



City of Rockaway Beach Planning Commission Meeting Minutes

Date: Thursday, January 18, 2024
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Start time: [05:00:50 PM \(00:00:35\)](#)

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

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

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

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

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

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

[Position #6 - Nancy Lanyon: Present](#)

President: Bill Hassell

Commissioners: Sandra Johnson, Georgeanne Zedrick, Stephanie Winchester, and Nancy Lanyon

Excused: Pat Olson, and Zandra Umholtz

Council Members Present: Charles McNeilly, Mayor; and Mary McGinnis, Planning Commission Liaison

Staff Present: Mary Johnson, City Planner; and Melissa Thompson, City Recorder

4. APPROVAL OF MINUTES

Start time: 5:01 p.m.

Zedrick made a **motion**, seconded by Winchester, to approve the November 16, 2023 minutes as presented,

The **motion carried** by the following vote:

Position #2 - Stephanie Winchester: Approve

Position #7 - Georgeanne Zedrick: Approve

Position #5 - Bill Hassell: Approve

Position #4 - Sandra Johnson: Approve

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None Scheduled

6. STAFF REPORTS

Start time: 5:02 p.m.

City Planner Johnson provided updates on the following:

- Planning Department permit approvals for November and December 2023
- Anchor Street Project groundbreaking (site prep) is taking place
- Tillamook County Visitors Association (TCVA) Facilities Grant for the Anchor Street playground to be considered by County
- Lake Lytle – City taking over January 1st; new signs in production; applying for grants
- Salmonberry Trail – no update – Oregon Department of Transportation (ODOT) submitted agreement to DOJ with incorrect project name
- FEMA Community Assessment Visit (CAV) was December 8th; City will have code updates to make; must get VE properties into compliance and elevate propane tanks; will update Floodplain Development forms
- Biological Opinion (Biop) - should have update on this in coming months – model code should be coming out in Spring
- Middle housing code update – completed scope with Cascadia Partners; waiting on the rest of Tillamook County to complete, then to Department of Justice (DOJ) for review
- Attended Department of Land Conservation & Development (DLCD) meeting regarding Goals 16 (estuaries), 17 (coastal lands), and 18 (beaches); learned about new mapping tools

McGinnis requested that City Planner Johnson confer with the City Manager and City Recorder about providing the City Council with highlights from her staff report.

Commissioner Johnson inquired about flood insurance discounts. City Planner Johnson explained that the City was currently part of the National Flood Insurance Program (NFIP). She explained that after the City has completed certain activities and code updates to improve our Community Rating System (CRS) rating, residents may be able to receive a 10-15% discount on flood insurance.

City Planner Johnson answered questions for Hassell regarding flood mitigation work.

7. PUBLIC HEARING

Start time: 5:14 p.m.

- a. Variance #23-05: Consideration of an Application for Variance at Unimproved Real Property at Tillamook County Assessor’s Map # 1N1005BA Lot #9900 to Increase the Building Height and Reduce the Front Yard Setback**

McNeilly and McGinnis recused themselves from the meeting.

Hassell opened the public hearing at 5:14 p.m.

Hassell read opening statements, public hearing disclosure statements and procedures, and testifying instructions. He explained that the Applicants are Stuart M. and Karen C. Hunt. Hassell said the hearing will be on an application requesting approval of a variance for a reduction in the front yard setback and building height to construct a new home. This property is in the R1 zone, which has a 15' front yard setback and 29' building height. The Applicants seek to reduce the front yard setback 3'3", for a 11'7" front yard setback. The Applicants seek to build a 39' home, which is 10' above the 29' building height limit.

Hassell invited Commissioners to declare any bias or conflicts of interest. None were declared and there were no challenges from the audience on the basis of bias.

Hassell invited Commissioners to declare any ex-parte contact. Winchester reported that she tried to visit the site and may have identified the correct location, but wasn't certain. Johnson and Zedrick reported that they visited the site.

City Planner Johnson presented the Staff Report, introducing it with a PowerPoint presentation. (A copy of the presentation is included in the hearing record.)

City Planner Johnson clarified for the Commission the process for determining building height based on the City's zoning ordinance.

In response to a request from Zedrick, City Planner Johnson clarified the applicant's request for the setback reduction.

City Planner Johnson reported that written testimony in opposition to the request was received from Doug Sellers, Nirmala and Sanjay Dhar, and Doug Circosta.

City Planner Johnson read-aloud additional written testimony in opposition to the request that was received at the hearing from Nancy O'Neal.

The Agent for the Applicants, Ben Koontz, Lewallen Architecture, introduced himself and gave testimony on the request, responding to questions raised by the Planning Commissioners. He explained that the goal was not to obstruct anyone's view, and he thought that they achieved that. He commented that the home would be a much smaller home, if not for the need to go down into the soil.

Winchester inquired if the architects attempted to design a home that would meet the existing codes. Koontz responded that to get what the client wanted on the main level of the house, the building would exceed the height limit, even if the roof were made flat.

Lanyon inquired about the Applicant's knowledge regarding CC&Rs. Koontz responded that he was unaware of CC&Rs and would have to inquire with the Applicants.

Koontz answered clarifying questions for Zedrick regarding the height of the house and garage at street level.

The Agent for the Applicants acknowledged that the home had been designed to the specifications of the Applicant's request and they had not attempted to meet the criteria of the Rockaway Beach Zoning Ordinance.

