

CITY OF ROCKAWAY BEACH

City Planning Commission Meeting

Agenda

Date: May 28, 2019

Time: 6:02 PM

Location: City Hall, Council Chambers



CALL TO ORDER AND APPROVAL OF AGENDA FOR CITY PLANNING COMMISSION MEETING

ROLL CALL

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Present](#)

[Position #3 - Pat Olson: Present](#)

[Position #4 - Mary McGinnis: Present](#)

[Position #5 - Scott Daugherty: Present](#)

[Position #6 - Brian Halvorsen: Present](#)

[Position #7 - Penelope Cheek: Present](#)

Approval of Minutes

Daugherty made a motion, seconded by Cheek, to approve the February 26, 2019, Planning Commission minutes: motion carried.

[Position #5 - Scott Daugherty: Motion](#)

[Position #7 - Penelope Cheek: 2nd](#)

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #4 - Mary McGinnis: Approve](#)

[Position #5 - Scott Daugherty: Approve](#)

[Position #6 - Brian Halvorsen: Approve](#)

[Position #7 - Penelope Cheek: Approve](#)

Olson made a motion, seconded by McGinnis, to approve the April 23, 2019, Planning Commission minutes: motion carried.

[Position #3 - Pat Olson: Motion](#)

[Position #7 - Mary McGinnis: 2nd](#)

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #4 - Mary McGinnis: Approve](#)

[Position #5 - Scott Daugherty: Approve](#)

[Position #6 - Brian Halvorsen: Approve](#)

[Position #7 - Penelope Cheek: Approve](#)

Public Hearing for Variance #19-01 a Request for a Proposed Addition

McIntire opened the public hearing at 6:05 pm. for Variance #19-01 a request for a proposed addition. She mentioned the criteria in which must be satisfied for approval were listed in the City staff report, public testimony must be directed to those criteria or other criteria in the land use regulation which the testifier believed to apply to the decision. She said failure to raise an issue in person, or in writing at or prior to the closing of the hearing, or failure to provide statements or evidence sufficient to afford the Planning Commission and other interested parties an opportunity to respond to the issue constituted forfeiture of the right to appeal the decision of the Planning Commission. She stated the Commission would decide whether the hearing would continue to another day or the record would be left open for at least 7 days. She said the applicant for this request was Joseph and Lynn Blair, they were proposing an addition to their existing structure at 1641 N. Miller St. She mentioned everyone but Daugherty visited the sight. City Planner Scott Fregonese said he was going to be presenting the staff report on the Variance #19-01. He mentioned the applicant was requesting a variance to construct a 572 square foot addition to the existing single-family home at 1641 N Miller Street in Rockaway Beach. He stated the existing home was built in 1944 with setbacks that are non-conforming under the current zoning ordinance. He said the zoning ordinance currently allows a 20% increase in square footage to an existing non-conforming use, which this proposal exceeds. He said the approximate lot size was 3,485 square feet and was in the R-1 Zone. He stated the home is currently sited within the required setbacks in the R-1 Zone, at 3 feet from the southern side lot line (5 feet required), 4 feet from the northern side lot line, (5 feet required), and 8 feet from the front lot line (15 feet required). He mentioned the existing parcel was an irregular shape. He explained the development constraints of the property; the shape and size of the parcel prevent any additions or new structures on the front or sides of the existing home. He said there was substantial room to the rear of the existing home for an addition or new structure to be located within required setbacks. He mentioned the property was not located within a flood hazard area and was not affected by any other natural hazards. Daugherty asked if a floor plan was provided to the City Planner of the size of the rooms. McIntire said there had been no written correspondence on this application. Joseph Blair mentioned he had a set of plans for the committee to review. McIntire had a question about the site plans that had been submitted. She said on the North section there was a strip that had been identified as a parking area. Blair said yes, 13x20. McIntire stated there was a pole with power and trees in that area, her question was would there be an adequate amount of parking space. Blair said yes, the trees need to be cut back 3 to 4 feet and they belonged to the adjoining neighbor. Fregonese provided a final staff comment. He mentioned the criteria for granting a variance would be the following, a) that a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; and b) that there were exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; and c) that the granting of the variance would not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and d) that the granting of the variance would support policies contained within the Comprehensive Plan. He said if, after hearing the evidence at the hearing, the Planning Commission agreed that sufficient facts exist to grant the variance, they should direct staff to write findings based on the evidence to permit the variance. He stated if they do not find that sufficient evidence exists to allow the variance, they should direct staff to write findings for denial of the variance. McIntire asked the applicant if they would like to wave

the opportunity to keep their hearing open for an additional 7 days or have the public hearing closed. Blair said he would close it.

