

April 14, 2022

**MEMBERS:**

Virginia Dideum, Don Frank, Terry Graff, Sharon Kloepfer, Russ Taggard, and Judy Schector

**STAFF:**

Carole Connell, Chad Sweet, and Angoleana Brien

**Minutes**

The regular meeting of the Gearhart Planning Commission for Thursday, April 14, 2022, was called to order at 6:00 p.m. by President Virginia Dideum. *Members and staff were present, except for Sharon Kloepfer, who was excused for her requested absence.*

On **MOTION** by Smith, 2nd by Graff, by unanimous motion to excuse Sharon Kloepfer's absence at the April 14, 2022 planning commission meeting.

**CONSENT AGENDA**

On **MOTION** by Graff, 2nd by Taggard, the consent agenda was approved by unanimous motion. Said agenda approved minutes for February 10, 2022, and financial report of March 30, 2022. There was no correspondence.

**STAFF REPORT**

City Administrator Sweet gave a brief update of where the process with the city council is on the Parks Master Plan. He spoke about the updates for the Centennial Park and having had it surveyed. The playground equipment has been ordered, and the city should be receiving it by May. Ideally, the city is possibly looking to have the grand opening by July 1st.

**COMMISSIONERS REPORT**

None

**GOALS LIST**

City Planner Connell commented on a couple of the goals that will be finished very soon.

**VISITORS COMMENTS**

None

**PUBLIC HEARINGS**

Commissioner President Dideum opened the public hearings at 6:10 pm for #22-02P Gronmark Partition  
Application Purpose: An application for approval of a Minor Land Partition to divide one parcel into two on a property located on a private street named Gronmark Lane in a Residential R-1 zone, and #22-03V Shelton setback variance. An application by the contractor for approval of a Variance to accept a side yard setback violation of a dwelling constructed with a side yard setback of 4'1" inch, 11 inches less than the required 5'.

Commissioner President Dideum read the disclosure statement and asked if any commissioners needed to declare a conflict of interest, ex parte contact, or personal bias. Commissioners Dideum, Frank, and Smith stated that they had driven by the sites.

Commissioner President Dideum asked if there were any challenges to the commission's ability to make an impartial decision. There were none.

City Planner Connell gave an overview of the staff report for #22-02P Gronmark Partition Application Purpose: An application for a Minor Land Partition approval to divide one parcel into two on a parcel located on a private street named Gronmark Lane in a Residential R-1 zone.

There were questions on the staff report and questions to verify the location of the hammerhead required by the fire chief and water line conditions.

Commissioner President Dideum verified with Administrator Sweet that the applicant was not present. Applicant not present.

Commissioner President Dideum asked if there were any proponents. There were none.

Commissioner President Dideum asked if there were any opponents. There were none.

Commissioner President Dideum asked if there were any neutral comments. There were none.

Commissioner President Dideum closed the public hearing at 6:36 pm.

Discussion with commissioners occurred.

Commissioner President Dideum had some concerns about the road and asked Administrator Sweet if he was concerned about the potholes. Administrator Sweet explained that this is not a public road, and the city is not responsible for the maintenance of the road; however, the city does have the ability to require that it be fixed by the property owner/owners if there becomes a point of issue for road maintenance regarding emergency response.

Commissioner President Dideum suggested that condition #4 regarding the protection of the wetland from pesticides, herbicides, and dumping be a requirement rather than a suggestion. All commissioners agreed.

On **MOTION** by Graff, 2<sup>nd</sup> by Smith by unanimous motion the partition application be approved with the conditions of approval as modified and stated in the staff report.

Commissioners expressed that the applicant's attendance is important and they should be encouraged to attend the hearing.

Commissioner President Dideum opened the public hearings at 6:41 pm for #22-03V Shelton setback variance. An application by the contractor for approval of a Variance to accept a side yard setback violation of a dwelling constructed with a side yard setback of 4'1" inch, 11 inches less than the required 5'.

City Planner Connell gave an overview of the staff report for the #22-03V Shelton setback variance.

Commission President Dideum asked if there were any questions on the staff report? There were none. President Dideum asked if we have an applicant present? Applicant not present.

Commissioner President Dideum asked if there were any proponents? There were none.

Commissioner President Dideum asked if there were any opponents? There were none.

Commissioner President Dideum asked if there were any neutral comments? There were none.

Commissioner President Dideum closed the public hearing at 6:47 pm.

Commissioner discussion occurred. President Dideum's concern was that she did not want this to set a precedent. She was not wanting to see another similar case coming to the commission declaring the same situation to be an accident. She wanted to confirm with Administrator Sweet that this would not set a precedent. Administrator Sweet confirmed that this will not set a precedent and that each variance is its own variance.

President Dideum asked if anyone measured the distance. It was confirmed that the Building Official did. Discussion of the setback measurements occurred.

Commissioner Smith was very concerned that the applicant did not show a presence. His thoughts on this issue were more negative because the applicant was not present. He felt that it is important for the applicant to be there to explain and change his mind from a negative outlook to a more positive one, based on facts the applicant could share as to why this should be approved.

Commissioner Frank asked how this was discovered. It was explained that it was discovered by the builder of the Osburn property (the neighbor), and the Building Official was contacted. Commissioner Frank was also concerned about this setting precedence and asked if there was a penalty for this type of situation. City Planner Connell stated there is a \$1000.00 application fee to have this reviewed by the planning commission. Administrator Sweet explained that the fee for not complying with the ordinance is a penalty of \$500.00 per day. If this were to be denied, they would not be in compliance. If they were not to take action once deemed out of compliance, this penalty would commence until the property owner took action to become compliant. However, there is no penalty established for this otherwise.

Administrator Sweet explained how this is avoided and the steps that are taken when setbacks are measured during the building process.

On **MOTION** by Graff, 2<sup>nd</sup> by Taggard by motion that based on the findings in the Staff Report, the Planning Commission approves the Variance request for an 11-inch side yard setback violation. 5 in favor - 1 opposed

UNFINISHED BUSINESS

None

NEW BUSINESS

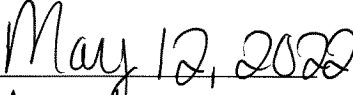
None

CONCERNS OF THE COMMISSION

None

The meeting was adjourned at 6:57 pm.

  
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Angoleana R Brien, secretary

  
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Approved