

City of Rockaway Beach Planning Commission Meeting Agenda



Date: December 15th, 2022
Time: 4:30 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

JOIN ZOOM MEETING

<https://us06web.zoom.us/j/81335648076?pwd=eG8weGFuWDIMMndSQ0JxdWNaZ3kwQT09>

MEETING ID: 813 3564 8076 PASSCODE: 460265 +1 253 215 8782 US (TACOMA)

CALL TO ORDER – Bill Hassell, Chair at 4:31 p.m.

ROLL CALL

[Position #2 - Stephanie Winchester: Present](#)
[Position #3 - Pat Olson: Present](#)
[Position #7 - Georgeanne Zedrick: Absent](#)
[Position #5 - Bill Hassell: Present](#)
[Position #1 - Zandra Umholtz: Present](#)
[Position #2 - Stephanie Winchester : Present](#)
[Position #4 - Sandra Johnson: Present](#)
[Position #6 - Kristina Woida: Present](#)
[Position - Mary McGinnis: City Council Liaison](#)

APPROVAL OF MINUTES

1. November 17th, 2022 - Umholtz made a motion to approve minutes as is, seconded by Johnson, Motion Carried.

[Position #1 - Zandra Umholtz: Motion](#)
[Position #4 - Sandra Johnson: 2nd](#)
[Position #3 - Pat Olson: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #7 - Georgeanne Zedrick: Absent](#)
[Position #5 - Bill Hassell: Approve](#)
[Position #1 - Zandra Umholtz: Approve](#)
[Position #2 - Stephanie Winchester : Approve](#)
[Position #4 - Sandra Johnson: Approve](#)
[Position #6 - Kristina Woida: Approve](#)

CITIZEN CONCERNS, COORESPONDENCE AND COMMENTS - None

PUBLIC HEARINGS - None

OLD BUSINESS

1. Determine date & time of Lake Lytle Park Open House – Fregonese suggested February and have on a Planning commission date, suggested 2/9th or 2/23rd. Date decided 2/22/23 at 6:00 p.m.

NEW BUSINESS

1. Presentation and Review of Proposal for Buildable Land Inventory – 3J Consulting - Fregonese discussed the outline and the scope of work plan. The Planning Commission

would be the advisory committee for the project. Discussion about process, grants, timeline, and how land is classified, short term rentals etc.

Fregonese suggested to make a motion to present the project to City Council to approve – Woida made a motion to present to City Council, Seconded by Umholtz, Motion Carried.

[Position #6 - Kristina Woida: Motion](#)

[Position #1 - Zandra Umholtz: 2nd](#)

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

[Position #1 - Mary McGinnis: Approve](#)

[Position #7 - Georgeanne Zedrick: Absent](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #1 - Zandra Umholtz: Approve](#)

[Position #2 - Stephanie Winchester : Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #6 - Kristina Woida: Approve](#)

2. Set time of meetings. – Discussion about timing. Johnson asked if could put something on website about feedback from public on time. Umholtz asked if some meetings based on agenda could be done later. Decision to keep meetings as is at 4:30 p.m.

PLANNING COMMISSION COMMENTS & CONCERNS

- Umholtz – Tree Ordinance and replanting trees as a part of that.
- Olsen – Likes being on the Planning Commission and seeing things are happening.
- Woida – No comment
- Johnson – Happy about the land use project and commented on short term rental analysis.
- Winchester – No comment
- Hassell – Code enforcement officer, suggestion for city code for blocking traffic for highway.

STAFF COMMENTS AND CONCERNS

- Tree Ordinance Discussion – Fregonese will be come with proposal in the next few meetings.
- Update on the Dune Mitigation on Washington recently completed.
- Next month - Front yard setback variance (V 23-01) public hearing.

ADJOURNMENT Closed the meeting at 5:30, Umholtz made a motion, seconded by Woida.

