

# CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138  
(503) 738-5501 • (503) FAX 738-9385

September 13, 2018

**MEMBERS:** Carl Anderson, Jeremy Davis, Virginia Dideum, Russ Taggard and David Smith

**STAFF:** Carole Connell, Chad Sweet

## Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, September 13, 2018 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Anderson, 2<sup>nd</sup> by Smith, Commissioners Dudley and Graff were unanimously granted excused absence from the September 13, 2018 commission meeting.

On **MOTION** by Taggard, 2<sup>nd</sup> by Anderson, the minutes of August 9, 2018 were unanimously approved as presented.

The financial report as of August 31, 2018 was as follows:

### Planning Commission Expenses:

Year to date	1,251.82
Balance	11,748.18

### Planning Commission Secretary Expenses:

Year to date	3,209.33
Balance	26,790.67

On **MOTION** by Davis, 2<sup>nd</sup> by Taggard, the financial report of August 31, 2018 was unanimously approved.

## REPORTS

### Staff Reports

Connell reported continued work on the Resiliency Grant Project that will come back to the commission in October.

Commissioners Reports – none

Goals List – no action

CORRESPONDENCE – none

VISITORS COMMENTS – none

PUBLIC HEARING - #18-005ZMA map amendment from RA to R2 by OTAK Inc. for the Palmberg Paving Company property on McCormick Gardens Rd.

Dideum opened the hearing and read the disclosure statement into the record. Dideum asked if any commissioner had any exparte' contact, conflict of interest or personal bias. Dideum reported reading the article in the Daily Astorian stating it did not provide any new information. She asked if any of the audience had any challenges to the commission hearing the application. None was voiced.

Connell reviewed the staff report. She stressed the drawing is a concept of what could happen after all the analysis showing the useable part of the property and was for illustration only.

Connell introduced the following correspondence:

Fair Housing Council, 1221 SW Yamhill Street #305, Portland, OR 97205 - there needs to be a buildable lands inventory and a buildable lands analysis to determine if additional housing is needed. Connell added Gearhart's housing inventory was done in 1980 along with the 1990 census population.

Oregon Coast Alliance, P O Box 857, Astoria, OR 97103 – expressed concerns 1) prior report of soil contamination, 2) Clatsop County notes the RA zone is intended as a buffer for the RA1 zone to the east, 3) per newspaper article homes in the \$300,000 price range are not affordable housing. Their conclusion states the best course of action is for the City to deny the rezone and enter negotiations to purchase the 27 acres as a regional park.

Applicant - Li Alligood, Otak, 808 SW Third Ave #300, Portland, OR 97204 – she will make a presentation, collect comments and return in October to respond to any comments or concerns. She reviewed the development history and showed photographs of the site pointing out the developable area. The original concept was to request a higher density, but they opted for an R2 zone allowing for a larger variety of housing types but excluding any commercial development (short term rentals) allowing for more flexible development of the site. The natural areas would be allowed as amenities to the homes that are built and a transition from the commercial properties to the west. She said the zone change is the first step the family plans to sell the property for someone else to develop. Future development would require a subdivision before the commission taking a closer look at traffic impact, design services and environmental impacts.

Testimony was open to proponents.

Jon Palmberg, 89853 Manion Dr., Warrenton, OR 97146 – family has owned the property for 50 years, the business has had little impact on the community. The paving business has not been in operation for 20 years and it's time to sell and make it more livable for housing in the area, a good option for the community.

Adam Daily, 2362 N Fork Rd, Seaside, OR 97138 – he was the civil engineer on the project and was there to answer any questions on the project.

Testimony was open to opponents.

