

Gearhart Planning Commission Minutes for June 9, 2022

MEMBERS: Virginia Dideum, Don Frank, Terry Graff, Sharon Kloepfer, Russ Taggard, Judy Schector, and John Mesberg

STAFF: Carole Connell, Chad Sweet, and Angoleana Brien

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, June 9, 2022, was called to order at 6:00 p.m. by President Virginia Dideum. *Members and staff were present.*

CONSENT AGENDA

On **MOTION** by Graff, 2nd by Kloepfer, the consent agenda for June 9, 2022, was approved by unanimous motion. Said agenda approved minutes for May 12, 2022, and financial report of May 26, 2022. There was no correspondence.

STAFF REPORT

Connell reported on the ODOT Hwy 101 safety & improvement plans that have been under construction for almost two years and are now coming to a finish. The draft will be available for public view and comment on June 13th for about ten days.

Sweet gave a brief overview of the outcome of the election. He informed the commission that the city council is working forward and deciding their next steps. Sweet also spoke about Mayor Paulina Cockrum resigning for the reason of quality life for her. The city council will be selecting a new mayor; with Kerry Smith being the president of the council, he will be acting mayor as the city council has set. The council will appoint a council member in Smith's place if he is selected to remain mayor. Sweet also reported the UGB land swap is at a temporary standstill. The council will make decisions on moving forward giving them time to deal with the council vacancy.

Sweet gave an update on the park playground.

COMMISSIONERS REPORT

Frank recognized Paulina Cockrum and acknowledged her services to the city as mayor.

Dideum stated that it is available online if anyone had not checked the correspondence sent to the city council during the last city council meeting. There were some planning issues that the commission may find interesting.

GOALS LIST

Connell gave an overview of the finished goals to remove; it may be time to look at some other planning issues. She suggested changing the priority on a few goals, like the UGB and elk initiative.

Sweet suggested holding off on the UGB until the city council meets next and they decide what direction to go. The Elks Initiative we will be looking at soon and will be getting information on a few of the goals to consider starting.

Kloepfer asked who was taking care of the new zoning ordinance, the estuary riparian zone.

Connell stated that it is already in there and has been adopted; however, we will update the version online to reflect it in all versions.

VISITORS COMMENTS

None

LAND USE APPLICATIONS

Mylar on the final plat for #22-02P Gronmark Gronmark Partition, Lane in a Residential R-1 zone.

Connell gave an overview of the order and explained this is the final stage and is a response to the conditions of approval applied to the decision to prepare the final plat and take it to the county to be recorded. Connell gave a staff report overview.

On **MOTION** by Taggard, 2nd by Schector, to approve a final plat as presented, was approved by unanimous motion.

PUBLIC HEARINGS

Commissioner President Dideum opened the public hearings at 6:17 pm for #22-04P HHB Cutler Partition Application, Cutler Lane. An application for approval of a Minor Land Partition to divide one parcel into three on a parcel located on a private street named Cutler Lane in a Medium Density Residential R-2 zone.

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.

Commissioner Kloefer stated that she had visited the sites and spoke briefly with the gentleman there. She had asked if the house property got to where the fence is.

Commissioners Frank, Taggard, and Dideum also said they visited the site.

City Planner Connell gave an overview of the staff report for #22-04P HHB Cutler Partition Application, Cutler Lane. An application for approval of a Minor Land Partition to divide one parcel into three on a parcel located on a private street named Cutler Lane in a Medium Density Residential R-2 zone.

Dideum asked if the commissioners had any questions.

Dideum had a question if there is no parking along that whole easement. Connell confirmed that there is not.

APPLICANT TESTIMONY

Nathan Johnson, 90856 Fort Clatsop Rd, Astoria, OR. 97103. Johnson stated that Connell did an exceptional job outlining everything; however, the tentative partition layout is tentative in the sense that some things are unknowable, which speaks to the grading issues that were brought up. He agrees that it would have to be an engineered grading plan, but there are some solutions that are outlined with an engineer on the final elevation slope of those grades. The solid lines indicate the future grade and the hash marks indicate what is there now. Some trees will have to come out that are marked; however, Johnson does not have any reasonable solutions to be able to keep any of the trees that are marked; due to that, the root systems of the trees will be compromised, but it is open to the commission having any ideas that can be mitigated.

Taggard asked if they are doing it as on the proposed plans, is he determining that the third house floor level is substantially higher than the others?