[Position #1 - Zandra Umholtz: Motion](#)

[Position #6 - Kristina Woida: 2nd](#)

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

[Position #1 - Mary McGinnis: Approve](#)

[Position #7 - Georgeanne Zedrick: Absent](#)

[Position #5 - Bill Hassell: Approve](#)

[Position #1 - Zandra Umholtz: Approve](#)

[Position #2 - Stephanie Winchester : Approve](#)

[Position #4 - Sandra Johnson: Approve](#)

[Position #6 - Kristina Woida: Approve](#)



1968
STAFF REPORT

CASE FILE: #VAR-23-01
DATE FILED: 11/23/22
HEARING DATE: 1/19/23

**CITY OF ROCKAWAY BEACH
PLANNING COMMISSION ACTION**

APPLICANT: Gisela Patterson

REQUEST: The applicant is requesting a variance for a reduction to the required front yard setback for the addition of manufactured home located at 1026 S Harbor St. The lot is located off Washington St. and south on Harbor St., it is located in the RMD Zone and is approx. 5,400 sq ft. The RMD setbacks for lots over 5,000 sq ft for the front yard is 15 ft from the property lot line. The applicant is requesting to reduce the front yard setback from 15 feet to 10 feet in order to be in compliance with maintaining a 15 foot setback from a creek which runs on the north side of the property. (See site plan).

A. REPORT OF FACTS

- 1.) **PROPERTY LOCATION:** The property is located at 1026 S Harbor in Rockaway Beach and is further identified on Tillamook County Assessor's Map #1N1005 CA Lot 3116. There was a 1968 Manufactured house on the lot that was demolished/removed last year. That permit was approved by the City on 10/24/2022.
- 2.) **LOT SIZE:** approximately 5,400 square feet
- 3.) **ZONING DESIGNATION:** RMD (Residential Manufactured Dwelling Zoning).
- 4.) **SURROUNDING LAND USE:** The subject property is adjacent to existing single-family dwellings on the north and south sides.
- 5.) **EXISTING STRUCTURES:** The lot is currently vacant.
- 6.) **UTILITIES:** The following utilities serve the subject property:
 - a. Sewer: City of Rockaway Beach
 - b. Water: City of Rockaway Beach
 - c. Electricity: Tillamook County P.U.D.
- 7.) **DEVELOPMENT CONSTRAINTS:** The property has a creek running through it and under Section 4.150. Riparian Vegetation, Riparian vegetation adjacent to the lakes and streams in Rockaway Beach shall be protected in accordance with the following provisions - Fifteen feet on either side of McMillan, Steinhilber, Finney, Rock, Heitmiller, Saltair, and Spring Creeks and any other known stream bed. [Amended by Ordinance No. 95-325A, May 10, 1995.]

B. EVALUATION OF THE REQUEST

- 1.) **GENERAL DESCRIPTION OF THE PROPOSAL:** The applicants are requesting to place a new manufactured home on the lot and in order to maintain the 15 feet creek setback they need to push the home up in the front toward the west property line (Harbor St.)
- 2.) **BACKGROUND:** There was a 1968 Manufactured house on the lot that was demolished/removed last year. That permit was approved by the City on 10/24/2022.
- 3.) **AGENCY COMMENTS:**
 - a. Merle J VanDyke (1038 S. Harbor St.) no objection.
 - b. Michael J. Emert (1021 S Island St.) Opposed.
- 4.) **ORDINANCE STANDARDS:** The following ordinance standards apply to this request.



Rockaway Beach Zoning Ordinance, Article 8. Variances.

Section 8.010. Purpose

- 1.) The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site, or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity or from population densities, street location, or traffic conditions in the immediate vicinity.

Although the purpose section of the variance provisions is not intended to be used as a criterion or standard to evaluate the request, it should be considered as a guide in the evaluation of the criteria as outlined below.

Section 8.020. Criteria

- (1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, that all four expressly written findings are made:
 - (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 are 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 will 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.

