



# City of Rockaway Beach Planning Commission Special Meeting Minutes

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**Date:** Thursday, June 27, 2024  
**Location:** Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

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## 1. CALL TO ORDER

Planning Commission President Hassell called the meeting to order at 5:01 p.m.

## 2. PLEDGE OF ALLEGIANCE

## 3. ROLL CALL

Start time: [05:01:30 PM \(00:00:20\)](#)

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

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

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

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

[Position #1 - Zandra Umholtz: Present \(lost Zoom connection at 5:01 p.m., reconnected at 5:04 p.m.\)](#)

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

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

**President:** Bill Hassell

**Commissioners:** Sandra Johnson, Nancy Lanyon, Pat Olson, Zandra Umholtz, Stephanie Winchester and Georgeanne Zedrick

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

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

## 4. APPROVAL OF MINUTES – None Scheduled

## 5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None Scheduled

## 6. STAFF REPORTS – None Scheduled

## 7. PUBLIC HEARING

Start time: [05:04:20 PM \(00:03:10\)](#)

- a. CU #24-1: Consideration of an Application for Conditional Use at 137 South Beacon Street (Tillamook County Assessor's Map # 2N1032CC Lot #6300) for a Single Family Dwelling in the C-1 Commercial Zone.**

Hassell opened the public hearing at 5:04 p.m.

Hassell explained that the Commission held a Public Hearing on this matter on June 20, 2024, and after the staff report, receipt of correspondence, applicant's presentation, the opportunity for public testimony, and Commission questions, the Commission moved to close the Public Hearing and keep the record open until June 27, 2024 for additional written arguments. Hassell reviewed the order of business.

Hassell invited Commissioners to declare any bias or conflicts of interest. None were declared.

Hassell invited Commissioners to declare any ex-parte contact. None were declared.

City Planner Johnson reported that additional written testimony regarding was received from the applicants, Shannon and Alex Smith, and was included in the meeting packet.

Commission Discussion/Deliberation:

- Lanyon expressed concerns that the 50% minimum first floor be recognized. She stated that the other residential part is acceptable, but it was important to maintain the commercial element.
- Winchester commented that she appreciated the Applicants written testimony explaining the intent for possible future mixed-use, noting that might have been the intent when the property was rezone commercial.
- Johnson also appreciated the Applicant's argument and noted that while commercial use was encouraged in the general plan, this property was practically surrounded by residential properties, and there seemed to be a lot of empty commercial buildings. Johnson stated that while she appreciated the concerns about the commercial zone, she did not think the requirement that this particular property be developed commercial will encourage all of the interests that we are supposed to be taking into consideration in granting or denying a variance of this type, and the benefits of allowing it outweighed the need for more commercial space at this time in Rockaway Beach.

Winchester made a **motion**, seconded by Umholtz, that, based on the findings of fact presented in the City Staff Report, and testimony received, the Planning Commission approve Conditional Use Application Number 24-01, and direct staff to prepare final findings and conclusions, and authorize the Chair to sign an order to that effect.

City Planner Johnson confirmed for the Commission that there were no conditions associated with the approval.

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

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

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

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

[Position #3 - Pat Olson: Approve](#)  
[Position #7 - Georgeanne Zedrick: Disapprove](#)  
[Position #5 - Bill Hassell: Approve](#)  
[Position #1 - Zandra Umholtz: Approve](#)  
[Position #4 - Sandra Johnson: Approve](#)  
[Position #6 - Nancy Lanyon: Disapprove](#)

- b. PUD #24-1: Consideration of an Application from Nedonna Development LLC, for a modification to the Planned Unit Development that was approved by the City in 2008 for the property identified on Tillamook County Assessor's Map as 2N1020AB Tax Lots 10200, 10400, and 10500.**

Start time: [05:12:30 PM \(00:11:20\)](#)

Hassell opened the public hearing at 5:12 p.m.

Hassell explained that the Commission held a Public Hearing on this matter on June 20, 2024, and after the staff report, receipt of correspondence, applicant's presentation, public testimony, and applicant rebuttal, the Commission moved to continue the Public Hearing until 5:00 p.m. on June 27, 2024.

Hassell invited Commissioners to declare any bias or conflicts of interest. None were declared.

Hassell invited Commissioners to declare any ex-parte contact since the Public Hearing on June 20, 2024. Lanyon declared that she was a member of the North Coast Citizens for Watershed Protection (NCCWP), whose mission is to prevent clearcutting and pesticide use in the watershed. Lanyon shared that she maintained membership and discussions for that purpose only. She stated that she had been contacted by the public and had referred the public to submit testimony directly to the Planning Commission.

Hassell declared a site visit to investigate tsunami evacuation and observed stairs that had been constructed many years ago, and a lot of signs pointing in two directions for evacuation.

Hassell read public hearing disclosure statements and procedures, and testifying instructions.

City Planner Johnson reported that new written testimony received from the following and included in the meeting packet: Albert LePage, Delta Holderness, Gary Corbin, Goldea See, Janet Teshima, Kathie Raisler, Nancy Webster, the Applicant, Oregon Coast Alliance, and Oregon Shores Conservation Coalition. City Recorder Thompson read aloud additional written testimony received from Susan Norris.

City Planner Johnson read-aloud the Ordinance standards that apply to the application.

Testimony in support of the application: None

Testimony in opposition to the application:

- Nancy Webster shared concerns about the water quality and wells in Nedonna Beach.

- Gary Corbin referred to his written testimony and stated there are bald eagles nesting in the development area, that Jackson Street is a wetland, and that the Applicant did not provide garages on the homes that are already built. For these reasons, he believed the application should be denied.

