

AS-13515

Timed Items 10.

BOCC Agenda

Meeting Date: 05/14/2024

Recodification section 18.01.100(B) Interim Mining of County Code

Submitted For: Traci Jackson

Submitted By: Traci Jackson

Department: Building & Planning

Information

Subject and Summary Statement

Public Hearing to consider Recodifying Section 18.01.100(B), Interim Mining of County Code, Special Uses as final code in a New Chapter 18.15 Surface Mining Special Use of County Code; and amending content and code references therein to reflect this adoption and recodification.

Will Staff Attend - NAME OF STAFF

Wayne Nelsen

Department Recommendation

The Department recommends approval of Recodifying Section 18.01.100(B), Interim Mining of County Code, Special uses as final code in a New Chapter 18.15 Surface Mining Special Use of County Code; and amending content and code references therein to reflect this adoption and recodification.

Attachments

Call for Hearing
Parties of Record
Notice to parties of record
draft PC minutes
Ordinance
Comments

Form Review

Form Started By: Traci Jackson

Started On: 05/06/2024 03:20 PM

Final Approval Date: 05/07/2024

AS-13490

Consent 1.

BOCC Agenda

Meeting Date: 04/30/2024

Call for Hearing - Surface Mine Ordinance

Submitted For: Traci Jackson

Submitted By: Traci Jackson

Department: Building & Planning

Information

Subject and Summary Statement

Set public hearing to consider surface mine ordinance.

Will Staff Attend - NAME OF STAFF

Wayne Nelsen

Department Recommendation

The Department recommends setting the public hearing for adoption of surface mine ordinance.

Attachments

legal

Resolution

Resolution

Form Review

Form Started By: Traci Jackson

Started On: 04/23/2024 01:26 PM

Please publish legal notice of public hearing as shown below.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 5/14/24, at 9:45 a.m. in the Commissioners' Hearing Room, County Admin Bldg, Kelso, WA to consider Recodifying Section 18.01.100(B), Interim Mining of County Code, Special Uses as final code in a New Chapter 18.15 Surface Mining Special Use of County Code; and amending content and code references therein to reflect this adoption and recodification.

NOTICE IS HEREBY GIVEN that a public hearing will be held on 5/14/24, at 10:00 a.m. in the Commissioners' Hearing Room, County Admin Bldg, Kelso, WA to consider Recodifying the remainder of Chapter 18.01 of County Code, Special uses into add new sections of Chapter 18.10 County Code, Land Use Ordinance, and Amending content and code references therein to facilitate recodification and clarification, and creating a new Chapter 18.17 for the race facilities regulations, and Repealing prior ordinances thereto.

The Clerk of the Board will accept written testimony concerning the proposed Land Use Ordinance update until 5/9/23 at 4:30 p.m.

The Cowlitz County Administration Building is accessible for persons with disabilities. Details on the type of meeting will be posted on the BOCC website: <https://www.co.cowlitz.wa.us/166/Board-of-Commissioners>.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

Published: 5/2/24

PUBLICATION REQUIREMENT: To be published in one (1) issue

BILLING INFORMATION:

- 1) **AFFIDAVITS TO:** Cowlitz County Commissioners
ATTN: Clerk of the Board
207 Fourth Avenue North, Room 305
Kelso, WA 98626

- 2) **BILL TO:** Cowlitz County Building and Planning Department
Attn: Meghan Stump
207 4th Ave N
Kelso, WA. 98626

BEFORE THE BOARD OF COMMISSIONERS OF COWLITZ COUNTY, STATE OF WASHINGTON

A Resolution in the Matter of Setting a Public Hearing X
to Consider Recodifying Section 18.01.100(B) - Interim X
Mining Code, Special Uses to New Chapter 18.15 X
Surface Mining Special Use as final Code: and amending X
Content and code references therein to reflect this X
Adoption and recodification X

Resolution No. 24-039

IT IS HEREBY RESOLVED by the Board of Commissioners of Cowlitz County, Washington, in a meeting assembled in the Administration Building of said county, that a hearing be held on the 14th day of May 2024, at the hour of 9:45 a.m. to consider Recodifying Section 18.01.100(B) – Mining of County Code, Special Uses to new chapter 18.15 – Surface Mining Special Use as final code; and amending content and code references therein to reflect this adoption and recodification.