Kathy Hebert, 710 McCormick Gardens Rd, Gearhart, OR 97138 – she is the longest property owner in the area, she raised her children there. She bought the property to have the freedom, nobody around them, to live the way they wanted to, not worried about the neighbors and do what they wanted to with the children allowed to run. She is concerned about the impact to McCormick Gardens Road, there are already too many people using the road, improvements need to be made to the road. They are in a drainage district that has been neglected resulting in a devaluation of property values from flooding. Animals and vegetation have resulted in drainage not working properly and properties are now wetlands. Minimum acre lot should remain if lot size is changed for Palmberg it will change for the rest of the road. A \$300,000 home is not low income, they will not build a home that people on fixed income can afford, the proposed home sites will impact the neighborhood property taxes. The area should remain RA.

Susan Lemas, 1714 Pacific Way, Gearhart, OR 97138 – she is concerned about McCormick Gardens Road and the traffic, the road is not well maintained there are wetlands on both sides of the road, the road floods many times a year to the point buses don't use the road because of the flooding issues, adding more houses will make the flooding worse. Addition of houses and cars on a road that is not built to accommodate the traffic, it is a farming area.

Gloria Edler, 39 McCormick Gardens Rd, Gearhart, OR 97138 – 2<sup>nd</sup> longest living person in the area, she is east and south of the Palmberg property, she is RA1, 2 acres minimum in the county and wants her property to stay 2 acres minimum, the area is not made for higher density. During the winter McCormick Gardens road floods about 10 times, with a foot of water over the road for about a week, it happens all the time, beavers are probably the largest cause of the flooding. The county ditched to a depth of about 3 to 4 feet providing no barriers. She knows the Palmbergs want to develop but they should develop at the 1 acre minimum. The road is

narrow about 20' across, in some spots 2 cars cannot pass each other, the development could result in 100 more cars a day on the road with 50 new houses.

Phil Broome, 55636 Wagon Master Way, Bend, OR 97707 - mostly questions. He asked what the proposed daily trip count? Asked about the possible soil contamination and asked if there was any recent work done? He asked if there was a Corps of Engineers Permit for the property? Logging, is there any plan for logging the area? Asked about services available, water, gas and electric? Are there any plans on improving McCormick Garden Road at this time? Are there plans to improve Rail Road Avenue at this time?

Julianne Hall, 1655 Pacific Way, Gearhart, OR 97138 – she sees 2 proposals, a proposal to rezone and a proposal to use Pacific Way and McCormick Garden Road as an access – she strongly disagrees with use of the 2 roads and believes the development needs their own access road. She lives on Easy Way Road a private road and gave an example of how maneuvering allowed contractors to use the private to get to a new development. There was no impact study on the neighborhood, how will the development effect the neighbors?

Jack Zimmerman, 408 W Kershul Circle, Gearhart, OR 97138 – due to the nature of the business on the property, the commission should request a legally binding disclosure from the applicant as to knowledge about pollutants. He referenced the comprehensive plan noting the requirement to preserve agriculture, not promote building in flood areas, he understands the elk bed down in the area and raising the density may send the elk back across the road (highway).

David Seeley, 806 McCormick Garden Road, Gearhart, OR 97138 – he has owned the property since the early 60's, the flooding and traffic have gotten worse. Elk recently broke a leg in his fencing and had to be destroyed, addition of more houses will increase property damage and elk injuries. He is against any development back there because of the flooding and elk.

Mary Chandler (Banta) P O Box 2242, Gearhart, OR 97138 – her parents have lived at 1060 McCormick Gardens Rd for 52 years, in addition to the flooding the road cannot handle much more traffic it breaks away if you get too close to the shoulders and quite often is flooded. After a rain you can see a sheen of oil on top of the puddles coming off the Palmberg property, the land needs to be tested it does not present really clean after a rain. With the addition of that many houses with septic it will cause more flooding issues and issues with septics. The development would create a lot of issues, too much impact for the road and neighborhood flooding. With construction and filling in the wetland results would be forcing water elsewhere - flooding neighboring properties.

