



Minutes

Appeal Board of Adjustment

Tuesday, July 14, 2020

4:30 PM

Virtual Zoom Meeting

1. **CALL TO ORDER**

Chairman Backstrom called the regular virtual meeting of the Longview Appeal Board of Adjustments to order at 4:33 p.m.

Present: *Chairman Mark Backstrom, Vice Chairman Roger Peters, Tracy Goldsmith, Dan Petersen, Steven Dahl*
Due to connection issues, Chairman Backstrom lost connection at the end of the reading of the first staff report and Vice Chairman Peters led the rest of the meeting.

Staff Present: *Adam Trimble, Planner; James McNamara, City Attorney; John Brickey, Community Development Director/Building Official; Ken Hash, Public Works Director; Jim Kambeitz, Fire Chief; and Nancy Vandehey, Administrative Assistant*

Audience Attendees: *Pat Hightower, Dan Johnson, Diane Dick, Linda Jellison, Christian Smith & Joanne Dallas, Ramona Leber, Phil Jurmu, Ron Easterday, Norm Krehbiel, Carol Ruiz, Scott Blaschka, Scott Peabody*

2. **APPROVAL OF MINUTES**

20-000294 Minutes of the May 12 2020, Appeal Board of Adjustment Special meeting and corrected minutes of the November 12, 2019 meeting.

Recommended Action: Motion to accept the minutes as presented.

A motion was made by Roger Peters, seconded by Tracy Goldsmith, that the minutes from the November 12, 2019 meeting be accepted and approved.

At the end of the meeting, it was clarified that the May 12th minutes had not been approved, so at that time, a motion was made by Steve Dahl, seconded by Dan Petersen, that the minutes from the May 12, 2020 meeting be accepted and approved.

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

3.1 Oral Communications

No oral communication was received.

3.2 Written Communications

Written comments were received and will be read during the staff report by Adam Trimble.

4. DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS

The Declaration of Ex-Parte Communications and Appearance of Fairness Doctrine was read into the record by Adam Trimble and there was no comments from the audience.

At this time, Tracy Goldsmith recused herself from the meeting for the 20-000295 ABA 2020-3 Special Property Use item. She asked to return during public comment, but Jim McNamara explained that once she recused herself, that she could not speak on the item but could return to the meeting after the item was completed.

5. PUBLIC HEARINGS

20-000295 ABA 2020-3 Special Property Use Permit request(s) to locate a public safety facility in the TNR residential district and a request for modifications to wireless standards to locate a 140 tall non-concealed lattice tower (exceeding 70 feet in height) in a residential zone.

Recommended Action: Motion to adopt the findings and recommendations of the staff report and grant the requests.

Adam Trimble read the staff report into record. He stated that the Critical areas portion of the report should be struck as there are no critical areas on this site. SEPA comments were received by CDID #1, WSDOT, Department of Ecology, and Southwest Clean Air. They all were regarding construction impacts, erosion control, and similar impacts. Adam displayed the exhibits and drawings on a shared screen with the group. Additional public comments were read into record by Adam Trimble. Bob Wagner wrote about the lack of solar energy in the design. Kristen Edmark wrote encouraging the use of electricity versus gas. JoAnne Baker wrote about the the lack of solar energy in the design. Sandra Davis wrote about the lack of solar energy. Diane Dick wrote questioning answers in the application and about her concerns with the gas line near the project. Adam Trimble stated that the pipe line should have been identified in the checklist and the conclusion of staff is that the checklist can be corrected to note that there is a gas transmission pipeline in the railway behind the property. The research that Adam has completed is that the gas line is 90-110' from the nearest point to the building. The applicant will also be using the auger bored piling method, which is a foundation construction choice that is a drill in method. This method will cause less immediate ground vibration and disturbance. Adam contacted Nippon Dynawave and spoke with one of their pipeline inspectors and they asked to be informed of the construction process and want to confirm that no one will be in the right-of-way. This effort to correct the checklist will be reflected in the final notice of determination of non significance for the environmental review for this project.

Board discussion included Steve Dahl stating the the letters that were received address design choices that seem to be outside the purview of the board. Staff, Adam Trimble, agreed that the board would have to have findings to support requirements to use solar energy and renewable resources. Vice Chairman Roger Peters asked Jim McNamara to clarify LMC 16.75.190 for the placement of the wireless tower. Dan Peterson asked Phil Jurmu about the intent of the use of the tower and if it could be a permanent ban on co-location with commercial entities. Phil Jurmu stated that the intent would be only to be used for public safety not commercial systems. A discussion was had about the surrounding trees and risks to the tower. A landscaping plan would be presented to the City for review and approval by the Community

Development Department on behalf of the board if this item is approved. Gibbs & Olson has been hired for the stormwater mitigation planning. Cowlitz 911 Authority has been working with the City on the lease agreement and the access easement.

