



Angoleana Brien <planning@cityofgearhart.com>

File 22-04P land partition request

Bryan Evans <bryan@evansplumbinginc.com>
To: Angoleana Brien <planning@cityofgearhart.com>
Cc: "Abbey R. Germaine" <arg@elamburke.com>

Thu, Jul 14, 2022 at 10:17 AM

Please include my attached comments in response to the latest staff findings report.

Thank you,

M. Bryan Evans--President

Evans Plumbing, Inc

www.evansplumbing.com

Office 208-726-5261

Cell 208-720-1595

 **EPI Properties-Gearhart-File #22-04P July 14 2022.pdf**
116K

EPI Properties, LLC



1142 Buttercup Rd
Hailey, ID 83333

bryan@evansplumbinginc.com

July 14 2022

City of Gearhart Planning Commission.

RE: File 22-04P Land Partition request 2nd meeting July 14, 2022

Dear Planning Commission,

After reviewing the current staff findings report I would like to submit the following points for consideration.

1. In the staff findings and comments from the current city administrator from the 2005 partition request stated that “the 25- access easement would be sufficient access for two parcels and if additional development were to occur the access would need to be dedicated as a public road and paved to city standards.” I submit that this very clearly establishes the current easement as shown on the plat that was approved in 2005, and as it exists today, as it existed when I purchased my property, and as it existed when the applicant purchased their property, can only support two parcels.
2. To meet the requirements to further develop beyond what was approved in 2005 will require the easement to be improved to city standards and dedicated as a public street. Said dedication as a public street does not exist on the current plat and would require a re plat of the affected parcels, specifically Parcel A, Lot 1 and Lot 2. Any such re plat would require consent of all affected current owners, including myself and my consent to such dedication.
3. I submit that the additional information provided in the findings regarding the 2005 partition approval establishes the scope and limitation of the existing easement as currently recorded. I recognize that further development is allowed per the zoning ordinance and that the original applicants were made aware of this in 2005 but they did not choose to address the additional requirements to allow further development and I do not believe the requirements can be met without mutual consent of all current owners. The issue is not whether there is an unrecorded restrictive covenant, the issue is the initial scope and use for which the easement was granted. As shown by the intent of the original grantor of the easement, the easement was conveyed for the purpose of ingress and egress for one residential parcel. This does not require a restrictive covenant to be true, this is the scope and use of the easement which cannot be expanded without the consent of the grantor.

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4. If the current easement were to be dedicated as public street then I do not believe the remaining proposed lots would meet the minimum required lot size of 7,500 sq ft.

In summary I am clearly very opposed to this for the simple reason I do not believe there is adequate logistical access to support the proposed addition lots and I feel I have presented sufficient grounds for denial. I recognize that the city planning staff is supportive of the project and is recommending approval. I would like to point out that the findings report and proposed conditions of approval do not address or contemplate who would bear the cost of the required improvements to the existing easement, most of which is on my property. In addition to bringing the easement to city street standards and the paving there is currently an existing fire hydrant that is located in the approximate center of the 25' easement that will need to be relocated. If this is ultimately approved I feel it should be clarified in the conditions of approval that the applicant will bear 100% of any associated costs. I renew my request to deny this partition.

Respectfully submitted,

**M. Bryan Evans—member
EPI Properties, LLC**