



City of Longview

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

Agenda

Appeal Board of Adjustment

Tuesday, June 10, 2025

4:30 PM

Longview Council Chambers

1. **HYBRID MEETING DETAILS**

25-00531 Please click the link to join the webinar: <https://us02web.zoom.us/j/81922908550>

Webinar ID: 819 2290 8550

Or Telephone: (253) 205 0468; or (253) 215 8782; or (346) 248 7799

2. **CALL TO ORDER**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

25-00532 MINUTES FROM MAY 13, 2025.

5. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

6. **DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS**

7. **PUBLIC HEARINGS**

8. **OTHER BUSINESS**

25-00533 PLANNER'S REPORT - BYLAWS

9. **ADJOURNMENT**



Minutes

Agenda

Appeal Board of Adjustment

Tuesday, May 13, 2025

4:30 PM

Longview Council Chambers

1. **HYBRID MEETING DETAILS**

25-00352 Please click the link to join the webinar: <https://us02web.zoom.us/j/81922908550>
Webinar ID: 819 2290 8550
Or Telephone: (253) 205 0468; or (253) 215 8782; or (346) 248 7799

2. **CALL TO ORDER**

*The meeting was delayed to allow the full board to arrive and began at 4:40 pm.
As Chairman Mark Backstrom was online, Vice Chair Roger Peters led the meeting.*

3. **ROLL CALL**

*In attendance: Mark Backstrom, Chair; Roger Peters, Vice Chair; Dan Petersen; Steven Dahl; Christopher Ortiz
Staff: Nick Little, Community Development Director; Irene Rutikanga, Planner; Sam Barham, City Engineer; Nancy Vandehey, Admin Assistant*

Nancy introduced our newest appointed member, Christopher Ortiz. He was appointed to fill the open vacant position of Arthur Chang.

4. **APPROVAL OF MINUTES**

25-00353 MINUTES FROM APRIL 8, 2025.

The minutes were approved as presented. Christopher Ortiz abstained as he was not a board member at the time of the last meeting.

5. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

6. **DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS**

With no hearing today, the declaration was not necessary or read into record.

7. **PUBLIC HEARINGS**

25-00354 CANCELLED - ABA2025-4 (ADU) AT 2420 30TH AVE

8. **OTHER BUSINESS**

25-00446 PLANNER'S REPORT - BYLAWS

Nick Little gave a brief update on some impacts coming from the State on recycling and composting. The most impactful change will be the change to the RCW to restrict our ability to require parking for developments.

Nick continued on with the bylaws and rules of procedure. There was a discussion about the quorum and majority for an action. The bylaws and the majority of the total board requirement, specifically, will be reviewed by the City Attorney. Nick will return with an update version for approval.

9. ADJOURNMENT

The meeting was adjourned at 5:40 pm



City of Longview Board of Adjustment ~~Bylaws and~~ Rules of Procedure

The following ~~Bylaws and~~ Rules of Procedure are hereby adopted by the City of Longview Appeal Board of Adjustment to assist the Board in exercising its powers and performing its duties as provided in Longview Municipal Code Chapter 19.12 and the Revised Code of Washington Chapter 35A.63.110.

Article I: Name and Authority

1. The name of this body shall be the City of Longview Appeal Board of Adjustment ('the Board').
2. The Board operates under the authority granted by the Longview Municipal Code (LMC) Chapter 19.12 and the Revised Code of Washington (RCW), including but not limited to RCW Chapter 35A.63.110.

Article II: Purpose and Duties

The purpose of the Board is to:

1. Hear and decide appeals of administrative decisions made by the City Building Official or the Community Development Director pursuant to LMC 19.12.040 and 19.12.045.
2. Consider requests for variances from the strict application of zoning regulations pursuant to LMC 19.12.140.
3. Consider requests for Special Property Uses pursuant to LMC 19.12.050 and detached Accessory Dwelling Units pursuant to LMC 19.12.060.
4. Perform other duties as assigned by City Council or required by state law.

Article III: Membership

1. The Board shall consist of five (5) voting members appointed by the City Manager with confirmation by the City Council.
2. Members shall serve five-year staggered terms and may be reappointed.
3. A member may be removed by the City Manager, with City Council approval, for neglect of duty, conflict of interest, or absence from three consecutive meetings.
4. Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments.

Article IV: Officers

1. The officers of the Board shall include a Chairperson and a Vice Chairperson, elected annually at the first regular meeting of the calendar year. Any Board member may nominate either themselves or any other Board member for an officer position
2. The Chairperson shall:
 - a. Preside over meetings;
 - b. Represent the Board to City officials and the public;
 - c. Sign official documents as required.
3. The Vice Chairperson shall perform the duties of the Chairperson in their absence.
4. In the absence of both, a Chair Pro-Tem shall be elected by majority vote of the Board members present.
5. The Board shall also select a Secretary of the Board, which need not be a member thereof. The Secretary shall conduct administrative duties on behalf of the Board, including the keeping of minutes, creation of agendas, and compliance with public notice requirements. The Secretary position is typically filled by staff from Community Development or Public Works on a permanent basis and is not subject to the annual election process unless otherwise determined by the Board.

Article V: Meetings

1. The Board shall hold regular meetings on a monthly basis, as needed.
2. **Special meetings** may be called by the Chairperson or by a majority of the Board members, with at least 24 hours' notice.
3. A quorum shall consist of three (3) members.
- ~~3.4.~~ A member may attend and participate at a meeting by use of a speakerphone or by some more contemporary communication mode such as zoom or video conference. This attendance and participation requires clear two-way communication: the member on the

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phone line or video/internet connection must hear and perhaps see what is happening at the meeting and can also be heard and perhaps be seen by those present at the meeting. This can be considered to be attendance at the meeting, and the physically-absent member counts towards a quorum.

