



CITY OF GEARHART

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June 10, 2021

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

STAFF: Carole Connell (online) Chad Sweet

Minutes

The regular meeting of the Gearhart Planning Commission for June 10, 2021 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Tomlinson, 2nd by Taggard, the Consent Agenda for June 10, 2021, was unanimously approved. Said agenda approved the Minutes of May 13, 2021, and the financial Report of June 3, 2021.

STAFF REPORT

Sweet reported the 2021-2022 City budget is passed. Planning has been bolstered to help with some planning items for the fire station. City council has granted funds to begin the process for the new fire station like basic design, technical planning and Geotech work. Anticipation is information will be going to the Council during their August meeting.

Sweet thanked Taggard for his work on Duncan's Crossing. Today they finished work on the super structure in preparation for the walkway.

Connell reported the parks committee is moving along. They are preparing to put together policies and park improvement strategies. August 31st there will be a joint work session with planning commission and council to go over a draft plan. Deadline for the grant is October 1st. She anticipates the commission will have a public hearing at the September meeting.

COMMISSIONER REPORTS

Graff asked if there is a permitting process for the Piano in the Dunes concert in the park scheduled for August. Sweet reported there is not much in the way of criteria for approval, so the request was presented to the council and the mayor. Sweet worked with the company on parking and help for the event. Sweet noted for weddings and family reunions the park is open to the public without permitting. Smith asked if the ticket income was going all to the artist.

Sweet said tickets were being donated to the fire department to sell as a fundraiser and a portion of the ticket sales would be donated to the fire department.

Kloepfer asked Sweet about the line-item budget for planning assistant grant and if there is a planning assistant. Sweet noted he always budgets for the grant, if the city does receive funds, it is used in the planning category.

Dideum asked about the \$30,230.17 funds reported in the May minutes for the playground equipment. Lund reported it was the most current number verified with Krysti Ficker. Sweet noted almost \$12,000 in quarters raised by Berkley Sturgell.

GOALS LIST

Connell review the Goals List following her updates. Stating she had talked to the chairman of the parks committee noting the *riparian protection standards* could be added to the zoning ordinance in conjunction with the Park Grant update instead of a separate amendment update.

VISITORS COMMENTS

None

PUBLIC HEAIRNG

#21-01P Banta Land Partition - Assessors Plat 61003 Tax Lot 00802

Dideum reopened the public hearing and read the disclosure statement into the record. She asked i-f there was any conflict of interest, ex-parte contact or bias to be declared by commissioners. None was declared. She asked if the audience had any challenges to the commission being able to render an impartial decision. None was declared.

Connell summarized the staff report. The request is to partition the parcel into 3 lots for the heirs. The partition of the Banta property from 2020 has been recorded along with the road maintenance agreement that applied to both the city and county partitions. Connell explained in detail the code partition requirements for street and path improvements.

Kloepfer asked how it is determined how much money is assessed if a fund is established for street improvement. Connell noted it is defined in the code and determined with applicants and or city engineer what the improvements are, in agreement with the applicant.

Taggard asked why a 40' easement at Railroad Avenue in what appears to be a pretty wide strip for a walking path. Connell demonstrated the Railroad Avenue easements offset at the west and souths end of the property and about 40' would be needed to be required to make a north/ south connection. Testimony was opened to the applicant.

John Banta said the property division was never meant to be a subdivision, it was left to the family as an inheritance. One family member wants to build on the front parcel, but he cannot tell if the west portions of the property will ever be built on.

Wetland delineation – he understands a delineation is only good for 5 years. He cannot tell if the property will be built on in five years, for the family to pay for a delineation on property that may not ever be built on. He is requesting the delineation be required at the time a permit is pulled.

McCormick Garden Road improvement – McCormick Garden Road is a lane and half wide with signs and trucks sitting along the side of the road. Making improvements for 180 to 190 feet would be more of a hazard to widen the road and put a sidewalk in, a limited improvement would not benefit anyone on that street and none of the neighbors want it. He asked if the requirement can be waived until there is actual improvement to the road. The family is okay with donating the 10 feet for future improvement.

Fire hydrant and Parking signs – the family agrees with the fire hydrant and installation condition when the first permit is pulled and the installation of parking signs.

Tree removal – family agrees with the tree removal condition.

Shared Use Path – the family is adamant they prefer not to do anything with Railroad Avenue for security reasons and trespassing. There are more and more homeless people in the area that would be very hard to police. It makes no sense for them to be the first to donate 188 feet of land that goes nowhere especially if the county has no interest in continuing the path and the neighbors have no interest in doing anything regarding the path. He is asking for forgiveness he would not want to do that to the neighbors. If it ever becomes something the family would be interested.

Connell reviewed the Banta comments and explained a deferral using a *waiver of re-monstrance* which is a legal document committing property owners to the street improvement and payment at the time a local improvement district is formed.

Banta said the family would be willing to sign the waiver for street improvements. Banta asked if the family signed the easement would the public be allowed on the property.

Connell said yes, it would be a public access way like a sidewalk.

Banta asked if someone were hurt on the property would the property owner be liable.

Connell said no, and it is a legal question that would be part of the resolution of the project when and if it ever gets built.

Banta asked the city to waive the pathway.

There were no proponents, no opponents, and no neutral comments. No applicant rebuttal.

The public hearing was closed at 7:07 pm.

Discussion followed on wetland determination / delineation requirement considering they expire in 5 years and the property may never be built on, allowance of waiver of re-monstrance for McCormick Garden Road instead of a street improvement, and the Railroad Avenue trail public access or easement.

On **MOTION** by Tomlinson, 2nd by Taggard, the tentative Land Partition #21-01P was unanimously approved with the proposed conditions of approval and the following amendments: finding #2 is amended to allow for a determination or delineation by the State of Oregon, finding #4 is to include a waiver of non-remonstrance agreement for street improvements, and add condition #8 requiring an approved fire hydrant with parking signage and post addresses for rear lots on McCormick Garden Road.

UNFINISHED BUSINESS

None

NEW BUSINESS

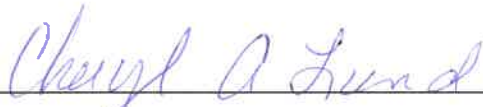
None

CONCERNS OF THE COMMISSION

Graff asked how long a sailboat could be parked in a driveway?

Sweet asked if the sailboat was being lived in?

The meeting was adjourned at 7:52pm.



Cheryl A. Lund, secretary



Approved