Rebuttal - Li Alligood – she restated being here to present and listen to concerns. She addressed the audience questions. Traffic count for development – 581 daily trips, DEQ testing and identified any contaminants – letter in the packet from DEQ showing all lots have been tested and found safe for residential development, with regards to logging in the development – they are protected wetlands and logging not permitted without extensive permitting and analysis, Army Corp of Engineers involvement – any development would trigger Corp of Engineers permitting, plans to improve Pacific Way and McCormick Garden – zone change does not require street improvement only if and when a development were to happen, then another traffic impact analysis would be conducted, and possibly Rail Road Avenue improvement. At this time they do not know if a proposed fire access is needed - question regarding available services – at the time of development each lot will need to be tested to determine what it will accommodate.

Connell added McCormick Garden Road is a 40' right of way and will have to be widened to 50 or 60 feet and improved if there is any development.

On **MOTION** by Smith, 2<sup>nd</sup> by Davis, the public hearing is continued to October 11, 2018 and the public hearing will remain open. Motion carried. Anderson abstained.

Unfinished Business – none

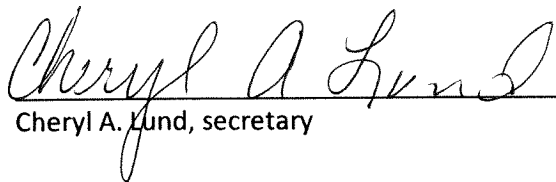
New Business – none

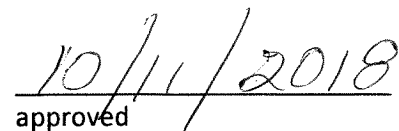
Concerns of the Commission – none

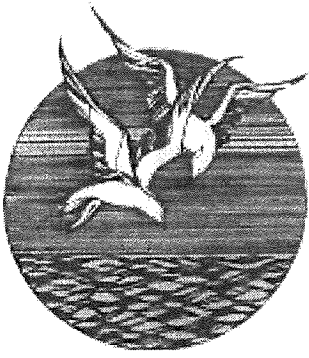
Questions for the Land Use Attorney

Smith asked for input from the Land Use Attorney before the next meeting about the Goal 10 requirements mentioned in the FHC letter regarding the Palmberg property.

The meeting was adjourned at 7:16 pm.

  
Cheryl A. Lund, secretary

  
approved



# CITY OF GEARHART

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(503) 738-5501 • (503) FAX 738-9385

October 11, 2018

MEMBERS: Carl Anderson, Virginia Dideum, Stephanie Dudley, Terry Graff and David Smith.

STAFF: Carole Connell, Chad Sweet

## Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, October 11, 2018 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Graff, 2<sup>nd</sup> by Dudley, Commissioners Davis and Taggard were unanimously granted excused absences from the October 11, 2018 commission meeting.

On **MOTION** by Anderson, 2<sup>nd</sup> by Graff, minutes of September 13, 2018 were unanimously approved as presented.

The financial report of September 27, 2018 was as follows:

Planning Commission Expenses:

Year to date	1551.31
Balance	11,448.69

Planning Commission Secretary Expenses:

Year to date	3209.33
Balance	26,790.67

On **MOTION** by Smith, 2<sup>nd</sup> by Dudley, the financial report of September 27, 2018 was unanimously approved.

## REPORTS

Staff Reports – none

### Commissioners Reports

Smith asked if commissioners would like to take up the conversation of *design review in the commercial zone*.

Goals List

Smith asked if commissioners would like to raise the priority of *design review* and begin a roundtable discussion. Smith will get together with Dudley and Anderson and explore dates and discussion questions.

Connell and Lund will be working on the subdivision ordinance over the winter.

Correspondence – none

Visitors Comments – none

Dideum opened public hearing 18-005ZMA a zone map amendment zone change from RA to R2 submitted by OTAK Inc. for the Palmberg Paving Company property on McCormick Gardens Rd. Dideum read the disclosure statement into the record. She asked if any commissioner had any exparte' contact, conflict of interest or personal bias. None was declared. She asked if any of the audience had any challenges to the commission hearing the application. None was voiced.