Public discussion included Dan Johnson, 2776 Ocean Beach Highway speaking against the project due to the promises made of no more commercial building near his home and the noise associated with commercial properties. Pat Hightower, 2778 Ocean Beach, with adjacent property line spoke against the project due to future fire station access and also her existing cedar trees. As well as the proposed fencing construction and landscaping plan. Phil Jurmu addressed her concerns with details on the fence and landscape plan. Diane Dick spoke in favor of the 911 Dispatch Center but hoped that integrity of the gas line is preserved in the case of a natural disaster, such as an earthquake. Christian Smith, who lives in the Terry Taylor neighborhood wanted to know if a property value loss assessment had been completed. Adam Trimble stated that property value impacts have not been considered by the board in the past but that the criteria for evaluation of the Special Property Use includes whether the use will be injurious to the neighborhood and surrounding properties. The staff finding is that the 911 dispatch center is beneficial to the community as it is for public safety and that the neighborhood as part of the City, benefits from this project. Ramona Leber, 2656 Ocean Beach Highway and also owns 2666 Ocean Beach Highway, had questions that were answered by Ms. Hightower about the trees on the Hightower's property.

Dan Petersen asked about the height of the tower and if it could be lowered. Joe Blaschka this is the minimum height needed to maintain communication with the existing radio towers and the Hall of Justice. The tower will be 140' with 20' whip antennae on the top.

Steve Dahl made a motion, seconded by Dan Petersen, that the Appeal Board of Adjustments find that the standards in LMC 16.75.150 were not intended to apply to a tower for a public safety response in this location and their purpose is not relevant to this application. The motion passed unanimously.

Steve Dahl asked if the tower could be capped at 160'. Joe Blaschka confirmed that the tower could be capped at 140' with a 20' whip antennae. Dan Petersen agreed a cap on height was needed. Joe Blaschka clarified that if at a future time they needed the tower to go above 160' would they be allowed to do that. It was confirmed that they would need to come back to the Appeal Board of Adjustments with a new request.

Steve Dahl made a motion, seconded by Dan Peterson, that the Appeal Board of Adjustment grant a Special Property Use Permit and Modification to the Wireless Standards for the Cowlitz 911 Public Authority to locate a public safety facility in the TNR residential zone and a non-concealed tower not exceeding 160 feet (including 20 foot whip antennae) in height at 2782, 2786 and 2790 Ocean Beach Highway with the following condition of approval: requiring a landscaping plan be submitted showing locations where evergreen trees (of a large diameter) will be planted at strategic locations on the property to achieve screening from public streets. This passed unanimously.

20-000296 ABA 2020-4 Variance request to reduce the required front yard setback from 25 feet to 18 feet due to the steep slope of the lot.

Recommended Action: Motion to adopt the findings and recommendations of the staff report and grant a variance from the setback requirement as requested for property at 254 Curtis Drive.

Tracy Goldsmith was asked to rejoin the meeting. Adam Trimble read the staff report into record. Steve Dahl stated this could apply to a number of the lots in this area. Adam confirmed that a variance could be supported for any of the lots next to this one that haven't been built yet. There was a discussion on the rolled curb sidewalks with no planting strip and vehicles over 18 foot would need to be parked on the street or the garage will need to be built in to accommodate a longer vehicle.

Public discussion was from Linda Jellison of Evergreen Homes representing the property owners, Sarah & Jason Geiszler. This is the second design of the home to accommodate the slope and to minimize the cost of excavation and building of an engineered foundation. Staff analysis discussed the potential for cars to hang over the sidewalk if the Variance is granted. Ms. Jellison reported there is considerable costs in moving the garage back even a small amount as that is the side with the most slope. She shared her screen to show the site plan, which has not been submitted yet. Vice Chairman Roger Peters, clarified that this issue could be covered in the permitting process. John Brickey added that there are laws in place to prohibit encroachment on the sidewalk which are enforced by the police. Steve Dahl stated that he didn't see a need to adjust to 18.5' or 20' or apply a condition to the building permit to prevent cars from potentially hanging over the sidewalk, as there won't be anyone monitoring it. Dan Petersen agreed that it was already covered by existing codes, enforced by the police, and was just a suggestion in the staff analysis.

Dan Petersen moved, seconded by Steve Dahl, that the Appeal Board of Adjustment adopt the staff analysis and findings and grant a variance to reduce the front yard setback from 25' to 18' for 254 Curtis Drive, parcel 033440766. The motion passed unanimously.

6. OTHER BUSINESS

Adam Trimble advised the board of a need to hold a Special Meeting for two more City of Longview applications. The Special meeting was proposed for August 4th at 4:30 pm. The two projects are the Police Satellite office in Archie Anderson Park, another public safety facility in a residential zone, and a variance request for a Fire Station to build closer to a property line on a double fronting lot on 38th Avenue.

The board members requested for more lead time on agenda packets mailed to their homes. Steve Dahl asked for the packet to be mailed to his home, not his business as it is currently closed.

7. ADJOURNMENT

Steve Dahl, seconded by Tracy Goldsmith to adjourn. The meeting was adjourned at 6:51 pm.