IT IS FURTHER RESOLVED, that the Clerk of said Board forthwith give at least ten (10) days’ notice of said hearing as required by law.

DATED THIS 30th day of April, 2024.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

DocuSigned by:
Richard Dahl

0AD76D9817B64F6...
Richard R. Dahl, Chairman

DocuSigned by:
Dennis Weber

9959C1D2F93B41D...
Dennis P. Weber, Commissioner

DocuSigned by:
Arne Mortensen

30C0340DDE244E6...
Arne Mortensen, Commissioner

ATTEST:

DocuSigned by:
Kelly Dombrowsky

39750CE5FD1E47A...
Clerk of the Board

DocuSigned by:


BEFORE THE BOARD OF COMMISSIONERS OF COWLITZ COUNTY, STATE OF WASHINGTON

A Resolution in the Matter of Setting a Public Hearing X
to Consider Recodifying Chapter 18.01 of County Code - X
Special uses into new sections of Chapter 18.10 of X
Code, Land Use Ordinance, and Amending content and X
Code references therein to facilitate recodification, and X
Creating new Chapter 18.17 for race facilities X

Resolution No. 24-040

IT IS HEREBY RESOLVED by the Board of Commissioners of Cowlitz County, Washington, in a meeting assembled in the Administration Building of said county, that a hearing be held on the 14th day of May 2024, at the hour of 10:00 a.m. to recodify Chapter Section 18.01 of County Code, Special Uses into new sections of Chapter 18.10 County Code, Land use Ordinance, and Amending content and Code references therein to facilitate recodification, and creating new Chapter 18.17 for race facilities.

IT IS FURTHER RESOLVED, that the Clerk of said Board forthwith give at least ten (10) days' notice of said hearing as required by law.

DATED THIS 30th day of April, 2024.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

DocuSigned by:
Richard Dahl

0AD76D9B17B54F5...
Richard R. Dahl, Chairman

DocuSigned by:
Dennis Weber

9959C1D2F93B41D...
Dennis P. Weber, Commissioner

DocuSigned by:
Arne Mortensen

50C0340DDE244E6...
Arne Mortensen, Commissioner

ATTEST:

DocuSigned by:
Kelly Dombrowsky

39750CE5FD1E47A...
Clerk of the Board

DocuSigned by:


NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 5/14/24, at 9:45 a.m. in the Commissioners' Hearing Room, County Admin Bldg, Kelso, WA to consider Recodifying Section 18.01.100(B), Interim Mining of County Code, Special Uses as final code in a New Chapter 18.15 Surface Mining Special Use of County Code; and amending content and code references therein to reflect this adoption and recodification.

NOTICE IS HEREBY GIVEN that a public hearing will be held on 5/14/24, at 10:00 a.m. in the Commissioners' Hearing Room, County Admin Bldg, Kelso, WA to consider Recodifying the remainder of Chapter 18.01 of County Code, Special uses into new sections of Chapter 18.10 County Code, Land Use Ordinance, and Amending content and code references therein to facilitate recodification and clarification, and creating a new Chapter 18.17 for the race facilities regulations, and Repealing prior ordinances thereto.

The Clerk of the Board will accept written testimony concerning the proposed Land Use Ordinance update until 5/9/23 at 4:30 p.m.

The Cowlitz County Administration Building is accessible for persons with disabilities. Details on the type of meeting will be posted on the BOCC website: <https://www.co.cowlitz.wa.us/166/Board-of-Commissioners>.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 5/14/24, at 9:45 a.m. in the Commissioners' Hearing Room, County Admin Bldg, Kelso, WA to consider Recodifying Section 18.01.100(B), Interim Mining of County Code, Special Uses as final code in a New Chapter 18.15 Surface Mining Special Use of County Code; and amending content and code references therein to reflect this adoption and recodification.