Cheek made a motion, seconded by Halverson, to close public hearing for Variance No. 19-01: motion carried.

[Position #7 - Penelope Cheek: Motion](#)

[Position #6 - Brian Halvorsen: 2nd](#)

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #4 - Mary McGinnis: Approve](#)

[Position #5 - Scott Daugherty: Approve](#)

[Position #6 - Brian Halvorsen: Approve](#)

[Position #7 - Penelope Cheek: Approve](#)

McIntire closed the public hearing at 6:24 p.m. Cheek mentioned A and D were objectives of the Comprehensive Plan and she felt that was always the challenging part. She stated that's why she had some concerns at the beginning in which she no longer had. Daugherty mentioned he had concerns at first with the set backs of the addition. Halverson mentioned the fact they were able to get the structure to fit that area was good.

Halverson made a motion, seconded by Cheek, to direct staff to write findings based on the evidence to permit an addition and approve Variance #19-01; motion carried.

[Position #6 - Brian Halvorsen: Motion](#)

[Position #7 - Penelope Cheek: 2nd](#)

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #4 - Mary McGinnis: Approve](#)

[Position #5 - Scott Daugherty: Approve](#)

[Position #6 - Brian Halvorsen: Approve](#)

[Position #7 - Penelope Cheek: Approve](#)

Public Hearing for Conditional Use #19-02 a Request to Construct a Duplex in the R-1 Zone

McIntire opened the public hearing at 6:31 p.m. for Conditional Use No. 19-02 a request to construct a duplex in the R-1 zone. She mentioned the criteria which must be satisfied for approval were listed in the City staff report, public testimony must be directed to those criteria's or other criteria in the land use regulation which the testifier believed to apply to the decision. She said failure to raise an issue in person, or in writing at or prior to the closing of the hearing, or failure to provide statements or evidence sufficient to afford the Planning Commission and other interested parties an opportunity to respond to the issue constituted forfeiture of the right to appeal the decision of the Planning Commission. She stated the Commission would decide whether the hearing would continue to another day or the record would be left open for at least 7 days. She said the applicant for this request was Mark Heese. She mentioned everyone on the committee but Daugherty made a visit to the location. Fregonese provided his staff report. He

said the applicant was requesting a conditional use approval for construction of a new duplex at 835 N Pacific in Rockaway Beach. He mentioned the property was zoned Single Family R-1, in which duplexes were allowed as a conditional use. He stated the size of the lot was approximately 3,750 square feet. He said the subject property was adjacent to existing single-family dwellings on the north and south, and across Pacific Street to the east. He stated the property was an oceanfront lot. He said the property was currently vacant with no existing structures. He addressed the property subject to all requirements of oceanfront development as written in the Rockaway Beach Zoning Ordinance. He mentioned the applicant had addressed the criteria for a conditional use, if a conditional use was granted, the applicant must still complete the zoning permit application process. He said the preliminary site plan adhered to the front and side setback requirements of the R-1 zone, with the rear setback to be determined by an oceanfront averaging survey. He mentioned there was precedent for the construction of duplexes in the area. Todd Spencer said he was there on the behalf of Mark Heese. He stated they were looking at building an oceanfront duplex. Halverson asked Spencer how confident he was with the available parking spots and asked if there were enough on site. Spencer said yes and would provide the parking with the required setbacks. McIntire questioned if it would be single or double story duplex. Spencer responded double story with a flat roof. Cheek asked Fregonese about setbacks for each level of the duplex. McIntire asked if there was anyone wanting to testify against the application. Jim Haley, 821 N. Miller, expressed his objections. Stuart Larson, 857 N. Pacific Street expressed his concerns. McIntire said within the Planning Commission packets were 3 letters sent in from other citizens in opposition. Fregonese mentioned he would choose not to speak in favor or against, that was a decision for the Planning Commission. He mentioned he wanted to set a few things straight, the accusations that the City and Planner were not following criteria. He stated he worked very hard to make sure that when an application comes in it meets every criteria and zoning code. He expressed that he wanted his Planning Commission to know that he took this very seriously, he followed the rules. Cheek asked about the measuring from the sand dunes. Fregonese said it is solely done by a surveyor. He depended on the surveyor to identify where the oceanfront average was located. He mentioned he had been instructed by the City Manager and the City Attorney to string any oceanfront setbacks. McIntire asked the applicant if they wanted to leave the hearing open for 7 days. Spencer said no.

