

Gearhart Planning Commission Minutes for February 8, 2024

MEMBERS: Virginia Dideum, Russ Taggard, Don Frank, Eric Halperin, Paulina Cockrum, Judy Schector, and John Mesberg

STAFF: Chad Sweet, Peter Watts, Garrett Phillips, and Angoleana Torres

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, February 8, 2024, was called to order at 6:00 p.m. by President Virginia Dideum. All *Members and staff were present.*

ELECTIONS

On **MOTION** by Taggard, 2nd by Cockrum, Dideum was nominated as Planning Commission President. All in favor, 6 – Frank, Schector, Halperin, Cockrum, Taggard, Mesberg
Abstain, 1 - Dideum

On **MOTION** by Frank, 2nd by Schector, Taggard was nominated as Planning Commission Vice President. All in favor, 6 – Frank, Schector, Halperin, Cockrum, Dideum, Mesberg
Abstain, 1 - Taggard

CONSENT AGENDA

On **MOTION** by Taggard, 2nd by Cockrum, the consent agenda was approved. Said agenda approved Minutes for November 9, 2023, financial report for January 31, 2024.

No Correspondence

7 - Approved - Frank, Schector, Halperin, Cockrum, Taggard, Dideum, Mesberg,

STAFF REPORT

Sweet spoke about an upcoming town hall scheduled for the 26th of this month, indicating the City Council's dedicated efforts. The discussion will focus on starting over regarding the public safety building, including potential fire and police stations. The mayor has been actively involved, emphasizing the importance of hosting numerous town halls to foster open discussions about the decision-making process, needs assessments, and suitable locations. It's essential to note that no decisions have been finalized, and the city is embarking on a fresh start, ensuring a thorough and inclusive public engagement process. The next opportunity for participation is at 6:00, and they will be meeting at the fire station. Additionally, there will be a work session on the twelfth to further delve into the outcomes of the previous town hall and provide updates to the City Council.

Watts spoke about the viewpoints among council members regarding the tree ordinance review seem to be mixed. Some counselors express a desire for clarity and objectivity, appreciating the changes made, such as converting diameter to circumference, which simplifies qualification criteria and aids in assessments. On the other hand, there appears to be one member advocating for a more regulatory approach, prompting an interest in researching what other cities are implementing, particularly concerning the current allowance for five trees per property. Additionally, there are a couple of council members seeking to explore alternative options. While Garrett mentioned urban forestry, it seems only a few counselors are genuinely considering this avenue. It's acknowledged that significant effort has been

invested in understanding tree regulations, particularly by John and Russ, whose input is valued. As for upcoming matters, there's an intriguing application to discuss, providing an opportunity for thorough examination and discussion. The hope is for a fruitful conversation leading to a comprehensive understanding of the topic by the end of the evening.

Phillips expanded on what Watts mentioned. Some of the feedback the staff received targeted specific issues that he believes the commission can efficiently address, and which he doesn't anticipate will be too controversial or lead to significant disagreement. At the very least, they will aim to present a revised ordinance to the City Council that tackles these issues, and potentially some of the other differences Watts mentioned regarding desires for increased protection versus concerns about property rights. In any case, we will introduce an agenda item at the next meeting with additional information and various options for the next steps.

Second, the city has a residential development, a fourplex, which has been permitted east of Highway 101 between Cutler Lane and Sea Ridge Road, just east of the 5th Avenue intersection with US 101N. Access to this development is via a private road that connects to US 101 N, and this road requires a name. Currently, Gearhart does not have an established process for naming private roads outside of subdivision procedures. Therefore, the staff's proposal is to collaborate with the planning commission to name the road, leveraging their expertise in road naming through the subdivision process and using Clatsop County's Road naming standards as a guideline. These standards prioritize common-sense principles, such as ensuring the road name is distinct from others and consists of no more than three words. The primary objective is to ensure that a private road serving more than three residences is named to facilitate efficient navigation for emergency responders. This will be addressed at the next meeting and estimate potentially needing two sessions: one for a detailed review of the process and naming standards, and another where ideas for street names can be proposed and decided upon.

Regarding Gearhart's lack of policy on naming streets, Phillips asked if commissioners believed we should consider drafting an ordinance or policy to establish a more comprehensive process for naming streets beyond just subdivisions? As he believed it would be wise to develop the city's own process that isn't solely tied to subdivision scenarios.

