

# CITY OF GEARHART

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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 ex parte 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 McCormack 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 septic. 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

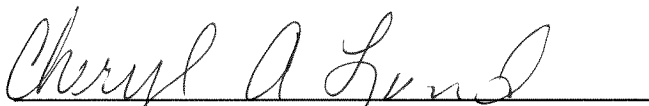
New Business – none

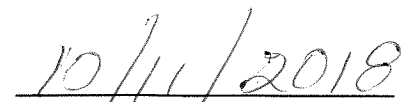
Concerns of the Commission – none

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