

Gearhart Planning Commission Minutes for March 9, 2023

MEMBERS: Virginia Dideum, Don Frank, Terry Graff, Sharon Kloepfer, Russ Taggard, Judy Schector, and John Mesberg

STAFF: Chad Sweet, Angoleana Brien, and Garrett Phillips

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, March 9, 2023, was called to order at 6:01 p.m. by President Virginia Dideum. *Members and staff were present.*

CONSENT AGENDA

On **MOTION** by Graff, 2nd by Taggard, the consent agenda for March 9, 2023, was approved by a unanimous motion. Said agenda approved Minutes for January 12, 2023 and the financial report for February 23, 2023, with the correction to remove Connell's name from staff being present. There was no correspondence.

STAFF REPORT

Sweet reported the city has some current zoning violations they are working on, such as a potential illegal long-term rental and a land dispute that the attorneys are currently working on. He gave an update on the playground and said that the city is soon going to asphalt the ADA parking space, the city will also be adding a bench on top of the wall instead of a fence, and there will be a new garbage can and doggie bags placed. Sweet also stated the approved Nookbook stand for the Seaside Highschool students' project it to be installed soon. Predicted to have the project completed by Easter as the city hopes to have the easter egg hunt the fire department organizes to be hosted in the park.

Brien reported the city is now live for electronic permitting.

COMMISSIONERS REPORT - None

GOALS LIST

Kleopfer mentioned she would like to go through a tree ordinance update to be added to the goals list for discussion under the zoning ordinance on the goals list as a tree permitting process. The commission stated they would like a copy of the city ordinance and Cannon Beach ordinance in the packets for the next hearing to take a look at.

VISITORS COMMENTS - None

PUBLIC HEARINGS

File #23-01V - Variance request submitted by Troy O'Bryan for property located at 3899 Hwy 101 N, and 3883-3899 and further described as Assessors Plat 6.10.3B, Taxlot 4700, 4700, 5200, 5300, 5303. Said request is a side yard setback of 5 feet in place of the 15-foot required buffer between residential and commercial, and for a 10-foot fence height on the north side property line property for safety and deterring access between the boarding properties'.

File #23-02V - Variance request submitted by Shaw Evjen for property located t 202 G Stand further described as Assessors Plat 6. 10. 9AD, Taxlot 5900. Said request is for side yard setbacks to remove the existing 134 square foot covered roof currently in set setbacks, replace 224 square feet of roof with roof deck and glass railing.

Dideum opened the public hearing for 23-01V at 6:09 p.m. and read the disclosure statement.

Dideum asked if any Commissioners needed to declare an ex-parte conflict, a conflict of interest, or a personal bias.

Kloepfer stated she visited the site on Highway 101.

Taggard, Schector, Frank, and Dideum said they visited both sites.

Dideum asked the audience if there were any challenges to the commissions' ability to make an impartial decision. There were none.

City Planner Phillips gave an overview of the staff report for 23-01V.

Dideum asked the commission if they had any questions for city planner Phillips.

Dideum asked why no comments from the city staff were provided in the staff report.

Phillips said he would make sure to add the staff comment going forward.

Dideum asked Phillips to brief the commission on the staff's comments.

The fire department connection at the southeast corner is shown; however, the other end at the south of the fire hydrant needs to be 15 to 20 feet; both connections will need to connect to each other underground. There will also need to be access to the fire department through the proposed landscape buffer south of the fire department connection to enable the fire engine to access the fire hydrant.

Dideum wanted to know if there would be an effect on traffic for 101 by adding the additional 223 storage units.

Phillips said he didn't prepare any findings related to traffic impact on 101. The review was very narrowly related to the variance request itself, related to the position of buildings and the fence details.

The city can require a traffic impact analysis irregardless of the variance prior to approving the overall development.

Taggard said there are variable fence heights along the north boundary that you described in terms of vegetation and berm height. How is that determined? He wants to know who will be determining that. If granting the variance and saying the fence can be built.