NOTICE IS HEREBY GIVEN that a public hearing will be held on 5/14/24, at 10:00 a.m. in the Commissioners' Hearing Room, County Admin Bldg, Kelso, WA to consider Recodifying the remainder of Chapter 18.01 of County Code, Special uses into new sections of Chapter 18.10 County Code, Land Use Ordinance, and Amending content and code references therein to facilitate recodification and clarification, and creating a new Chapter 18.17 for the race facilities regulations, and Repealing prior ordinances thereto.

The Clerk of the Board will accept written testimony concerning the proposed Land Use Ordinance update until 5/9/23 at 4:30 p.m.

The Cowlitz County Administration Building is accessible for persons with disabilities. Details on the type of meeting will be posted on the BOCC website: <https://www.co.cowlitz.wa.us/166/Board-of-Commissioners>.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON



Cowlitz County Planning Commission

Regular Meeting Minutes

Wednesday, April 17, 2024, 5:30 p.m.

Commissioners' Hearing Room, 207 4th Avenue North, Kelso, 3rd Floor, and Zoom

Chair Smith called the meeting to order at 5:30 p.m.

1. **Roll Call**

Staff Present: Building & Planning Director Traci Jackson, Planning Manager Wayne Nelsen, Senior Planner Adam Trimble, Building & Planning Department Counsel/Consultant Jay Derr (present online), Planning Secretary Terri Pierson

Planning Commissioners Present:

In person: Commissioner Charles P. Hall, Commissioner Joel Rupley, Commissioner Erica Rodman, Commissioner Tim Shay, Chair Mark Smith

Remote via Zoom:

Commissioner Matt Peters

A Quorum was established.

2. **Approval of Minutes**

Motion: Chair Smith moved to approve the minutes of the March 20, 2024 meeting. Motion seconded.

Action: Approved 5-0. The Commission approved the motion.

3. **Public Hearing (action item): Proposal to adopt a new chapter, 18.15 Surface Mining Special Use and include related amendments to Chapters 18.01, 18.10, and 18.17**

- Chair Smith opened the hearing with a presentation by staff; explained public hearing procedure to attendees.
- Planning Manager Wayne Nelsen summarized the provided staff report and SEPA process; offered the staff recommendation to adopt the proposed ordinance as amended by staff in response to public comments and providing for correction of clerical errors. Discussed concerns expressed by the ports of Woodland, Kalama, and Longview in relation to the proposed ordinance.
- At 6:01 p.m. Chair Smith opened the public comment portion of the meeting. The following residents provided comments: Edward Moersfelder, Darcy Billingsly, Robert Beringer, Chloe Simmons, Mick Simmons, Christy Tseu. Tabitha Reeder, Director of Environmental Services at the Port of Kalama, spoke on behalf of the ports of Kalama, Woodland, and Longview to request that the ordinance provide exemption for sites outside shoreline jurisdictions for ports as special districts. At 6:52 p.m. Chair Smith closed the public comment period.

Motion: Chair Smith moved to recommend the Cowlitz County Board of Commissioners adopt the proposed chapter 18.15 Surface Mining Special Use and amendment by staff as noted previously. Motion seconded.

Motion: Commissioner Rodman moved to amend the proposed ordinance to include an exemption for dredge materials to be placed on rehandling sites as defined by the new surface mining code and identified by the respective ports and the U.S. Army Corps of Engineers. Motion seconded.

Action: Approved 6-0. The Commission approved the motion to amend.

Motion: Chair Smith moved to adopt the proposed new chapter. Seconded.

Action: Approved 6-0. The Commission approved the motion.

4. Public Comment/Good of the Order

Chair Smith addressed commissioners regarding the use of electronic information and paperless communications going forward. No objections were made.

No comments were made by the public.

5. Adjournment

Chair Smith adjourned the meeting at 7:08 p.m.

Next Regular Meeting: May 15, 2024.