~~4.5.~~ All meetings shall be open to the public and comply with the Open Public Meetings Act (RCW 42.30).

~~5.6.~~ The order of business shall be established at the discretion of the Chair.

~~6.7.~~ The Board shall maintain minutes and records of its proceedings, which shall be filed with the Community Development Department and/or City Clerk.

Article VI: Conduct of Hearings

1. Hearings shall be conducted in an orderly, impartial, and timely manner.
2. Staff reports, application material, and supplemental information for hearing items shall be delivered to the Board no less than five (5) calendar days prior to the hearing date; provided, the Secretary may reduce this to no less than three (3) days in the event of extraordinary circumstances which prevent delivery of materials in the 5-day window.
- ~~3.~~ Applicants and opponents shall be given an opportunity to present testimony and evidence. The Chair may limit the extent or duration of public testimony in the interest of time where the testimony is cumulative or not relevant to the matter before the Board.
- ~~3.4.~~ A member of the public may attend and participate at a meeting by use of a speakerphone or by some more contemporary communication mode such as zoom or video conference.
- ~~4.5.~~ The Board may ask questions and may impose time limits.
- ~~5.6.~~ Decisions must be based on findings of fact and conclusions of law, supported by the record.
- ~~6.7.~~ The Chair shall be guided by Robert's Rules of Order unless the Board establishes other rules of parliamentary procedure.
- ~~7.8.~~ Official actions of the Board are limited to those items appearing on the published agenda for the meeting. Items not appearing on the agenda may be discussed, but no official action may be taken.
- ~~8.9.~~ The Secretary shall call the roll at the start of each meeting and shall make a record of those members of the Board present and those absent and shall announce for the record when members leave or arrive during the meeting.

Article VII: Voting

- ~~4.~~ Any action of the board shall receive an affirmative vote of at least a majority of the total board. An "action" includes those items identified under the OPMA, RCW 42.30.020(3), or as amended. A majority of the full membership (3 of 5) is required to take any action.

~~2.1~~ Members shall disqualify themselves from voting on matters involving conflicts of interest.

~~3.2~~ All votes shall be by voice vote or roll call, with the vote recorded in the minutes.

Article VIII: Appeals and Decisions

1. All decisions of the Board shall be in writing, including findings of fact and conclusions.
2. All decisions and orders of the board shall be final, subject only to review by the superior court of the county upon appeal.
3. The notice of appeal must be filed with the clerk of the superior court and the office of the city clerk within 20 days from the rendering of the decision or order from which the appeal is to be taken.

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Article IX: Amendments

These bylaws and rules of procedure may be amended by a majority vote of the Board when a quorum is present, provided that notice of the proposed amendment is given at least one meeting in advance. Approval may be subject to review by the City Attorney, and/or Council.

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Adopted _____, 2025

Other Discussion Items

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1. Definition of action? See article VII.

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An action by a governing body is defined in RCW 42.30.020 and includes, but is not limited to:

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- Receipt of public testimony
- Deliberations
- Discussions
- Considerations
- Reviews
- Evaluations
- Final actions

A "Final Action" is defined in the same RCW as:

- Collective positive or negative decision
- Actual vote by a majority of the members...upon a motion, proposal, resolution, order, or ordinance

Key takeaway is that “Action” is broadly defined and includes more than just voting. A “Final Action” is the formal decision.

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Staff’s suggestion would be to simply reference the RCW for the definition of “Action.” Language has been added to Article VII. It is unnecessary to add here, and adopting by reference ensure that any future changes to the RCW code section is automatically part of these rules of procedure.

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2. Amend Article IX regarding amendments – quorum/LMC

Updated Article IX to remove approval by City Council. City Attorney review should remain to ensure potential amendments are compliant with RCW, WAC, and/or LMC. Many amendments may not need legal review, so this is retained to indicate that such a review is contemplated if needed. Even if struck from the rules of procedure, it would not exempt an amendment from legal review, if needed. Leaving it in serves to aid transparency for Board members and the public.

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3. Chair and vice chair for signing findings

No distinction is made in LMC as to who would sign a transmittal of findings – or even if it necessary: only the indication written records of proceedings and conclusions be maintained in CED. At a minimum, this could be simply the minutes from the meetings. It is more prudent to clearly document the findings and decisions, which would be through the proposed letter of transmittal. Signature by the Chair or Vice Chair at the meeting is a common procedure to ensure that staff is capturing the intent of the Board correctly. This can be added in to the language above, or left as-is.

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4. Zoom/phone attendance (attendance in general)

Yes, this is allowed per City policy. Language added above reflects this, and is the same as the language from the Complete Streets Advisory Committee Rules of Procedure. Detailed language was added for members to the Article V, and a trimmed down language added under Article VI for members of the public.

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5. Special Meetings Info

Any meeting that is not a regularly scheduled meeting AND that is not a continuation of a regular meeting.

Anytime public business will be discussed or considered by a quorum or more of the body outside of a regular public meeting.

Requirements:

- 24-hour written notice to each member of the governing body.
- Notice to local media requesting notification.
- Posting the meeting notice on the agency's website and at its main office.
- The agenda must be included in the notice.
- Must specify the business being transacted.
- Restrictions that only items on the agenda may be acted upon:
 - *"The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body."*

References:

- RCW 42.30.080 – Special meetings
- MRSC – Open Public Meeting Act Basics and associated pages
(<https://mrsc.org/explore-topics/public-meetings/opma/open-public-meetings-act-basics>)

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