Sweet said if it is a condition, it would be the building official and himself, would be monitoring it.

APPLICANTS TESTIMONY

Troy O'Bryan - 2626 NW Three Sisters Dr, Bend, Oregon 97703 - He is looking to do is improve an old facility that needed to be updated. They have made many changes over the last few months, and the goal is to continue that. He believes there is a high demand in the area for storage and wants to supply that to the community with more of the larger units, some inside climate-controlled units. They look to be putting some vegetation in place, as he understands concerns neighbors may have. The type of material for fence variance request is due to longevity and maintenance cost. It is his understanding that there have been some burglaries at this facility, and he wants to make it secure, which is the reason for the height request. They will be adding cameras, and there is a locked gate now.

Dideum asked if the commission had questions.

John asked in regards to Dideum's comment on them adding 233 units. He asked the owner if that is the number that the owner believes will be added and is there data related to the number of visits that a unit perhaps gets per year that would help them access the impact of traffic.

O'Bryan said no. At 100% occupancy, the average person will visit their unit once per month. What he has noticed in Gearhart tend to pay physically,. That's still only a couple of days per month you see that kind of higher volume. To estimate for these particular added units, that's a facility normally with 100% Occupancy at anywhere from 100 to 200 units. It's currently two to five trips per day, and this might add at most 50% more traffic at most.

There was discussion over what buildings were existing and what would be new, and building G being Carport.

Kleopfer stated how easy it is to climb a chain link fence and wanted to know why they would choose that type of fence if they are worried about security. She suggested that it have the plastic stats in it, like the newer fence on the south side. She also mentioned the retaining wall they are building and wanted to know how they plan to keep anyone from climbing it and jumping over.

O'Brian said there is a fence on the backside of the retaining wall on the backside of the bank, and if you go to the very top of the bank, there's a fence at the top of the hill. Access to that would be extremely hard because of the swamp land, and there's nothing back there.

Kleopfer said at some point in time but does not know for sure if the city's pedestrian path is going to go through there or if it's going to extend that far, but wants to know how that will work out. That will change access to that fact.

Dideum wanted to know if there will be a full-time employee 24 hours around the clock.

O'brian said no because they are not accessible or open 24 hours a day, so the gates will be locked, and there will be security cameras.

Commissioner President Dideum asked if there were any proponents. None

Commissioner President Dideum asked if there were any opponents.

Joseph Clark - 1332 Garden Terrace Rd, Gearhart, Oregon, 97138 - Talked about outside of the city letter, no one has contacted anybody that he was aware of concerning the north side property owners. Only five of the seven houses are actually owner-occupied. The north fence is only inadequate for keeping people from coming out over the fence from the south. Different vehicles have been burglarized, and they have had lots of trespassing happening, so noise is a concern. They hear generators running all the time intermittently from the different RVs that are currently stored there. He personally would like to see a ten-foot fence put in. Spotlights are also an issue extending into their living room at night.

Commissioner President Dideum asked if there were any neutral. None

Dideum closed the public hearing for 22-01V at 7:08 pm.

Kleopfer was concerned about not setting precedence and upholding the comprehensive plan.

Graff said the commission handles each application on its own bases, facts, and criteria.

Taggard said it is in a commercial area also located on the highway, meeting the comprehensive plan.

Frank agreed with Graff and Taggard.

Schector had no concerns.

Dideum has concerns that there is a reason the city has a plan set in place, and once they start granting variances, then yes, it is setting precedence. Wood rots but a cyclone fence rusts as well, but a cyclone fence is easy to climb. Her main concern was where the planner said if it is not granted, it will give the applicant a hardship; however, the owner bought the property knowing what the regulations were there and are now asking for a variance for profitability purposes. She is discountenanced because it is not their responsibility to make sure someone makes more money. It should be a would fence like the surrounding properties and is concerned with security.