Respectfully submitted by:

Terri Pierson, Planning Commission Secretary

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON**

**RECODIFYING SECTIONS OF CHAPTER)
18.01 OF COUNTY CODE, SPECIAL USES TO)
ADD NEW SECTIONS TO CHAPTER 18.10)
COUNTY CODE, LAND USE ORDINANCE,)
AND AMENDING CONTENT AND CODE)
REFERENCES THEREIN TO FACILITATE)
RECODIFICATION, AND CREATING NEW)
CHAPTER 18.17 FOR RACE FACILITIES.)**

ORDINANCE NO. 24-042

WHEREAS, the Board of County Commissioners (Board), pursuant to RCW 36.32.120 and Chapter (Ch.) 36.70 RCW previously adopted Ch 18.01, currently named “Special Uses” to the Cowlitz County Code (“CCC”) in conjunction with creating interim and permanent special use development regulations, with procedures and processes thereto; and

WHEREAS, the Board, also pursuant to RCW 36.32.120 and Ch. 36.70 RCW previously adopted and thereafter amended Ch. 18.10 CCC, currently named “Land Use Ordinance”, with consolidated procedures and processes therein for other development regulations; and

WHEREAS, the Board, pursuant to RCW 36.32.120 and Ch. 36.70 RCW, and Ch. 1.01 CCC, “Code Adoption” determined that it should consider consolidating the land use regulations in Ch. 18.01 CCC into Ch. 18.10 CCC, by procedurally integrating sections of the former into the latter, as necessary, creating new Code chapters.

WHEREAS, the Cowlitz County Planning Commission opened a public hearing on these proposed recodifications at its April 17, 2024 regular meeting and voted to recommend that the Board adopt such procedural recodifications and process amendments as would integrate most sections of Ch. 18.01 CCC into Ch. 18.10 CCC, and segregate and recodify the Race Facilities Special Use section into a new Chapter 18.17 CCC; and

WHEREAS, Board held a public hearing on May 14th, 2024 to hear public comment on these proposed recodifications and amendments to the Code; and

WHEREAS, the Board finds that it is in the best interest of the public to adopt such procedural recodifications and process amendments as would integrate most sections of Ch. 18.01 CCC into Ch. 18.10 CCC, and to segregate and recodify the Race Facilities Special Use section into a new Chapter 18.17 CCC;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners that:

Section 1. CCC 18.10.020 (Purpose) is hereby amended as to procedure and process, as set forth below:

This chapter is adopted as an official land use control for the unincorporated areas of County of Cowlitz, State of Washington, and is established to serve the public, health, safety and general welfare and to provide the economic, social and aesthetic advantages resulting from an orderly planned use of land resources and is a means of carrying out the general purposes set forth and defined in the adopted Comprehensive Plan of Cowlitz County as provided for by Chapter 36.70 RCW. The basic purpose of this chapter is to classify uses and to regulate the location of uses which are mutually compatible, and to protect each such group of uses from the intrusion of incompatible uses. To further accomplish the goal of compatibility, varying degrees of regulations are established for certain uses specified herein. A further purpose of this chapter is to provide a suitable environment for living, business and industry, and to maintain reasonable population densities and reasonable intensities of land use, all for the general purpose of conserving the quality of the environment, public health, safety, convenience and general welfare. Land uses and development located within the unzoned areas (U) of the unincorporated portions of the County shall be governed by the relevant development guidelines and the goals and policies of the comprehensive plan land use category for the parcel on which the use or development is proposed.

Section 2. CCC 18.10.236 (C) is hereby amended as to procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC, as set forth below:

- C. Special Use. Mining and storage of dredge materials may be permitted by special use permit if found compatible with the character of this zone district, pursuant to CCC 18.10.280 through 18.10.315.
- D. All other uses, that do not require a special use permit, except single-family dwellings, multiple-family dwellings, apartments houses, hotels, rooming houses, auto courts, motels and mobile home parks, except a caretaker's apartment or dwelling shall be allowed for any business except a gasoline service station; provided the apartment is within the same structure as the business and is occupied by the owner or his employee whose duty it shall be to care for, watch and guard the property. The apartment or dwelling shall not be rented or occupied by any party not employed in the main business occupying the property.

