

# CITY OF GEARHART

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July 11, 2019

MEMBERS: Carl Anderson, Virginia Dideum, Stephanie Dudley, Terry Graff, Russ Taggard, Austin Tomlinson and David Smith.

STAFF: Carole Connell

## Minutes

The regular meeting of the Gearhart Planning Commission for July 11, 2019 was called to order by President Virginia Dideum at 6:00 pm.

Smith noted addition to June 13, 2019 staff report regarding CRG excess funds for clarity by adding *could be used to develop engineering solutions to strengthen Pacific Way culvert or provide new tsunami evacuation signage.*

ON **MOTION** by Tomlinson, 2<sup>nd</sup> by Taggard, the minutes of June 13, 2019 were unanimously approved as amended.

The financial report of July 11, 2019 was as follows:

Planning Commission expenses:

Year to date	5,850.90
Balance	7,149.10

Planning Commission Secretary expenses:

Year to date	24,538.78
Balance	5,461.22

On **MOTION** by Smith, 2<sup>nd</sup> by Taggard, the financial report of July 11, 2019 was unanimously approved.

## STAFF REPORT

Connell report the council has had the first reading of the Tsunami Hazard Overlay ordinance with minor word changes for clarification, the council will have the second reading of the ordinance on August 7<sup>th</sup>.

## COMMISSIONERS REPORTS

Smith noted having conversations with friends and neighbors regarding Tsunami Overlays and evacuation routes.

Connell said the matter is legislative and it is good to educate community members about new amendments.

#### GOALS LIST

Connell noted the changes as suggested at the June commission meeting.

Tomlinson asked for clarification of *community vision citizen involvement program*.

Connell said it has been on the goals list for years and never come back for action. It could involve getting citizens together as an advisory group to conduct a community survey to update the plan.

Connell also said Gearhart has the highest citizen involvement.

Tomlinson also asked about Systems Development Charges.

Connell said the state authorizes new development be assessed charges to cover the costs of streets, water, sewer and parks, generally applied through the building permit process.

#### CORRESPONDENCE

None

#### VISITORS COMMENTS

None

#### PUBLIC HEARING

#19-002V variance request submitted by Shawn Helligso Construction seeking relief from Section 6.010 fence height.

Dideum opened the public hearing and read the disclosure statement into the record. Dideum asked if there was any ex parte contact or conflict of interest. Smith said he was asked how the discrepancy in fence height was discovered and he did not know and could not answer the question. Dideum asked if any audience member had a challenge to the commissions ability to make an impartial decision. None was voiced.

Connell summarized the staff report reviewing the background, variance criteria and relevant factors.

Graff asked for clarification if the commission must meet all 4 variance criteria.

Connell said a strict interpretation would mean all criteria must be met she also noted consideration for the degree of impact involving each variance.

Shawn Helligso, 1692 Heritage Way, Gearhart – applicant, said the fence is 7' tall he was unaware of the 6' height limit, his neighbors' fence is 8'. After contact from the city manager he stopped the fence construction and applied for the variance. He wanted to shield the back yard from the vision and some sound for privacy and build a quality custom built fence, there is 15" of lattice and 5'6" of solid panel with 6 x 6 posts for wind. Located on the highway hardship could be considered since per ODOTs report there are 15,000 vehicles that pass daily. He was not sure what the city wanted to see with property

setbacks, he exposed all the corners and they are flagged. The west location is 15' from the highway set back to avoid where power and gas go through and 23' back from Sea Ridge.

Anderson asked what the 15' highway setback was measured from.  
Helligso said from the yellow survey hubs.

Graff asked if he was a local contractor or from out of the area and if he built in Gearhart before.  
Helligso said he grew up in Astoria and has built outside of Gearhart but not in town until now.

Graff asked if plans for the fence were submitted to the city.  
Helligso said he noted on his application he was going to build a fence, but no plans were submitted.

Graff asked if there is a permit to put up a fence.  
Staff said not if it is 6 feet or less.

Dudley asked if the house was occupied or sold.  
Helligso – not yet.

Dideum asked when the city administrator stopped by and if he stopped building at that point.  
Helligso said approximately 1 ½ months ago and he stopped building the fence at that point.

Graff asked if it was a spec house and who the owner was.  
Helligso said yes, it is a spec house and he is the owner.

Graff asked if he was going to live in the house.  
Helligso – no.

