

Gearhart Planning Commission Minutes for November 14, 2024

MEMBERS: Virginia Dideum, Russ Taggard, Don Frank, Eric Halperin, Paulina Cockrum, John Mesberg, and Jennifer Grey

STAFF: Chad Sweet, Peter Watts, Garrett Phillips, Adrienne Park, and Angoleana Torres

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, November 14, 2024, was called to order at 6:00 p.m. by President Virginia Dideum. *All Members, staff, and land use attorney were present except Cockrum who was excused.*

COMMISSIONER EXCUSED

On **MOTION** by Taggard, 2nd by Grey, to excuse Cockrum from this meeting.

6 - in Favor – Dideum, Mesberg, Frank, Taggard, Halperin, Grey

0 – Opposed

CONSENT AGENDA

On **MOTION** by Taggard, 2nd by Halperin, the consent agenda was approved as presented. Said agenda approved Minutes for October 10, 2024, financial report for October 31, 2024. No Correspondence

6 - in Favor – Dideum, Mesberg, Frank, Taggard, Halperin, Grey

0 – Opposed

STAFF REPORT

Sweet reported several updates. Geotechnical drilling was conducted at the Fire Station-City Hall site, with soil samples taken every five feet to a depth of 100 feet, revealing rock between 80 and 100 feet. The geotechnical analysis will guide the foundation design for the proposed public safety building. Meetings with architects focused on planning the building's size and functionality for police and fire operations, including direct input from firefighters. Preparations are underway for a Town Hall meeting on December 3 at the fire station to gather community input, with promotions via social media.

Sweet also detailed projects funded by a \$362,000 American Rescue Act grant for water infrastructure. Completed and planned expenditures include replacing a sodium hypochlorite machine, upgrading a chlorine tank, and implementing radio-read water meters to enhance leak detection and enable monthly billing. Additional investments involve hydrogen detectors, valve replacements, mixers, compressors, and a \$50,000 generator. The city's water system, which experiences minimal loss (2% compared to the acceptable 10%), is deemed robust. Reserve funds of \$1.3 million are allocated for future upgrades, including a \$900,000 redundancy unit. Efforts to secure additional water rights are ongoing, with

regulatory review expected within nine months. The system is well-prepared to manage future water demands while prioritizing infrastructure enhancements.

Frank inquired about the nature of the expenditures planned with the grant money allocated for water system improvements. He specifically asked whether these projects, such as those for the water treatment facility, represented regular maintenance or updates, or if they were addressing failures or malfunctions within the existing system.

Sweet explained that most of the projects funded by the grant money represent regular maintenance rather than addressing system failures. With the water treatment facility approaching 13 years of operation, the city is replacing aging equipment, such as the sodium hypochlorite machine, which has exceeded its expected 5-10 year lifespan. Sweet emphasized that the equipment is being replaced proactively as it begins to wear out, with much credit given to staff efforts in maintaining the system's excellent condition. He clarified that while most expenditures are replacements, the installation of radio-read water meters is an enhancement aimed at improving data access and conservation efforts.

Phillips reported on attending FEMA-hosted webinars focused on incorporating the Endangered Species Act into floodplain management requirements. He explained that FEMA continues to revise its guidance frequently, and the city is waiting for finalized instructions before drafting a revised floodplain ordinance for Planning Commission review. While FEMA has not provided a specific timeline, Phillips expressed hope of having a draft ordinance ready by January or February. He also noted a conditional use permit application for December's agenda to expand an existing approved use area to twice its current size. Additionally, the city has been reviewing draft maps for the buildable lands inventory, identifying inaccuracies in parcels deemed "buildable." After providing feedback, the city awaits revisions and plans to schedule a presentation once the updated maps are ready.

Watts reported on several key issues during the Planning Commission meeting. He addressed ongoing challenges with FEMA's lack of clarity regarding floodplain management updates, emphasizing the city's efforts to remain compliant and mitigate potential consequences, such as automatic opt-ins for regulatory options. He highlighted collaboration between local jurisdictions and statewide groups advocating for better guidance from FEMA. Watts commended staff for addressing inaccuracies in the buildable lands inventory, noting that the consultant has been receptive to feedback, and a final review of the maps is underway.