Section 3. CCC 18.10.251(C) (AG-38 – Special Use) is hereby amended and repealed as to procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC, set forth below:

The following uses may be permitted by special use permit if found compatible with the character of this zone district, pursuant to CCC 18.10.280 through 18.10.315:

- 1. Mining and storage of dredge materials ~~spoils, provided, top soils shall be stockpiled on site prior to deposition of the dredge spoil materials, and such top soils shall be distributed over the top of the dredge spoils upon completion of the dredging activity;~~

Section 4. CCC 18.10.260 (FR – Permitted uses) is hereby amended and repealed as to procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC, set forth below:

The following uses are permitted in the FR zone district:

A. All uses permitted in the AG and AG-38 zone districts;

B. Forestry industries;

C. Portable and temporary milling, chipping and barking equipment;

D. Harvesting any wild crop such as ferns, bark, cones and berries;

E. Fish and wildlife management and structures incidental thereto;

~~F. Excavation of mineral, sand, gravel, rock or soil and the structures and activities incidental thereto, including crushing and mixing plants;~~

~~GF. Sanitary landfills and solid waste transfer facilities;~~

~~HG. The construction, operation and maintenance of a transportation system for the management and protection of the forest lands and the removal of forest products;~~

~~H. Individual recreation uses which may be permitted by the landowner, such as hiking, horseback riding, hunting, fishing, swimming, boating, and camping at undeveloped sites;~~

~~I. On-site hazardous waste treatment and storage facilities; provided: (1) such facilities are accessory to and clearly subordinate to another permitted use; (2) such facilities comply with the state siting criteria; and (3) such facilities are developed and operated in compliance with all applicable federal and state laws and regulations, including but not limited to Chapter 70.105 RCW and the regulations thereunder, as now or hereafter amended;~~

~~JK. Other uses compatible with the character of the zone district, pursuant to CCC 18.10.280 through CCC 18.10.315.~~

Section 5. A new section CCC 18.10.261 (FR-Special Uses) is hereby adopted for purposes of procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC, as set forth below:

18.10.261 FR-Special Uses. Surface Mining Operations, as defined in Chapter 18.15 CCC shall be permitted by special use permit pursuant to the procedures of CCC 18.10.280 -.315 and subject to the special use permit requirements of Chapter 18.15 CCC for Surface Mining.

Section 6. CCC 18.10.275 (U – Permitted uses) is hereby amended as to procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC, as set forth below:

A. In the U district all uses which have not been declared a nuisance by statute, resolution, ordinance, or court of competent jurisdiction are permitted.

B. Surface Mining operations in the unzoned areas of the county shall require a special use permit as provided in CCC 18.10.280-.315 and subject to the review criteria for surface mining special uses in CCC Chapter 18.15.

Section 7. CCC 18.10.280 (Applicability) is hereby amended as to procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC to this section, as set forth below:

A. Any person proposing to develop a land use requiring special or conditional use review, and not otherwise addressed under County Code or state regulation, shall apply for and obtain a special use permit prior to beginning development.

B. Certain uses are subject to the special use standards because they may have adverse effects on the environment, overburden public services, change the desired character of an area or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The special use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified impacts or to deny the use if the impacts cannot be resolved.

C. Uses that require a special use review and are subject to the express standards of this chapter are identified in the Land Use Districts in CCC Chapter 18.10), and Chapter 18.15 Surface Mining Special Uses and Chapter 18.17 Race Facilities Special Uses, where applicable.