Testimony that is neutral or a question:

- Tom Holderness inquired about open spaces and asked the consequences for open space violations. Delta Holderness commented that her written testimony provided more information about the open space in question. City Planner Johnson replied that she would review the written testimony and would provide a response.

Hassell invited the Applicant to provide rebuttal.

Dean Alterman, attorney for the Applicant, provided rebuttal to the opposing testimony. Alterman stated that the public seems to have a misconception of ORS 194.040. He continued that this ORS applied to subdivision applications and that it did not apply to the revision to the PUD application the Applicant is seeking. Alterman clarified that the Applicant has not done any recent excavation work, but that areas had been cleared to allow the wetland expert to view the property and determine where wetlands are located. He further stated that the Applicant is not proposing to fill any wetlands with this application, but that the City had previously approved the filling of wetlands with the original approval and that work had been completed. In response to the testimony that had been received regarding bald eagles nesting, Alterman stated that is regulated by the Federal government, not by the City's land use code and therefore is not criteria subject to this application. Alterman addressed testimony regarding the City's sewer and water systems potentially being inadequate, stating that the City's engineer had addressed these concerns in their comments, which the City staff had incorporated into the staff report conditions. Alterman stated that the Applicant would be addressing these conditions, however the Applicant was only willing to make the improvements to the sewer force main for the development's portion of the impacts and would not be willing to take on the full cost of this improvement. Other than the cost of the sewer force main improvement, all other recommended conditions were acceptable to the Applicant.

Lanyon and Commissioner Johnson both expressed that they needed additional time to consider the written testimony that was received.

Commission Questions:

- Umholtz asked why the Applicant is requesting to complete Phase 2 in two sub-phases instead of one. Alterman responded that the sub-phasing would allow the Applicant to create two smaller developments, instead of one larger one at the same time. This development style would allow the Applicant to front the development costs in phases, instead of all up front. Winchester further questioned what advantage the sub-phasing would bring. Alterman responded the sub-phased would dictate how much capital the Applicant needed to expend at one time. He elaborated that the Applicant had made a substantial amount of the required improvements for Phase 2 during the construction of Phase 1.

- Umholtz noted that the City’s engineers did not comment on emergency evacuation routes and stated she would like an expert to comment on the application as part of the conditions of approval.
- Umholtz asked questions of staff regarding ownership and maintenance responsibility of culverts and utilities. City Planner Johnson explained that the responsibility was dependent on the location. City Planner Johnson confirmed that all the proposed homes within the PUD would be connected to City sewer and water services.
- Winchester asked questions of staff regarding road frontage being reduced from the original application. City Planner Johnson confirmed that the application had been reviewed by the City’s Public Works Department, who had no concerns regarding the road frontages.
- Umholtz asked staff if a recommendation for a traffic study is included as a recommended condition. City Planner Johnson confirmed this was included as a recommended condition, noting that the traffic study should include peak and summer impacts. Commissioner Johnson asked further questions regarding how a traffic study’s findings would be implemented.

City Planner Johnson referenced items included in the staff report, noting that stakeholder comments would be added as conditions of approval. She added that the City Engineer and Public Works confirmed that the City has adequate water to supply the 22 homes. City Planner Johnson noted that legal counsel agrees that ORS 92.040(3) does not allow the City to deny the application outright and she added supportive case law to staff report. City Planner Johnson reviewed the proposed conditions of approval that would address concerns raised in public testimony.

City Planner Johnson recommended changes to the proposed conditions. Removal of condition 15.c. and addition of the following two conditions:

- The prior to applying for final plat approval, Applicant shall work with the City of Rockaway Beach and the City’s Engineers to come to an agreement regarding the construction and expense associated with extension of the White Dove sanitary sewer force main from NW 23<sup>rd</sup> Ave to the pump station at NW 17<sup>th</sup> Ave.
- The Applicant shall obtain comment from the Silver Jackets, Oregon Emergency Management, regarding the tsunami evacuation needs for the proposed development.

Chair Hassell noted that the Applicant has withdrawn the request for the vacation of the stub of Riley Street.

The Agents for the Applicant retained the right to submit final written arguments by July 4, 2024.

Johnson made a **motion**, seconded by Winchester, to close the Public Hearing and keep the record open until July 4, 2024 for the Applicant’s final written argument and to deliberate at the next regularly scheduled meeting on July 18, 2024.

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

Position #4 - Sandra Johnson: Motion  
Position #2 - Stephanie Winchester: 2nd  
Position #2 - Stephanie Winchester: Approve  
Position #3 - Pat Olson: Approve  
Position #7 - Georgeanne Zedrick: Approve  
Position #5 - Bill Hassell: Approve  
Position #1 - Zandra Umholtz: Approve  
Position #4 - Sandra Johnson: Approve  
Position #6 - Nancy Lanyon: Approve

**8. CITIZEN INPUT ON NON-AGENDA ITEMS – None Scheduled**

**9. OLD BUSINESS – None Scheduled**

**10. NEW BUSINESS – None Scheduled**

**11. PLANNING COMMISSION COMMENTS & CONCERNS**

Start time: 06:42:43 PM (01:41:33)

Lanyon thanked City Planner Johnson for her work.

Olson and Hassell commented that they appreciated having more time.


**12. ADJOURNMENT**

Start time: 06:43:27 PM (01:42:17)

Olson made a **motion**, seconded by Zedrick, to adjourn the meeting at 6:43 p.m.

The **motion carried** unanimously.

MINUTES APPROVED THE  
15<sup>TH</sup> DAY OF AUGUST 2024

  
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William Hassell, President

ATTEST

*Melissa Thompson*

Melissa Thompson, City Recorder