Halvorsen made a motion, seconded by Olson, to close the public hearing at 7:02 p.m.; motion carried.

[Position #6 - Brian Halvorsen: Motion](#)

[Position #3 - Pat Olson: 2nd](#)

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #4 - Mary McGinnis: Approve](#)

[Position #5 - Scott Daugherty: Approve](#)

[Position #6 - Brian Halvorsen: Approve](#)

[Position #7 - Penelope Cheek: Approve](#)

Fregonese stated the criteria for granting a conditional use. He said the proposed use was consistent with the policies of the Comprehensive Plan; the location, size, design and operating characteristics of the proposed use were such that the development would have a minimum impact on surrounding properties. He said this standard was not applicable to multi-family dwellings, manufactured dwelling subdivisions and manufactured dwelling parks; the use would not generate excessive traffic when compared to the traffic generated by uses permitted outright

and adjacent streets had the capacity to accommodate the traffic generated; public facilities and services were adequate to accommodate the proposed use; the site's physical characteristics in terms of topography and soils were appropriate for the intended use; and the site had adequate area to accommodate the proposed use. He mentioned the site layout had been designed to provide appropriate access points, on site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities, or other facilities which were required by City ordinances or desired by the applicant.

Halverson made a motion, seconded by Cheek, to direct staff to write findings based on the evidence to not permit the duplex as a conditional use: motion tied.

[Position #6 - Brian Halvorsen: Motion](#)

[Position #7 - Penelope Cheek: 2nd](#)

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Disapprove](#)

[Position #3 - Pat Olson: Disapprove](#)

[Position #4 - Mary McGinnis: Approve](#)

[Position #5 - Scott Daugherty: Disapprove](#)

[Position #6 - Brian Halvorsen: Approve](#)

[Position #7 - Penelope Cheek: Approve](#)

Cheek made a motion, seconded by McGinnis, to move the discussion to the next meeting on June 25, 2019: motion carried.

[Position #7 - Penelope Cheek: Motion](#)

[Position #4 - Mary McGinnis: 2nd](#)

[Position #1 - Greg Baumgart: Absent](#)

[Position #2 - Janet McIntire: Approve](#)

[Position #3 - Pat Olson: Approve](#)

[Position #4 - Mary McGinnis: Approve](#)

[Position #5 - Scott Daugherty: Approve](#)

[Position #6 - Brian Halvorsen: Approve](#)

[Position #7 - Penelope Cheek: Approve](#)

Fregonese mentioned he would like direction on the rules when there was a tie vote.

Citizen Comments and Concerns

Jim Haley, 821 N. Miller St. Spoke and expressed his concerns regarding short term rentals.

Commissioner Comments and Concerns

Halverson mentioned he felt that this was a productive meeting. McGinnis thanked everyone's questions and comments. She stated she liked the income that TRT's brings into the town, she was just concerned that there were no ordinances being regulated. Olson felt it was time for an ordinance to be put in place. Daugherty said he felt it was a great idea to work on an ordinance. McIntire stated the challenge was to honor the property owners' rights as well as the community's rights. She appreciated everyone being present. McGinnis mentioned her gratitude to the City for the packets being out early and to Fregonese for always answering any and all questions.

City Planner Comments

Fregonese said he appreciated everyone's input. He stated hopefully the City Council would adopt the Tsunami Resistance Project at their next meeting.

Adjourn

Halverson made a motion, seconded by Daugherty to adjourn at 7:36 pm: motion carried.

Position #6 - Brian Halvorsen: Motion

Position #5 - Scott Daugherty: 2nd

Position #1 - Greg Baumgart: Absent

Position #2 - Janet McIntire: Approve

Position #3 - Pat Olson: Approve

Position #4 - Mary McGinnis: Approve

Position #5 - Scott Daugherty: Approve


Position #6 - Brian Halvorsen: Approve

Position #7 - Penelope Cheek: Approve

MINUTES APPROVED THIS 25TH DAY OF JUNE, 2019



Janet McIntire, President



Terri Michel, City Manager