Mesberg said he shares concerns with Dideums concern that it is not the commissions' job to make sure someone makes more profitability. However, not too concerned due to the one neighbor who did come and speak and didn't really express a lot of concerns about the setback issue. He seemed to indicate that he felt that the berm protected them sufficiently from this space. And thinks it comes back down to the nature of the fence that we would be required to request that the owner apply. He believes the south fence had the plastic inserts and which would be more difficult to climb and it was more attractive and would suggest that if we do end up approving this, which we may or may not, but if we do that, we've modified the language to indicate that the north fence be constructed in the same vein, same style, and same approach as the south fence. He heard concerns that the owner is trying to mitigate and make an improved situation for the neighbors, and it sounds like he's willing to do that and is open to letting the owner try to do that.

Discussion with the commission on the berm size and fence occurred.

ON MOTION by Taggard, 2nd by Graff, approval of the variance, findings, and conclusions recommended in the staff report, amending condition number 1 by adding to the end of it, approval of 5-foot setback, and the requirement that should the applicant use cyclone fence materials, vertical composite slats shall be used to enhance the privacy and security functions of the cyclone fence and that such slatting may serve as an adequate substitute for using wood fence materials or landscaping for privacy screening. Cyclone fencing, fence height, and evergreen planting are at the discretion of the city officials and will depend on the location determined. Conditions #2, 3, and 4 will remain intact
6 - in favor, Mesberg, Taggard, Frank, Graff, Kloepfer, Schector, 1 - opposed, Dideum

Hearing for 23-02V commenced at 7:27 pm

City Planner Phillips gave an overview of the staff report for 22-02V.

Dideum asked the commission if they had any questions for city planner Phillips.

Mesberg asked for clarification on the plans.

APPLICANTS TESTIMONY

Jane Paulson - 1829 Northeast Stanton Street, Portland, Oregon - Stated their goal is not to do anything that's going to upset anyone but only to improve the house.

Shawn Evjan, 3998 Carm Lane, Northeast Kaiser, Oregon - when the owner bought the property, the owner did not look at the setbacks. They believed they met the setbacks with Ocean being the front; once they started the application process is when they discovered that they did not meet setbacks. They are not increasing the footprint, just replacing a section of the roof with a more usable deck. They will be bringing the house closer to compliance than where it is now. The deck profile is thinner than a roof profile that is being replaced, and they are suggesting a glass railing. To improve people's views, There is an existing deck at ground level, and in regards to the septic

that is actually out into the yard, they have requested septic scoping and have not received that back yet. It has been done; however, they haven't received the actual line determinations to see where those are at. It will be submitted with the building permit application as the approval of the conditions.

Dideum asked if the commission had questions.

Kloepfer asked for clarification that nothing is being done on the east side, only the west.

Evjen said that is correct, nothing is being done to the east side of the house; it's only going to be on the west side. They are removing some roof, and a portion of that is making the entry match the hip style both on the left and the right, but it will be removing square footage in the setback.

Taggard asked if their preferred option was A or B.

Evjen said their preferred option is to remove the roof wrapping around and replace the section on the site plan with a deck.

Commissioner President Dideum asked if there were any proponents. None

Commissioner President Dideum asked if there were any opponents. None

Commissioner President Dideum asked if there were any neutral.

Devin Muserow - 14945 Old Molar Road. Nahalum, Oregon - This membrane deck is basically replacing it. It still is a roof. It's just a roof that you can stand on. It is like for like it just doesn't have a pitch.

Discussion with the commission occurred.

ON MOTION by Graff, 2nd by Schector to approve subject to the conditions.
All in favor 7-0

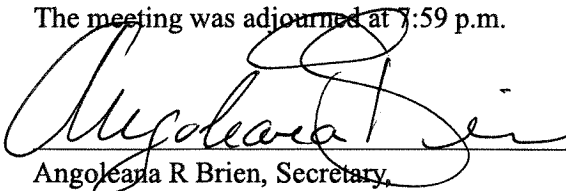
UNFINISHED BUSINESS - None

NEW BUSINESS - None

CONCERNS OF THE COMMISSION - None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 7:59 p.m.


Angoleana R. Brien, Secretary


Approved