Johnson said it will be substantially higher due to the property being further west on the outermost boundary. They are trying not to destabilize what's there and create a type of stable engineered slope at a one and a half to a two-to-one slope, as seen on the plan. Then build their way up the hill with a narrow plan as opposed to a wide plan. There could be an eight to twelve feet rise to the top step with the garage under to minimize the amount of climb up to the house.

Connell went over the trees that they were keeping and cutting with Johnson.

Dideum asked what size of homes were being put up there.

Johnson replied that there would be small homes around 32 feet by 32 feet or smaller two-story homes.

Dideum asked if there were engineered plans. Johnson replied he does not have that yet.

Frank asked if he considered having only two lots instead of three to enable him to keep some of the trees.

Johnson said he had considered that; however, from a developer's point of view, it is more economically feasible to develop it into three. He also believes that the sales price of the homes will reflect it as well if more affordable homes are desirable if you can get three rather than two.

Scott Cooter with CKI Land Surveying, P.O. Box 2699, Gearhart, OR 97138. The grading for this project, being at a two-to-one slope, would not look like the end of Park Place. That is graded more at a one-to-one slope, and this is a more gradual two-to-one slope. He also wanted to remind everyone that this is a conceptual plan, not a final design, and is subject to septic and building approval.

Commissioner President Dideum asked if there were any proponents.

Mike Magyar, 36494 Battle Creek Ln, Astoria, OR. 97103. He supports this project and feels the county is in need of more affordable housing.

Chris Pounds, 1321 Park Lane, Gearhart, OR. 97138. He supports this project.

Commissioner President Dideum asked if there were any opponents.

Bryan Evans, 1142 Buttercup Rd, Hailey, ID. 83333. He opposes this and does not believe it meets section 40 of the code as far as abutting the street. Section 40 also says through lots are to be avoided. Previously it was approved that the only access to the two back lots was through this easement. He also addressed section 38, which says a land partition shall conform to the relevant city street design standards. His issue is that access is the only entrance through the two lots he owns. He does not believe he provides adequate access to subdivide further. He said an existing easement was there when he purchased the property a year ago, and any further extension of that easement would require his consent.

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

APPLICANT REBUTTAL

Johnson said he believes that Evans raised good points; however, it also needs to be considered that the easement is there to provide ingress and egress to a property, but the property is in its zone classification. It is zoned as intended to be used to build and divide in a specific manner. In this case, it is residential medium density, which is R-2, 7500-foot square lots.

Commissioner President Dideum closed the public hearing at 7:07 pm.

Discussion with commissioners occurred.

Taggard is concerned about the dune, the loss of trees, and stability. He believes the easement reduces the lots from 7500-foot to 5500-foot lots.

Frank is undecided; he agrees with Taggard. He is concerned about livability in that area and the future plans for railroad avenue in the parks plan. He agrees that Johnson made a good point that the easement does exist, and this is a specific zoned area. The highest of the best use of that should apply to that.

Mesberg raised the question of whether or not there is a legal issue here, as to whether or not the intent of the easement has any bearing here, and do they need the council to provide us perspective on whether or not the intent is relevant to their decision.

Kloepfer had concerns about the trees being cut down, the stability of the dune, and the drainage concern that may be an issue. She also asked about 3.240 #10. Sweet and Connell gave the interpretation that it is not applicable to this property.

Graff had some concerns in regards to a couple of questions raised by Evans needing to be answered. The first question is whether the proposed partition does not meet the criteria of the Gearhart subdivision ordinance, and would like the answer to that. Second is Evans says it represents a substantial expansion of the scope of the existing easement. Graff believes we need to get city attorney Peter Watts thoughts on this. He wants to know if he is required to take that into consideration when he makes his decision and is it a legitimate reason to deny the application.

Schector said she doesn't know enough and that they need answers to the questions before they can make a decision.

Dideum can see the issues of the traffic, the easement's maintenance, the stability of the dunes, and the trees being cut. She said they have a choice not to decide and to get answers to the questions.

On **MOTION** by Taggard, 2nd by Frank, by unanimous motion to continue to a date certain of July 14th.

UNFINISHED BUSINESS

None


NEW BUSINESS

None

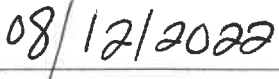
CONCERNS OF THE COMMISSION

None

The meeting was adjourned at 7:28 pm.



Angoleana R Brien, Secretary,



Approved