C. STAFF SUMMARY

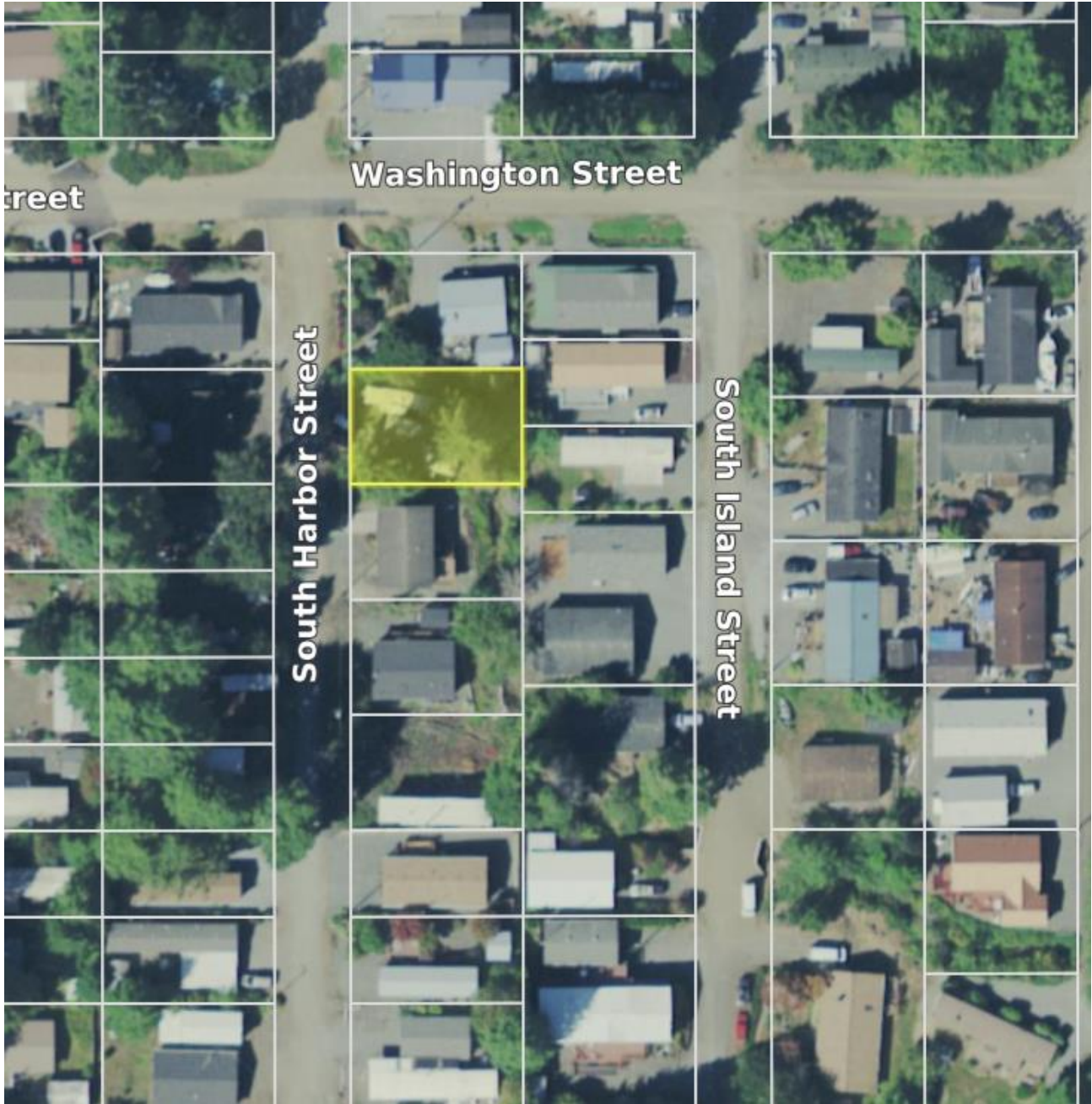
The applicant has addressed the criteria for a variance (see application and findings).

D. CONCLUSION

If, after hearing the evidence at the hearing, the planning commission agrees that sufficient facts exist to grant the variance, they should direct staff to write findings based on the evidence to permit the variance. 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.