COMMISSIONERS REPORT - None

GOALS LIST - None

VISITORS COMMENTS - None

PUBLIC HEARINGS

Dideum opened the public hearing at 6:05 p.m. on File #23-06ZTA. The proposed legislative text amendment would amend the Gearhart Zoning Ordinance Article 3 (Listing of Outright or Conditional Uses Permitted in Residential and Commercial

Dideum read the hearing disclosure, and asked if any commissioners need to declare a conflict of interest in ex parte contact or personal bias. – None

Dideum asked the audience if anyone challenged the commission's ability to make an impartial decision. No Challenges.

Phillips began his overview of the staff report. by explaining that the proposed zoning ordinance amendment concerning the Drift Haven Inn is initiated by the owners rather than the city of Gearhart

itself. He clarified that the decision ultimately lies with the city council, and tonight's planning commission hearing seeks a recommendation to present to the council.

The amendment aims to address the situation where the Drift Haven Inn, an established use predating the zoning ordinance, is nonconforming within its zone. The proposed change would allow the inn to become a conditional use in its current location.

The amendment consists of two parts: the first part focuses on allowing hotels established prior to the ordinance to be permitted as conditional uses in the R2 zone, primarily applying to the Drift Haven Inn property. The second part clarifies that both permitted and conditionally permitted uses on lots not meeting minimum lot size requirements can continue.

Phillips emphasized that the proposed amendment does not permit expansion or intensification of the hotel use beyond its current status. He noted that the overall impact of the amendment is limited and geographically targeted.

Regarding the criteria for approving the amendment, Phillips explained that it must align with the comprehensive plan and serve a public need. While most comprehensive plan policies are not directly applicable, the amendment would not designate additional property for commercial development and would not allow for any increase in hotel units.

In terms of demonstrating public need, the applicant argues that the amendment is necessary to ensure the hotel's continued operation, thus preserving tax revenue and providing a service to visitors. Staff finds this argument reasonable and supports moving forward with the amendment.

Overall, staff are open to hearing further input but are inclined to recommend approval of the text amendment to the city council.

During the commission's discussion and questions for Phillips, the city planner, several points were raised regarding the proposed zoning ordinance amendment for the Drift Haven Inn.

One commissioner raised a question about the verification of the applicant's claims regarding public need, expressing concern about the reliance solely on the applicant's statements without independent verification.

Another commissioner highlighted the potential financial implications for the property owners due to the nonconforming status and the impact on their ability to secure financing.

There was a discussion about the uniqueness of the situation, with Phillips explaining the rarity of such cases in Gearhart and emphasizing the limited scope of the proposed amendment.

Questions were also raised about terminology and potential future applications, with commissioners seeking clarification on the definitions of "hotel" and potential implications for other properties in different zones.

The discussion touched upon the benefits of the proposed amendment, including providing clarity for future operations and potential future projects, while also addressing concerns about unintended consequences and maintaining control over future developments.

Finally, there was a query about the placement of the language within the zoning ordinance, with commissioners discussing the advantages of placing it within the conditional use section for greater control over future applications.

APPLICANTS TESTIMONY

Matt Cole, 415 NW 11th, Portland OR. 97209 - As a member of the ownership group spoke of the hotel purchased in 2021 provided an update. They highlighted the extensive remodeling done on the hotel and the successful reopening of the business. However, they expressed concerns about financing and insurance issues due to the property's nonconforming status. They emphasized the need to secure the ability to rebuild the hotel as it currently stands in case of damage or to facilitate future financing. Their goal is to continue operating the hotel without making significant changes. Then, they handed over the discussion to Varricchione for technical details.

Brian Varricchione, 1515 SE Water Ave, Portland OR. – As the applicant having a background in city planning, provided some insights into the proposed text amendment. He discussed the careful considerations taken to address the concerns of both the hotel owners and the city. The amendment aims to address financing and rebuilding concerns for the existing hotel without allowing new hotels to be built in residential areas.

The applicant explained that rezoning the property to a more intense zoning category was not preferred as it could lead to undesirable developments without much city control. Instead, they proposed a text amendment specific to existing hotels in the R2 zone, which is limited to just one property, ensuring minimal impact on the community.

They also highlighted the additional level of control provided by placing the amendment under conditional use rather than permitted use, allowing the city more discretion over future changes to the property. The applicant communicated that supporting an existing long-standing business like the hotel contributes to the public benefit and promotes clarity in city planning.