Connell reviewed the staff report noting any additions to the staff report were in italics. New documents include the applicant's goal 10 memo, Clatsop County Comprehensive Housing Study, Hardman Geotechnical Services update, Oregon Coast Alliance rebuttal letter.

A letter was entered into the record from Jan Wieting – 88189 McCormick Gardens Rd expressing concerns for traffic safety on McCormick Gardens Rd.

Applicant – Li Alligood, OTAK, 808 SW Third Ave #300, Portland, OR 97204 – introduced family members who wished to speak.

Heidi Palmberg-Snidow – 2124 NE 57<sup>th</sup> Ave., Portland, OR 97213 – wanted to let the community know they are listening to the community concerns and have been part of the community for over 60 years. The property has been empty for 20 years while the family has been letting the community enjoy the property. It has been a family decision to sell the property. The request is strictly for a zone change the family will not be developing the property any future development will need to go through the development process with the desire is that any development fit the city in its best way.

Alligood – reviewed the site development a 27-acre parcel with about 20 acres wetland and pond. The request is for a zone change from RA to R2 to allow for more flexibility on the site

providing more options for a developer but not allowing short term rentals. When the property changes hands the developer will need to submit subdivision plans, it is in this process the details will be determined through the planning commission – access, lot arrangement, housing type, traffic patterns, etc. Only 7 acres of the site is developable, the wetlands and ponds provide a significant buffer between surrounding properties. The concept plan is only a concept to see that the site is developable. She reviewed her memos of October 2<sup>nd</sup>; neighborhood character, traffic impact, road drainage issues, site remediation and Goal 10 housing findings.

Dideum questioned the statement on the bottom of page 2 Goal 10 Findings referencing the RA zone.

Alligood said it was a typo and should say R2. Smaller lots with different housing types can result in lower costs.

Smith asked to have the location of lot 1000 pointed out.

Graff per letter from Malone (page 2) he asks what the significance of *no further action was required for tax lot 1000*.

Alligood said it is when sufficient remediation has occurred to make it safe. The *no further action* determination was issued. She pointed out the statement in Appendix E of the original application.

Dudley noted the report says the wetlands and pond will be preserved but asked what guarantees there are and how that is accomplished.

Alligood said in the wetland delineation the boundaries are surveyed and are very site specific. When the wetlands are approved by DSL they become 'waters of the state' from then on if there is any disturbance in or near the wetlands DSL must approve it and it is extremely difficult to get approval to work in the wetlands. She noted there are a couple man-made wetlands on the property as well as sites less than one-half acre which are not protected. She pointed out the man-made wetlands on the map noting the protected wetlands are marked A B and C and the pond.

Graff asked for further clarification on the *no further action* letter and the levels of contamination.



Alligood said the staff report goes into very detailed descriptions of types of contamination noting this site has contaminations that are below the levels that are deemed acceptable for residential and not dangerous.

Connell asked about the Geotech report

Alligood said the Geotech report shows where the core samples were taken.

There were no proponents.

Testimony was open to opponents.

Orvis Odegard, 1110 McCormick Gardens Rd, Gearhart, OR 97138 – asked who would be paying for the repairs or additions to the road? He is concerned about the increased traffic and if there is more than one house per 7 acres that will also increase the traffic.

Phil Broom, 55636 Wagon Master Way, Bend, OR 97707 – the biggest issue is increased traffic on Pacific Way and McCormick Gardens Rd and asks if there is another way to access the property and alleviate neighbor concerns.

Jan Wieting, 88189 McCormick Gardens Rd, Gearhart, OR 97138 – her biggest concern is traffic, the south end of McCormick Gardens Road is dangerous and it's dangerous getting out on the highway from Pacific Way.