Applicant Location:

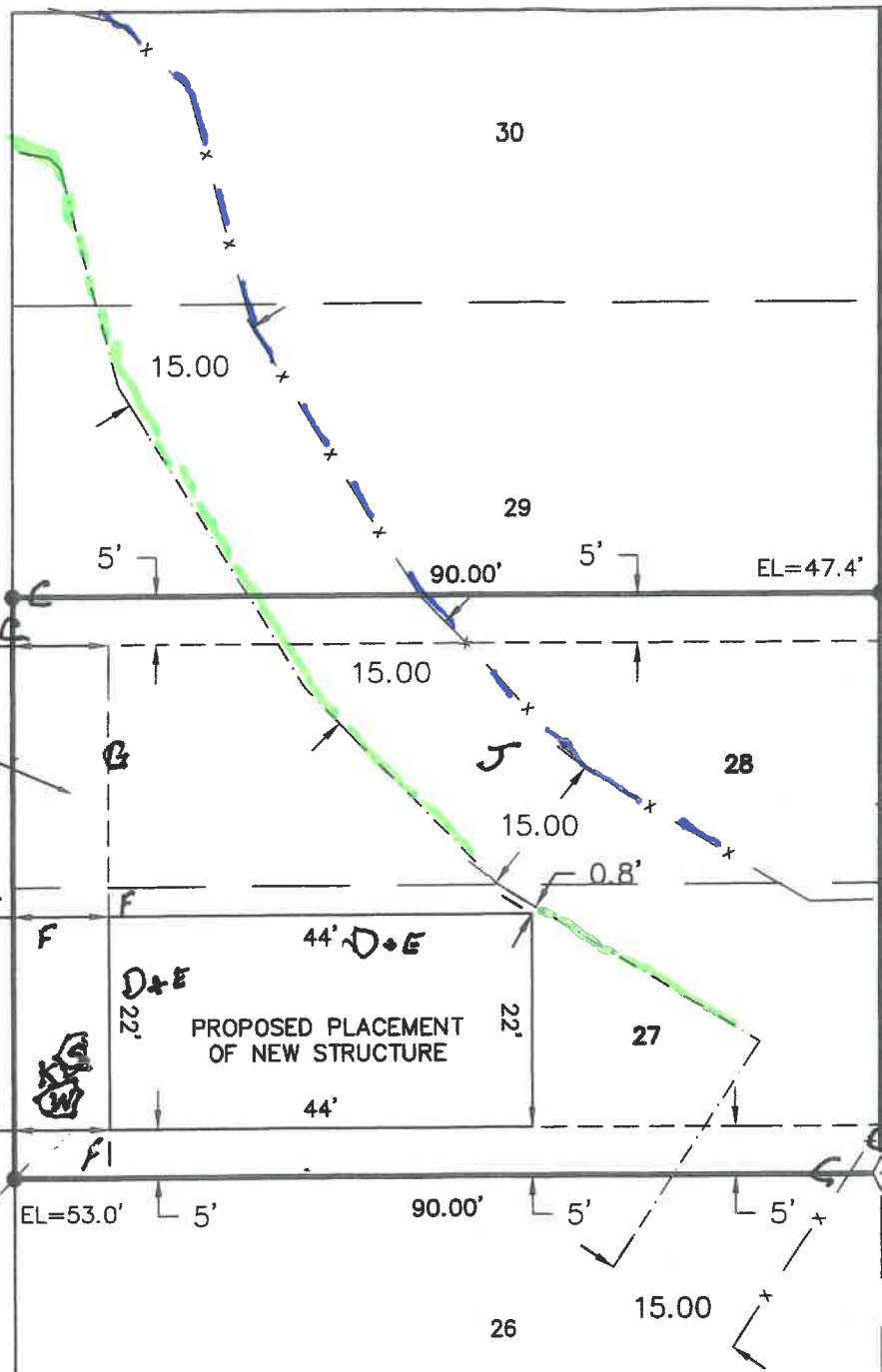


WASHINGTON ST (60')