Watts also mentioned progress in addressing population data inaccuracies, with Gearhart now showing the highest percentage increase in Clatsop County. He stressed the importance of accurate data for future housing needs analysis and urban planning, including potential support for regional workforce housing solutions.

Additionally, he brought up the city's outdated vegetation line maps from 1967, explaining that a process exists for amending these maps through the Oregon Parks Department, should it become a city priority. He offered to research further if directed by the Planning Commission or City Council.

COMMISSIONERS REPORT

Dideum brought up discussion on the status of the tree ordinance. It was noted that the second reading is scheduled for December 4, 2024.

GOALS LIST – No Changes

VISITORS COMMENTS – None

PUBLIC HEARINGS

Dideum opened the public hearing at 6:23 p.m. on File #24-07V - Variance request for property located at 498 A Street and further described as Assessors Plat 6.10.9AA, Taxlot 0570. The request is for a ten (10) foot front yard setback in place of the 15-foot required setback. The request relates to expanding the front entryway to an existing dwelling in the Medium Density Residential (R-2) Zone.

Dideum read the hearing disclosure and asked if any commissioners need to declare a conflict of interest in ex parte contact or personal bias.

- All commissioners visited the site.

Dideum asked the audience if anyone challenged the commission's ability to make an impartial decision.

- No Challenges.

Commissioners were asked to declare any conflicts of interest, ex parte contact, or personal bias regarding the matter under review. Grey, Taggard, Frank, Mesberg, Halperin, and Dideum, disclosed that they visited the site. Mesberg noted that his sister-in-law resides diagonally across from the site but stated he does not have a conflict of interest.

Dideum asked the audience if there are any concerns or challenges regarding the Commission's ability to render an impartial decision. – There was none.

Phillips gave an overview of the staff report for the variance request involving a non-conforming dwelling in the R-2 residential zone, where the required front yard setback is 15 feet, but the dwelling is situated 10 feet 9 inches from the front lot line. Updated survey information revealed a slight discrepancy from the staff report. Phillips reported the applicant seeks to expand the front entryway and add a landing for the stairs, proposing two options: one expands the non-conformity eastward without encroaching further into the setback, while the other extends the structure one foot closer to the front lot line. Phillips explained the primary approval criteria, focusing on the need for the variance to address safety and accessibility hardships, noting the absence of a landing outside the front door. Potential impacts to the surrounding area were minimal, with concerns from a neighbor being resolved after clarification. Staff identified no issues related to lot coverage, building height, wetlands, or floodplains. The proposal aligns with the comprehensive plan and maintains Gearhart's rural character. The staff report offered findings supporting approval and posed questions for further Commission deliberation.

APPLICANTS TESTIMONY

Eric Ladouceur - 16354 Boones Ferry Rd, Lake Oswego, Oregon, 97035

The applicant, Eric Ladouceur, confirmed that Phillips' summary of the proposal accurately reflects their request, which includes two options for the front entryway expansion. Option A maintains the existing setback, while Option B moves the structure one foot closer to the front lot line to address accessibility and safety concerns. The current non-conforming entryway is a 3-foot-11-inch width, with a 3-foot-wide

door on it, it is cramped, making it difficult for elderly family members to navigate. He emphasized that widening the entry would improve accessibility and safety, particularly for these family members. The owners expressed a preference for Option B, as it would provide a more functional space for entering and exiting the home while accommodating the necessary improvements. He also clarified that they are working with a design-build firm for the project, although the property owner was not present at the meeting.

The commissioners asked several clarifying questions about the applicant's proposal. One commissioner inquired whether the elderly family members who would benefit from the accessibility improvements were living in the home or just visiting. The applicant clarified that the elderly family members are not living in the home but visit frequently. Another commissioner asked about the broader scope of the project, to which the applicant responded that a major component of the remodel involves converting nearly three-quarters of the existing two-car garage and utility space into a bunk room and laundry room, adding conditioned living space. He also mentioned that the entire property would undergo a full interior and exterior remodel. When asked about the proposed setback for Option B, the applicant explained that the original request was for a 10-foot setback, but a survey revealed the existing setback was 3 inches closer than previously thought, so they are now requesting a 9-foot-9-inch setback. Commissioners also raised concerns about parking, given that part of the garage will be converted for living space. The applicant assured them that the remaining garage space and the two available off-street parking spaces would sufficiently accommodate parking needs, even with the loss of part of the garage. He added that the house is set far enough back from the street to allow for street parking.