Rebecca Ruthledge, 531 McCormick Gardens Rd, Gearhart, OR 97138 – if the traffic could be alleviated on McCormick Gardens Road she would be OK as she understands Gearhart needs housing, with the placement of homes it will affect the road which cannot be widened without taking large portions of private property, she is concerned about fill placement and drainage that will affect the wetlands and flood properties. Traffic flow should be kept off McCormick Gardens Road.

Tom Thies, P O Box 2831, Gearhart, OR 97138 – during the location of the water treatment plant this was one of the sites that was rejected by the city because of the contaminations.

Mary Chandler, P O Box 2242, Gearhart, OR 97138 – she stated this is the first step to getting the change and the applicant has no control as to what happens after that. the applicant wants

to make his \$2.5 million and leave the property owners that live back there with the ramifications. She asked who will be covering law enforcement in the area, who will be picking up the tab for the zoning change, if you're willing to change zoning for a private person to sell property are you going to be willing to change zoning for property for a fire department. Who is going to pick up the extra costs to the fire department for the additional houses here and on the Reed property within the Fire Protection District.

Jack Zimmerman, 408 W Kershul Circle, Gearhart, OR 97138 – he understands in addition to the site being an asphalt plant it was a salvage operation with pipe lines and drainage lines going into the pond. He understands the contaminants are hydrocarbons and asks what kind of coring was done by DEQ to determine the extent of the hydrocarbon contamination. He suggests requiring public notice to the effective properties so they are aware of the ground contaminants.

Brand Dichter, 88189 McCormick Gardens Rd, Gearhart, OR 97138 - has lived here 40 years. His first farm house flooded out due to the water table rising every year because and drainage systems are not being maintained, the system is degrading with beaver activity and grasses both east and west of McCormick Gardens Road. He expressed concerns for liquefaction in the area in the event of a Cascadia Subduction event and the reach of a tidal wave impact based on the local elevation.

There were no neutral comments.

Rebuttal – Li Alligood – 1) regarding who is responsible for the costs – the developer pays for street improvement and infrastructure. 2) site access and traffic – she said there is a public right-of-way on Rail Road Avenue that could be a potential option and possibly from Highway 101. 3) site contamination – cleanup began in 2001, the property owner has complied with DEQ requirements.

Jon Palmberg, 89853 Manion Dr, Warrenton, OR 97146 – said there was no contamination to the lake, there was never anything put into the lake and the lake water was used for cooling, the plant vehicles were hauled away 30 years ago.

Connell said there was an auto wrecking yard on tax lot 1000.

Palmberg said it was there prior to the 50s and gone when they established their business.

Connell asked if there was an irrigation district that is responsible.

Sweet knows of no county irrigation district agreements or management plans. Dichter said there use to be a district perused by Eldon Wright.

Dideum asked for clarification of developer's costs with regards to widening an existing road.

Alligood said yes, the developer is required to pay the costs to whatever standards the city requires. Private property owners are not required to give up their property for improvements, needed property would be provided by the developer to accommodate the impact.

Connell noted the Transportation System Plan put all the road standards in place. She also said the city has no Systems Development Plan and the developer will pay the development costs of the improvements required by the city.

Dideum asked if Pacific Way and McCormick Gardens Road needed improvement would the property come from area property owners since the development is not located at the intersection of the roads.

Alligood no, typically what happens is the road would taper back in. She restated the zone change is the first step of a multi-step process, the goal is to make it more flexible, what the market demands and what the community is looking for.

The public hearing was closed at 7:30pm

On **MOTION** by Smith, 2<sup>nd</sup> by Dudley, by unanimous motion staff is directed to prepared additional findings to support City Council denial of the request by OTAK on behalf of Palmberg Paving Company to rezone property east of Highway 101, north of Pacific Way and west of McCormick Gardens Road from RA to R2.

Unfinished Business – none

New Business – none

Concerns of the Commission – none

Questions for Land Us Attorney – none

The meeting was adjourned at 7:45pm.

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Cheryl A. Lund, secretary

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approved