Smith noted different addresses on the application, Heritage way and Campbell Loop.  
Helligso said they were in the process of moving from Campbell Loop into town.

Smith said before the paperwork makes its way through the system it needs to be consistent.  
Helligso said the plot plan that was submitted was originally used when applying for the building permit, in the meantime they moved to Gearhart.

Smith noted the variance application and the cover application were inconsistent with the plot plan.  
Dideum noted the variance application was received on June 10, 2019.  
Helligso said he lived in Gearhart on June 10<sup>th</sup>.

Smith asked for verification that the plot plan showing the property line on Sea Ridge Lane is the property line for the other 3 sides, and the fence is on the north property line.

Helligso said yes to both the property line and fence location, noting all property corners were found.

Smith felt a 6' fence was established because most people's eyes are not higher than 6 foot and taller fences are intimidating.

Dudley asked who Wendy Boone was and clarification with the multiple addresses.

Helligso said Wendy is his wife, Sea Ridge Lane is the property address and Heritage Lane is his home address and both are owners.

Smith asked if he had a current CCB license.

Helligso – yes.

Testimony was open to the public.

Testimony was open to proponents.

William Quicke, 34094 W Campbell Loop, Edgewater Terrace, Seaside, Oregon – he is a proponent to the application and owns the lot just to the east of Mr. Helligso, he noted there are numerous 7' fences and there appears to be no enforcement officer, there are lots of natural vegetation berms along highway 101 that are over 7' people are trying to buffer the highway noise. He has no problem with the 7' fence and as a contractor a 6' fence was established for wind sheer. He asked if the fence in question was built in concrete that should be taken into consideration, Sea Ridge has CC&R's and are required to build fences between properties should a fence fall down adjoining owners are required to come to an amicable agreement regarding repair as the adjoining property owner he is sure they can figure that out. With a lattice top the wind sheer load should be adequate.

There were no opponents

Testimony was open to neutral comments

Tom Thies, 292 Woodland, P O Box 2821, Gearhart, Oregon – after height restrictions mainly on the ocean front he was pretty sure the city did come up with a fence permit, no permit was needed for repair but if there was an entire replacement a permit would be required.

Smith said there is a huge issue as to who's property a fence is being built on.... yours or your neighbors, requiring the need to show property lines.

Graff asked if there is a permit required to build a new fence.  
Per staff there is no fence application.

Dideum asked for clarification noting when he turned in the building permit application the building official knew he intended to build a fence but did not know how high.

Helligso – he intended to build a fence but did not know what it would look like.

The public hearing was closed at 6:45 pm.

Discussion followed on not meeting the criteria, application presented after the fact, creating a precedence and engineering requirements. On **MOTION** by Smith, a motion was made based on findings in the staff report, to approve the fence variance as proposed subject to the following requirements; 1. Verify the clear vision triangle and highway setback requirements and 2. Require removal of the fence to a 6 foot level. Motion died for lack of second.

On **MOTION** by Graff, 2<sup>nd</sup> by Dudley, motion was made to deny the variance. Motion passed 6 - 0 Smith abstained.

#### UNFINISHED BUSINESS

Connell reviewed the latest edits to the proposed C-1 zone amendments. Discussion followed on fine tuning the commercial amendments and developing a design review standard for the C1 zone drafting the following definition *all new structures shall reflect the residential character of Gearhart including for example wood siding or equivalent, pitched roof and perimeter landscaping*. On **MOTION** by Graff, 2<sup>nd</sup> by Anderson, by unanimous motion the proposed definition of Design Review was unanimously accepted.

Connell is to prepare a final draft of the C1 amendments, send draft to commissioners for review and comment then prepare for a public hearing.

With no business in August it was determined there would be no August commission meeting.

#### NEW BUSINESS

None

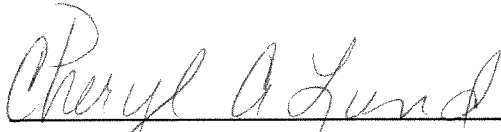
#### CONCERNS OF THE COMMISSION

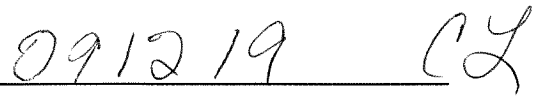
None

QUESTIONS FOR THE LAND USE ATTORNEY

None

The meeting was adjourned at 7:55 pm.

  
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Cheryl A. Lund, secretary

  
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approved