They concluded by stating that they have addressed the necessary criteria and are requesting the Planning Commission's recommendation for approval to the City Council.

A commissioner inquired about why short-term rentals were included in the report. The applicant clarified that the inclusion of short-term rentals was meant to provide contrast and emphasize that the proposed code change specifically applies to hotels and not to short-term rentals. They wanted to ensure that there was no confusion regarding the scope of the amendment, highlighting that short-term rentals have their own separate permitting process and regulations that are not affected by this proposed change. The list of short-term rentals was included to demonstrate that they are distinct from the hotels mentioned in the proposal.

The question was raised regarding the language of the proposal and its potential implications for the second lot associated with the motel property. Specifically, they inquired whether the language would allow for additional construction on the smaller lot adjacent to the motel. The applicant clarified that while the language does not allow outright expansion, it could potentially permit expansion in the future through the conditional use process, however the septic system is currently located on the smaller lot.

Another commissioner expressed concern about a potential broader interpretation of the language, particularly in relation to the exceptions to standards or conditionally permitted uses in the R1 and R2 zones. They raised the issue of whether the inclusion of certain language might inadvertently open up a wider range of possibilities beyond the intended scope of the proposal. The applicant explained their

interpretation, emphasizing that the intent was to ensure consistency between the R1 and R2 zones regarding conditionally permitted uses, without necessarily expanding the scope of permissible activities beyond what is already allowed in the respective zones.

Garrett Stephenson, 1211 SW 5th Ave, Suite 1900, Portland, OR. 97204 - During the discussion, a commissioner raised concerns about the language of the proposal and its potential implications for the specific zoning code associated with the motel property applying to other zones. Stephenson provided explanations, citing the intent to clarify the property's status based on its development prior to certain ordinances and to ensure consistency within the specified zone.

There was a debate regarding the interpretation of the language, with differing views on whether it would apply to other zones. The applicant emphasized their understanding of the paragraph's applicability only to the zone in question and highlighted the importance of addressing nonconforming lot issues to ensure legal compliance.

It was argued that the proposed amendment aimed to maintain the status quo and resolve potential land use issues, citing examples from past experiences and emphasizing the importance of maintaining existing uses while ensuring attractiveness and compliance with regulations.

The applicant expressed the careful considerations they took in addressing concerns and reiterated the intent to maintain the current state of the property within the bounds of legal compliance, emphasizing the narrow focus and tailored nature of the proposal. They emphasized the need to consider both the land use aspect and the legal lot issue for comprehensive resolution.

Proponents: None

Opponents: None

Neutral: None

Dideum closed the public hearing at 7:21 pm.

Summary of Commissioners Discussion:

The commissioners discuss zoning regulations and the specific case at hand, which involves a property that may have been misclassified in terms of its zoning designation. They clarify the zoning hierarchy, noting that what is allowed in R-1 zoning is also permitted in R-2 and R-3, with R-2 being allowed in R-3 but not vice versa. The discussion references a past issue with Shamrock Pines Apartments, which faced challenges due to zoning regulations. The commissioners express understanding for the need to address zoning discrepancies and ensure legal standing for businesses in such situations. They commend the presentation made by the property owners and express support for maintaining the status quo. Overall, the commissioners emphasize the need for clarity and adherence to regulations while expressing appreciation for the cooperation of the property owners.

On MOTION by Taggard, 2nd by Cockrum, to recommend council to approve the application as presented.

- Outcome: The motion passed with all members in favor.
7 in Favor - Frank, Taggard, Cockrum, Mesberg, Dideum, Halperin, Schector
0 – Opposed

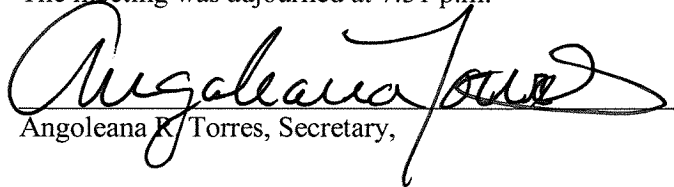
UNFINISHED BUSINESS - None

NEW BUSINESS – None

CONCERNS OF THE COMMISSION - None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 7:31 p.m.


Angoleana R. Torres, Secretary,

3/15/24
Approved