A
B
C PROPERTY LINES
D DIMENSIONS
E STRUCTURES
F SETBACK
G ACCESS/DRIVEWAY
H STREETS
I
J STREAM
K WATER/SEWER

SOUTH HARBOR ST (9TH AVE 40')

SOUTH ISLAND ST (10TH AVE 40')

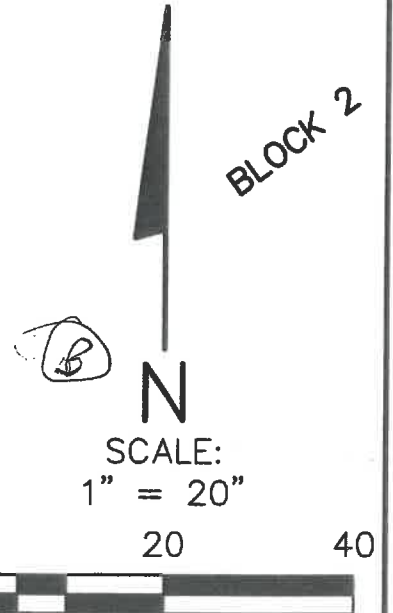


NOTES

THIS A DEPENDENT SURVEY OF LOTS 27 AND 28, BLOCK 3 OF TWIN ROCKS. THE PURPOSE OF THIS SURVEY IS TO SHOW THE SETBACK FROM THE CREEK IN RELATIONSHIP TO THE PROPERTY BOUNDARY. THIS DOES NOT CONSTITUTE AS A BOUNDARY SURVEY. FOR BOUNDARY INFORMATION SEE MAP A-7715, TILLAMOOK COUNTY SURVEY RECORDS. THE PROPOSED PLACEMENT OF A NEW STRUCTURE WITH A 10' FRONT YARD SETBACK IS SHOWN. ELEVATIONS PROVIDED ARE DERIVED FROM GPS WITH AN OPUS SOLUTION AND ARE IN NAVD88. UTILITIES WERE NOT LOCATED.

LEGEND

- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "RJ OLSEN LS 701"
- FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "TERRY JONES LS 2507", SEE MAP A-7536, HELD
- ◇ MONUMENT SEARCHED FOR NOT FOUND, SET 1/2" X 6' WHITE FIBERGLASS POST AT POSITION
- x — CREEK HIGH WATER LINE WIDTH VARIES
- EDGE OF 15' SETBACK FROM CREEK



REGISTERED PROFESSIONAL LAND SURVEYOR
Dallas Esplin
OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627
RENEWS: DECEMBER 31, 2023

MORRIS.DWG
MORRIS-M.CR5

SURVEY BY:
BAYSIDE SURVEYING LLC
11765 HWY 101 SOUTH
TILLAMOOK, OR 97141
503-842-5551

SURVEY FOR:
MIKE MORRIS
GISELA PATTERSON
TAX LOTS 27 AND 28
BLOCK 3
TWIN ROCKS
NE 1/4 SW 1/4, T1N, R10W, SEC 5, W.M.
TILLAMOOK COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NUMBER
OCTOBER 15, 2022	FC-6000 TOPCON HIPER V	DCA	DCA	DWE	1311



VARIANCE APPLICATION

(# 23 - 01)

Non-Refundable Fee \$880.00

Property Owner(s) Name: GISELA PATTERSON

Full Mailing Address: PO Box 104 Rockaway Beach 97136

Email: GMAgoose283@gmail.com Phone Number: 360 998 6419

360 843 5838 mike

Location Information:

Situs Address: 1026 S Harbor AND/OR Map/Tax Lot: 27/28

Zoning: _____ IN 1005 CA 3116

Description of Request: set back of 10' instead of 15' set back
to allow new home to fit on lot

Justification of variance request. Explain how the request meets each of the following criteria for granting a variance per Rockaway Beach Zoning Ordinance# 143, as amended, Article 8, Variances, Section 8.020, Criteria

1. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be consistent with the objectives of the Comprehensive Plan.

