



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Minutes - Final - Not Approved

Appeal Board of Adjustment

Tuesday, October 17, 2017

4:30 PM

Longview Council Chambers

Special Meeting Date

1. Call To Order

Chairman Backstrom called the regular meeting of the Longview Appeal Board of Adjustment to order at 4:30 in the City Hall Council Chambers, 1525 Broadway, Longview, Washington.

Present: Chairmain Mark Backstrom, Vice Chair Don Rodman, Roger Peters, Tracy Goldsmith, Dan Petersen

Staff present: Adam Trimble, Planner; Steve Shuman, Acting City Attorney; Sandy Meyers, Administrative Manager; Sam Barham, Engineer; and Nancy Vandehey, Administrative Assistant.

2. Approval of Minutes

[17-5142](#)

Attachments: [MINUTES OF THE MAY 10 2016 APPEAL BOARD OF ADJUSTMENT MEETING](#)

A motion was made by Roger Peters, seconded by Tracy Goldsmith, that this matter be accepted and approved. The motion passed.

3. Audience Participation of Correspondence

3.1 Oral Communications

Persons in the audience may discuss business not scheduled on this agenda or any item of interest within the jurisdiction of the Appeal Board of Adjustment. This Board will listen to all communication, but in compliance with the Washington Open Public Meetings Act, will not take any action on items that are not listed on the agenda.

No oral communications were received.

3.2 Written Communications.

Correspondence for the Appeal Board of Adjustment received after preparation of this agenda.

No written communications were received.

4. Declaration of Ex-Parte Communications and Appearance of Fairness Doctrine

Mr. Trimble read the Declaration of Ex-Parte Communication and Appearance of Fairness into the record. No comments were received from the audience.

5. Public Hearings

[ABA 2017-1](#)

ABA 2017-1 REQUEST FOR A FENCE WAIVER TO PLACE A FENCE IN UNIMPROVED PUBLIC RIGHT OF WAY AT 643 CALIFORNIA WAY

Recommended Action: Motion to adopt the findings in the staff report and grant a fence waiver for 643 California Way subject to the conditions listed the staff report.

Attachments: [ABA 2017-1 Staff Report for 643 California Way \(fence waiver\)](#)
[Exhibit A Application](#)
[Exhibit B Site Plan](#)
[Exhibit C photos](#)
[Exhibit D Notice to Adjacent Property Owners](#)

Mr. Trimble presented the staff report, which included the following findings and recommendations:

- No improved alley exists at the rear of the lot of the applicant; and the lot of the applicant is other than rectangular in shape; and the distance from the nearest property line of a corner lot to the traveled portion of the street is 11 feet or more.*
- Granting a waiver of the fencing requirements will not negatively affect safety and the public welfare, taking into consideration the prevention of fires, the public health and safety and the surrounding neighborhood. The fence as proposed will prevent pedestrians and vehicles from entering the permitted bioswale, a potential safety hazard.*
- The applicant shall call for a utility locate prior to starting work.*
- Fence posts may not be located on top of the City water line and must maintain 5' of separation.*
- The City of Longview and any authorized agent shall not be held responsible nor liable for damage to, or destruction of, any structures built within the right-of-way in the course of routine or emergency access to the right-of-way in question.*
- The property owner shall be responsible for all costs associated with removal, disposal, and replacement of any structures built within the right-of-way at such time that the unimproved ROW is improved.*

Staff recommends that the Appeal Board of Adjustment approve the fence waiver to allow a private fence to encroach into unimproved right-of-way of at 643 California Way, Longview, WA.

Jeff Trass, applicant, explained that if he were to fence his property at his new location on the property line that it would go directly over the drainpipe and create challenges to the bioswale design. It would also protect from vehicles driving into the bioswale.

Mr. Peters asked about utility locates. Mr. Trass stated that gas is in the front of the property and that the only utility that was marked was a waterline.

Mr. Peters asked staff about the recommended condition item #3 regarding the applicant being responsible for damages in the course of routine or emergency access. Mr. Trimble stated that in the case of an emergency waterline break, that the city may need to gain access and would first try to work with the property owner prior to extreme measures but the applicant does assume some risk when the apply to use the right-of-way. It could be an minimal as cutting the lock off the fence gate.

Chairman Backstrom asked if the bioswale would need to be relocated if the city wanted to use the right-of-way in the future. Mr. Trimble acknowledges that the applicant may need to come up with a new location if the city did want to proceed with use of the right-of-way.

A motion was made by Roger Peters to approve the fence waiver to allow a private fence to encroach into unimproved right-of-way of at 643 California Way, Longview, WA and read the staff recommendations into record. It was seconded by Tracy Goldsmith. The motion passed unanimously.

6. Other Business

Mr. Trimble updated the Board that the City Council has been working for months on an update to regulations for emergency shelter and are expanding the locations where they can be located. The Appeal Board of Adjustment is the first public body to make a decision on those requests. Currently, there are no locations within the city that a shelter can be located as a permitted use. They are all special property use. This item is scheduled to go to Council the end of October or November.

7. Adjournment

With no further business to discuss, the regular meeting of the Appeal Board of Adjustment adjourned at 4:53 p.m.

Nancy Vandehey, Administrative Assistant