Section 8. CCC 18.10.285 (Application Forms) is hereby both adopted and amended as to procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC, set forth below:

Forms for application of special use permits shall be supplied by the Cowlitz County Department of Building and Planning. Such forms shall require the following information:

A. Signature of applicant;

B. Signature of landowners;

C. Method of supplying development with the essential public services such as sewage disposal, water, power, solid waste disposal;

D. Approximate value of development;

E. A vicinity sketch showing the relationship of the proposed development to existing streets;

F. Name of engineer, if applicable;

G. Location of natural or artificial drainage ways on the development site;

H. A plan of the proposed use showing streets, open spaces, structures, uses of each structure, parking areas, fencing, walkways;

I. Such additional information required by Chapter 18.15 (Surface Mining Special Uses) or 18.17 (Race Facilities Special Uses) or as the Department deems necessary for the Hearing Examiner to review and take action pursuant to CCC 18.10.295

Section 9. CCC 18.10.286 (Automatic special use status) is hereby adopted for purposes of procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC to this section, as set forth below:

18.10.286 Automatic special use status.

Over time, the zoning standards applicable to a specific site may change. This may result from changes to the zoning standards or the zoning map, including annexation or rezoning. Following an amendment to the zoning standards or zoning map that changes a use that was previously allowed outright or was a conforming use to a special use under the amended regulation or map, the use is considered an approved special use and may continue to operate. Any changes to the use are subject to the criteria and process of CCC Title 18, and the appropriate criteria of this chapter.

Section 10. CCC 18.10.287 (Development standards for special uses) is hereby adopted for purposes of procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC to this section, as set forth below:

18.10.287 Development standards for special uses.

The development standards for special uses are those of the base zone, any applicable overlay zones, and any relevant standards in CCC 18.10.280 to 18.10.295, and as set forth below for specific special uses.

Section 11. CCC 18.10.288 (Sites with split zoning) is hereby adopted for purposes of procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC to this section, as set forth below:

18.10.288 Sites with split zoning.

When a proposed use is located on a parcel which has more than one zone, and the use is a special use, any proposals on the allowed site will subject to special use review standards and use conditions of the more restrictive or conditioned zone.

Section 12. CCC 18.10.289 (Conversion of public and semi-public development) is hereby adopted for purposes of procedure and process to facilitate the recodification of sections of Ch. 18.01 CCC to this section, as set forth below:

18.10.289 Conversion of public and semi-public development.

When the need for an existing public or semi-public development in any zone no longer exists, the building may be converted to those uses listed in the zone in which it is located. The development may be converted to any use allowed in the base zone if a special use permit is approved by the Hearing Examiner after public hearing. The Hearing Examiner must find the existing development suitable for the proposed use and that the proposed use is not unduly detrimental to the immediately surrounding properties. To qualify for the special use permit hearing, the public or semi-public development may not have more than 12,000 square feet of total floor area in any building, which building must have been constructed to house the public or semi-public use and operated as such use for a minimum of five years.

Section 13. CCC 18.10.290 (Review of application) is hereby adopted and amended for purposes of procedure and process to facilitate recodification of sections of Ch. 18.01 CCC to this section, as set forth below:

18.10.290 Review of application.

Upon receipt of application for a special use permit, the Director shall review it for completeness. Upon determination that the application is complete, the Director shall review the application for potential consistencies and inconsistencies with the County Comprehensive Plan, for consistencies and inconsistencies with Chapter 18.15 Surface Mining Special Use or Chapter 18.17 Race Facilities Special Use, if applicable, and any other relevant provisions of Chapter 18.10 and shall develop a report of findings to be attached to the application. In reviewing a special use permit application, the Director shall coordinate with all other agencies of jurisdiction. Upon completion of his/her review, the completed application shall be submitted, together with the report of the Director to the Hearing Examiner. A request for a new special use is subject to Hearing Examiner review under Chapter 2.05 CCC unless another type of application is indicated in the primary use table of the zone.

Section 14. A new Chapter 18.17 CCC “ Race Facilities Special Use “ shall herewith be established and CCC 18.17.010 through 18.17.030 hereby adopted for purposes of procedure and process to facilitate the renumbering and recodification of CCC 18.01.100(C), as set forth below:

18.17.010 Approval Criteria

These approval criteria apply to outdoor race facilities, which shall be allowed only as a special use permit in all zones.