The Admnet is needed to meet land use needs. 15' set back
puts new home within 15' creek boundary. With 10' set back
allows for 15' clearance of creek boundary. Improving property
with new home replacement. Comp plans & Policy's goals compatible for land use.

2. That there are 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.

A CREEK ON N E CORNER of lot.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

NO

4. That the granting of the variance would support policies contained within the Comprehensive Plan.

YES UP GRADING PROPERTY APPEARANCE, MEETING LAND USE NEEDS WITH A 10' SET BACK. BEING ONLY WAY TO PLACEMENT AT NEW HOME. ALL OTHER PLACEMENTS NOT MEETING LAND USE REQUIREMENTS (CREEK BOONSBAY)

Note: Use extra sheets or documents, if necessary, for answering the above questions.

Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure and dimensions of proposed development.

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the City of Rockaway Beach and Statues of Oregon, despite any errors on the part of the issuing authority in this application.

Property Owner Signature: [Signature] Date: 10/31/2022

OFFICE USE ONLY

Fee \$ 880.00 Date Received: 11/23/2022 Receipt # _____ By: SF

Notes: Accepted on received date

Notice Published: _____ Public Hearing Date: _____

Variance Granted Denied Date of Order: _____ Final Date to Appeal: _____ t _____

Planning approved by: _____ Date of Order: _____

Supplemental Application from Comprehensive Plan for Variance - 1026 S Harbor

Wetlands and Riparian Corridors

Riparian vegetation shall be protected by city riparian corridor regulations. For future city consideration, Statewide Planning Goal 5 and the Goal 5 administrative rule set forth options for protecting riparian corridors and locally significant wetlands identified on the LWI.

4. Cluster developments shall be encouraged, especially in area with steep slopes, or wetlands, as a means of minimizing the potential adverse impacts of development in such areas. [Policy 4, amended by Ord. 277, Aug. 29, 1990.]

Development Suitability > Physical Limitations

The natural attractions of the Rockaway Beach area have traditionally drawn people to the area; the beaches, bays, rivers, lakes and mountains appeal to residents and visitors alike, and that appeal translates into a demand for land. Quite naturally, the most desirable land was developed first – primarily that on the ocean front. Development then spread to other areas physically suited to building, until now. Rockaway Beach is faced with a very straightforward problem: most undeveloped land in the area suffers substantial physical limitations to building suitability. Compressible soils, poor drainage and landslide hazards are some of the special construction problems often facing today's builder in Rockaway Beach. The physical limitations map (fig. #1) shows four areas that present problems to development: 1) beaches, 2) dunes, 3) wetlands and flood areas and 4) steep slopes.

Natural Features

3. New development shall protect existing streams, riparian corridors, wetlands, and drainage ways. Proposed developments' drainage systems shall be designed to minimize the impact of storm water on adjacent properties. [Natural Features, added by Ord. 277, Aug 29, 1990.]

Open Space, Scenic and Historic Areas and Natural Resources

2. The City shall protect significant riparian corridors and wetlands as follow:

A. The City has identified significant Goal 17 wetland areas adjacent to Crescent Lake, Lake Lytle, Clear Lake and Spring Lake. These wetlands will be protected by the City's special area wetlands area designation.

B. Other riparian corridors and locally significant wetlands shall be protected by city riparian corridor regulations. Rockaway Beach will consider options in the future to adopt local standards to protect riparian corridors and wetlands, inventoried on the Rockaway Beach Local Wetland Inventory (LWI), consistent with Statewide Planning Goal 5 which balance protection of these resources with community development objectives

Housing Element

The City's housing strategy is to:

- To permit manufactured dwellings on individual lots in some zones

BAY CITY ORDINANCES

ORDINANCE NO. 641

AN ORDINANCE REGULATING THE
CUTTING OF TREES WITHIN THE
CITY OF BAY CITY.

THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Repeal. Bay City Ordinance No. 470 which was codified as Bay City Ordinance 7-8 is hereby repealed.

Section 2. "Tree". A tree is defined as any woody plant having at least one well-defined stem more than 6 inches in diameter measured at a height of 4.5 feet above natural grade.

