (20) acres or larger and/or having an assessed valuation of \$7.5 million or more, City staff shall prepare an evaluation of the annexation proposal. The evaluation will be submitted to the City Council prior to their initial meeting on an annexation request. The evaluation shall include the land within the

annexation application plus any staff recommended expansion of the annexation area. The evaluation will contain information and/or address criteria as follows:

1. Statistical data such as acreage, number of residential units, number and type of businesses, estimated population, street mileage, assessed valuations, existing utility services, existing parks, playgrounds, schools and public buildings.
2. Maps that show present and proposed city boundaries, general land use patterns, City's Comprehensive Plan Future Land Use Map classifications, existing Cowlitz County zoning designations, present water mains and proposed extensions, present sewer interceptors and proposed extensions, existing streets, and existing public areas such as playgrounds and schools.
3. Public services to the area's residents should be surveyed and evaluated. The methods of providing such services should be described, and their costs estimated. These would include: police and fire protection, water and sewer service, garbage disposal, street maintenance, street lighting, storm sewers, animal control, planning, building inspection, recreation and library services.
4. Estimates of urban service needs should be made. The extent to which such services are already provided within the area will determine the service shortages in the proposed annexation area.
5. The cost of extending or improving services should be estimated. Anticipated expenditures should be contrasted with anticipated revenue that would be derived from the area. Consideration of service costs should include:
 - a. Police protection (additional personnel, equipment, police stations);
 - b. Fire protection (additional personnel, equipment, hydrants, fire stations);
 - c. Public works (additional street maintenance, construction, lighting, traffic signals);
 - d. Parks and recreation (additional park acreage, recreational programs, new facilities);
 - e. Water (water main construction, maintenance, replacement of old lines);
 - f. Sewers (new interceptor lines, additional treatment plant capacity, pump stations);
 - g. Solid waste (garbage and recycling collection and disposal); and
 - h. Drainage (capacity and/or flooding, new facilities, water quality).
6. A complete estimate of potential revenues to accrue from the area should be made. All existing methods of raising revenue that the City now has should be applied to the area being considered for annexation. These would include property taxes, state shared revenues, sales taxes, business and occupation taxes, and inspection and license fees.
7. Any special problems within the proposed annexation area should be identified. These would include physical problems as well as social and economic problems. Examples of physical problems include; properties containing regional power lines that cannot be developed to urban uses, extensive critical areas such as known landslides, steep slopes or extensive wetlands, contaminated sites, failing septic systems, and contaminated groundwater. Social and economic problems might include a business or residential complex that has a high call rate for police services or a residential neighborhood with a fluctuating population and/or with a high vacancy rate.

Note 1: For purposes of policies LU-F.1.2 to LU-F.1.5 "adjacent" is defined as: abutting or located directly across a street, alley right-of-way or CDID#1 Ditch from the City limits.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 3. That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

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 25 day of April, 2013.

Approved by the Mayor this 25 day of April, 2013.



MAYOR

ATTEST:



City Clerk

APPROVED AS TO FORM:



James McNamara

City Attorney

Published: May 1, 2013