Johnson asked if, without taking into consideration the desires of the owner, it would be possible to construct a home on the lot that complied with the ordinances. Koontz responded that he believed that it would be possible with a smaller size home, but it would not meet the needs of the current property owner.

Doug Circosta, a resident on North Slope Way, testified that existing properties with slopes on Pacific View comply with the City's code. He indicated that he was not trying to stop development. He noted that the drawings seemed to indicate that the roof is the portion that exceeds the Pacific View height limit, and that it could be designed with a variance for a lesser height that would comply. He suggested that a house could be designed that met the criteria.

Rosario Circosta, a resident on North Slope Way, testified that she was happy to be part of the community. She testified that her husband, Doug Circosta, is an architect, and his opinion that a house could be designed that met the criteria is an informed and professional opinion.

Earl Dunn, resident on Longview Loop, testified that others had expressed what he wanted to say, and he thought the Applicant could get the home lower.

Winchester inquired if other variances had been approved in the neighborhood. City Planner Johnson said that no variance had been approved in that neighborhood in the past 10 years.

The Agent for the Applicants declined to provide rebuttal to the opposing testimony.

City Planner Johnson said that she appreciated the public's desire for the Planning Commission to consider CC&Rs in their deliberations, but the Planning Commission must only consider the applicable criteria outlined in the City Zoning Code.

The Agent for the Applicant requested the record be left open an additional seven days to allow for the submission of additional written testimony.

Winchester made a **motion**, seconded by Johnson, to close the Public Hearing and keep the record open until January 25, 2024 for additional written arguments.

The **motion carried** by the following vote:

Position #2 - Stephanie Winchester: Approve
Position #7 - Georgeanne Zedrick: Approve
Position #5 - Bill Hassell: Approve
Position #4 - Sandra Johnson: Approve
Position #6 - Nancy Lanyon: Approve

Thompson noted that the Planning Commission would meet again on the matter and receive additional written testimony at 5:00 p.m. on January 25, 2024.

Haskell declared the Public Hearing closed at 5:56 p.m.

City Planner Johnson confirmed for Commissioner Johnson that the Commissioners who were not present at the meeting would be able to participate in the deliberation and decision at the meeting on January 25th. Johnson added that they would be able to review the video for this meeting.

McNeilly and McGinnis rejoined the meeting at 5:57 p.m.

8. CITIZEN INPUT ON NON-AGENDA ITEMS

Start time: 5:57 p.m.

No audience members wished to comment.

9. OLD BUSINESS – None Scheduled

10. NEW BUSINESS

a. Discussion of Planning Commission Ordinance

Start time: 5:58 p.m.

McGinnis explained her reasoning for wishing to update the Planning Commission Ordinance. McGinnis clarified for Commissioner Johnson that that the Planning Commission was identified as the City's citizen involvement committee. McGinnis noted that the Planning Commission would recommend the new ordinance to the Council, and the Council would approve and adopt it.

City Planner Johnson referred to the copies of the Rockaway Beach Planning Commission ordinance and City of Bend Planning Commission ordinance in the packet. She explained that she had discussed the City's ordinance with DLCD, and that Bend has one of the strongest ordinances. Johnson explained that she liked the straightforward and simple provisions in the Bend ordinance. She suggested that the Commission could piece together what it wants from other cities' ordinances in order to draft an ordinance that fits for Rockaway Beach.

City Planner Johnson asked the Commission to consider what they like and don't like about the current ordinance and Bend example, and were welcome to email her with any suggestions. There was discussion regarding the role of the Commission, specific provisions in the ordinances, brief discussion regarding desire for a timeline, and resources that could be utilized.

There was discussion regarding the importance of updating the Comprehensive Plan, and necessary updates to the land use code.

City Planner Johnson explained that she will present a draft ordinance at the next meeting.

11. PLANNING COMMISSION COMMENTS & CONCERNS

Start time: 6:23 p.m.

Lanyon said that this was wonderful and thanked City Planner Johnson for her work.

Winchester mentioned that she purchased a County parks parking pass and it still mentioned the Lake Lytle parking lot. City Planner Johnson said that she would mention it to County Commissioner Bell.

Commissioner Johnson urged everyone to review the City Council meetings and minutes as there were a lot of exciting things going on. She shared that she was happy to be receiving the information that City staff provided, and thanked them for their work.

Zedrick thanked staff for their diligence, noting that it made it easier for the Commission to do their work. She mentioned that she received an email regarding registering for training that she initially thought was spam. City Planner Johnson explained that it was for the CIS Learning Center, and that she would have the Office Manager resend the link.

Hassell congratulated everyone that had been involved in the Emergency Preparedness group, noting the success of the emergency shelter during a recent power failure.

City Planner Johnson and City Recorder Thompson confirmed for Lanyon that Commissioners would be notified when it was time to file their Statement of Economic Interest (SEIs).

12. ADJOURNMENT

Start time: 6:29 p.m.

Johnson made a **motion**, seconded by Winchester, to adjourn the meeting at 6:30 p.m.

The **motion carried** by the following vote:

Position #2 - Stephanie Winchester: Approve


Position #7 - Georgeanne Zedrick: Approve

Position #5 - Bill Hassell: Approve

Position #4 - Sandra Johnson: Approve

Position #6 - Nancy Lanyon: Approve

MINUTES APPROVED THE
15TH DAY OF FEBRUARY 2024


William Hassell, President

ATTEST



Melissa Thompson, City Recorder