Section 3. Public Property. No tree cutting of any kind shall occur in a public right of way or other property owned by the City of Bay City without obtaining prior written approval through the Tree Cutting Application process. Further, no vegetation removal or activity which disturbs the soil shall be done in the public right of way or on public property by an individual or entity without prior written approval by the City. Maintenance of current vegetation, such as grass mowing, located in the public right of way is exempt from this prohibition.

Section 4. Private Property. Any person responsible for the cutting of any tree on private property must file a Tree Cutting Application with the City and obtain prior written approval through the Tree Cutting Application process.

Section 5. Tree Cutting Permit. Any person wanting to cut a tree on any public or private property within the City limits, shall submit a completed Tree Cutting Application to the City Recorder, with the following information:

- a. Landowner's name, address and signature.
- b. The Township, Range, Section and Tax Lot location of the trees to be cut.
- c. The legal description and street address, if applicable, of the property where the tree(s) are to be cut.

- d. The number and species of tree(s) to be cut, together with a map showing the location of the trees to be cut.
- e. The name and address of the person removing the tree(s).
- f. Proof of liability insurance by the person cutting the tree(s) of no less than \$300,000.00.
- g. A statement of the proposed disposition of any bucked logs, stumps, or brush, and a reasonable time table for such disposition.
- h. If the tree cutting is in certain areas within the City or on steep slopes, compliance with the following Ordinance provisions may be required as a condition of the Tree Cutting Permit approval:
 - 1. Where located in the Hazards Overlay Zone, the information required by the Hazard Overlay Zone Ordinance.
 - 2. Where subject the Grading and Erosion Control Ordinance, a Grading and Erosion Control Permit shall be required.
 - 3. Where within a wetland, a wetland delineation report and survey may be required.
 - 4. Where subject to a joint permit process, a joint permit from the Oregon Department of State Lands and US Army Corps of Engineers shall be obtained.

Section 6. Application Procedure.

- 1. Upon receiving the application, the Bay City Recorder shall forward the application to the Bay City Public Works Superintendent. The Bay City Public Works Superintendent will review the permit, visit the site and may approve the permit consistent with applicable criteria unless Section 6.2 applies.
- 2. If the tree(s) are located within a wetland, riparian area setback, an estuary or estuary zone, the Hazards Overlay Zone, or subject to a Grading and Erosion Control Permit, the Public Works Superintendent shall

review the permit with the City Planner of Bay City to determine if additional permits may be required.

Section 7. Commercial Cutting. Any person cutting trees for commercial purposes shall comply with the Oregon Forest Practices Act, and with Bay City Ordinance 255 for hauling of such trees, as may be applicable. Any person cutting trees for commercial purposes shall also be required to file a Tree Cutting Application with the City Recorder and to obtain approval prior to cutting any tree.

Section 8. Hours of Cutting. Any tree regulated under this ordinance shall only be cut during daylight hours or between the hours of 8:00 a.m. and 7:00 p.m., whichever is shorter.

Section 9. Violation. Any person found guilty of each violation of this ordinance shall be punishable as a Class B violation, as determined by the Tillamook County Justice Court, plus court costs.

Section 10. Dangerous Conditions. No permit will be issued during extreme fire danger or under circumstances the City deems dangerous.

Section 11. Severability. The provisions of this ordinance are severable. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portions of this ordinance shall be in full force and effect and be valid.

Section 12. Savings Clause. Ordinance No. 470, repealed by this ordinance, shall remain in force and effect for any action, violation, collection, prosecution, conviction or punishment of persons or proceedings that accrued before the effective date of this ordinance.

PASSED and ADOPTED by the City Council this 13th day of January, 2009 and APPROVED by the Mayor this 13th day of January, 2009.

/s/ Shaena E Peterson
Shaena E. Peterson, Mayor

Attest:

 /s/Linda Dvorak
Linda Dvorak, City Recorder

First Reading: October 14, 2008
Second Reading: January
Adoption: January 13, 2009
 Ayes: 4
 Nays: 1
 Absentions: 0