Proponents: None

Opponents: None

Neutral: None

Dideum closed the public hearing at 6:40 pm.

The commissioners discussed the two proposed options for property renovation. Commissioner Frank expressed his support for Option B, noting that the house needed updates and that the proposed changes would improve safety, particularly for elderly residents. He also appreciated the proactive outreach by city planner Phillips to the neighboring property owner, who had initially raised concerns about the impact of the renovation on their view. Frank emphasized that he would be in favor of Option B due to the safety improvements it would bring. Commissioner Grey also voiced her support for Option B, agreeing that the safety of elderly residents should be prioritized. She added that she was glad to see the neighbor's concerns addressed and that they were likely to appreciate the planned improvements to the property.

City planner Phillips clarified that both options could be approved simultaneously, allowing the applicants to choose between them. He further explained that Option A had a lesser impact, with no changes to the front of the building, while Option B involved more significant renovations. Phillips also reminded the commissioners to consider the standard conditions of approval, which included requirements for a building permit, specific dimensions, and a one-year expiration date for the approval.

He confirmed that both options could be presented to the applicants for their choice, ensuring they had flexibility in their decision-making.

City attorney Watts addressed concerns about setting a precedent. He explained that each property is unique and that decisions should be made on a case-by-case basis, especially in situations involving pre-existing nonconforming uses. He assured the commissioners that granting approval for encroachment in this case would not set a lasting precedent, as the specific circumstances of the property were being taken into account. Watts also clarified that if the property were demolished and rebuilt, it would need to conform to current standards, eliminating the possibility of using the pre-existing nonconforming structure to justify further encroachment.

Ultimately, the commissioners were in agreement, with the majority supporting Option A & B, emphasizing safety and the benefit of the proposed changes. The approval would be contingent on meeting the standard conditions of approval, which were outlined by Phillips.

On **MOTION** by Frank, 2nd by Halperin, approve both Plan A and Plan B, with the recommendations listed on page 6 of the staff report.

6 - in Favor – Dideum, Cockrum, Frank, Taggard, Halperin, Grey

0 – None

UNFINISHED BUSINESS - None

NEW BUSINESS - None

INFORMATION / DISCUSSION - None

CONCERNS OF THE COMMISSION

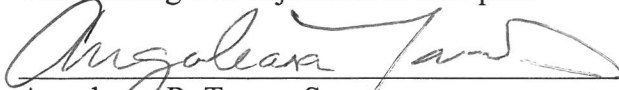
Regarding building permit applications on Second Street. One of the questions was about the incompleteness of the application, particularly in relation to wetlands and floodplain development requirements outlined in the city's zoning ordinance. Phillips informed the commission that the city had sent a letter to the applicant, highlighting the deficiencies and the specific requirements they needed to address in order to complete their application.

It was also asked for clarification on the timeline for the application, specifically about a potential deadline to avoid new FEMA regulations from applying. Phillips confirmed that the applicant had 180 days from the date of the incomplete letter to complete the application under the current zoning ordinance. Any new ordinance updates, such as the new tree ordinance amendments currently being approved by the City Council, would only apply if the application is not completed within that period.

Watts also brought up the "fixed goalpost rule," which ensures that applicants can rely on the code in effect at the time they submit their application, preventing cities from changing the rules after an application is filed. He emphasized the importance of the applicant meeting the completeness requirements within the given timeline, as failure to do so could have negative consequences for their application. He explained the applicant is grandfathered in under the current rules as long as they submit the required items within the 180-day period. There were no further questions raised at this point in the meeting.

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 6:56 p.m.



Angoleana R. Torres, Secretary

12/17/2024

Approved