For purposes of this section, “race facilities” shall include any private location, course or track intended for periodic or seasonal motor sports and recreational use, including competitive racing, vehicle testing and driving skills activities with motorized vehicles, off-road vehicles and motorcycles, and including but not limited to: race tracks, speedways, drift tracks, drag strips, kart tracks, and motocross tracks, and shall include the entire area of the parcel of land and approved perimeter buffer areas posted or designated for such use, and including all improvements normally associated with such facilities such as parking (including RV parking), bleachers, stages, information and registration structures,

loading or unloading areas, viewing areas, campgrounds, picnic areas and shelters, refuse collection areas, restroom facilities, signage, lighting, caretaker housing, administrative structures and maintenance storage areas, and incidental accessory features such as fencing, potable water sources, portable sanitation facilities, and admission or ticket booths. As used herein, competitive racing events, recreation or driving skills shall mean that the facility serves more than an immediate family living on the site, and their occasional guests.

18.17.020. Development site review

- A. Development site review conditions shall address:
 - a. On-site vehicle circulation and off-site traffic control measures;
 - b. Compliance with building and health codes;
 - c. Protection for critical areas;
 - d. Stormwater flow control and water quality treatment;
 - e. Visual screening from adjoining residential properties;
 - f. On-going monitoring and reporting to measure compliance with the development and operating agreements;
 - g. Fire protection;
 - h. Potable water supply and sanitary disposal;
 - i. Any other impacts or potential impacts addressed during SEPA or that are related to the specific site being developed, including impacts to or from: historic and cultural resources, fish and wildlife, dust, erosion, noise and/or vibration, or any other elements of the natural or built environment, and operations of the proposed facility.

18.17.030. Development operating conditions

- A. Development operating conditions shall address:
 - a. Days and hours of operation;
 - b. Frequency and nature of general usage and scheduled events;
 - c. Use activities, including types and numbers of motor vehicles;
 - d. On-site and off-site lighting, dust, smoke, particulates, and odor; and
 - e. Maximum noise levels.

Section 15. Cowlitz County Code sections 18.01.010, 18.01.015, 18.01.020, 18.01.030, 18.01.040, 18.01.050, 18.01.060, 18.01.070, 18.01.080, 18.01.090, 18.01.100(A)&(C), 18.01.105, and 18.01.110, are hereby repealed in their entirety, and Chapter 18.01 designated “Repealed”.

Section 16. Codification. Only Section 1 through Section 14, above of this Ordinance shall be codified.

Section 17. Severability. The provisions of this ordinance are declared separate and severable. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each section, paragraph subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraph subsections, clauses or phrases may subsequently be found to be unconstitutional or invalid.

Section 18. Savings clause. Chapter 18.01 CCC and Ordinance Nos. 18-042, 19-018, 20-003, 21-047, 22-062, and 23-036 are hereby amended, repealed, and recodified as set forth above. Such amendment, repeal and recodification shall not be construed as affecting any currently existing agreement, license, right or registration acquired under ordinance or resolution, or portions thereof, nor as affecting any ongoing proceeding or enforcement instituted upon any rule, regulation, or order promulgated thereunder, nor as to any administrative action taken thereunder. Further, it is not the intention of these actions to reenact any ordinance or portions or sections of ordinances or resolutions previously replaced, repealed or amended, unless this ordinance specifically states such intent to reenact such replaced, repealed or amended ordinances and resolutions.

Section 19. Effective Date. These regulations are in the public interest and shall take effect immediately upon adoption by the Board.

PASSED IN REGULAR SESSION THIS 14th day of May, 2024, after a public hearing was held on May 14, 2024, pursuant to Notice published in the Longview Daily News on May 2, 2024.

APPROVED AS TO FORM:
RYAN JURVAKAINEN, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
COWLITZ COUNTY, WASHINGTON

Douglas Jensen, Chief Civil Deputy

DocuSigned by:
Richard Dahl

Richard Dahl, Chairman

ATTEST:

DocuSigned by:
Kelly Dombrowsky

Kelly Dombrowsky, Clerk of the Board

DocuSigned by:


DocuSigned by:
Arne Mortensen

Arne Mortensen, Commissioner

DocuSigned by:
Dennis Weber

Dennis P. Weber, Commissioner