



# City of Rockaway Beach

## Planning Commission Meeting Minutes

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**Date:** Thursday, July 18, 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 5:03 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Start time: [05:03:18 PM \(00:03:14\)](#)

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

[Position #3 - Pat Olson: Present \(arrived at 5:21:42 p.m.\)](#)

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

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

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

[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:** Charles McNeilly, Mayor

**Staff:** Luke Shepard, City Manager; and Mary Johnson, City Planner

### 4. APPROVAL OF MINUTES

Start time: [05:04:01 PM \(00:03:57\)](#)

Umholtz noted a correction to the June 20, 2024 meeting minutes.

Johnson made a **motion**, seconded by Umholtz, to amend the June 20, 2024 minutes as corrected.

The **motion carried** unanimously.

Johnson made a **motion**, seconded by Umholtz, to approve the June 20, 2024 minutes as amended.

The **motion carried** unanimously.

### 5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

#### a. Presentation: Strategic Plan – SSW Consulting

Sara Singer Wilson, SSW Consulting, gave a presentation providing an overview of the Strategic Plan. Wilson encouraged all to take the Strategic Plan survey. Shepard noted that there were nearly 400 survey responses thus far. Wilson answered clarifying questions.

## 6. STAFF REPORTS

Start time: [05:14:09 PM \(00:14:05\)](#)

City Planner Johnson provided updates on a zoning permit issued in June, the Salmonberry Trail project, and the FEMA Biological Opinion (BiOp).

## 7. PUBLIC HEARING – None Scheduled

## 8. CITIZEN INPUT ON NON-AGENDA ITEMS

Start time: [05:21:20 PM \(00:21:16\)](#)

Ross Dodge referred to his submitted written testimony and expressed concerns regarding zoning permit #23-56 approving use of a food cart.

## 9. OLD BUSINESS

Start time: [05:27:06 PM \(00:27:02\)](#)

McNeilly recused himself from the meeting room.

- a. **PUD #24-1: Consideration of an Application from Nedonna Development LLC, for a modification to the Planned Unit Development (PUD) 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.**

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, applicant rebuttal, the Commission moved to continue the Public Hearing until June 27, 2024.

Hassell stated the commission held a continued Public Hearing on this matter on June 27, 2024, and after the receipt of correspondence, public testimony, applicant rebuttal, and Commission questions, the Commission moved to close the Public Hearing and keep the record open until July 4, 2024 to allow for final written arguments from the applicant. Hassell reviewed the order of business.

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

Hassell invited Commissioners to declare any ex-parte contact since the last hearing. Lanyon reported that she visited the site that day and she identified herself to a homeowner who inquired, indicating that she was looking at the land as it related to the maps. Commissioners Johnson, Umholtz, Lanyon and Hassell disclosed that they attended the July 17, 2024 City Council meeting and heard comments from two people who had previously testified at the Planning Commission meeting regarding the application. None of the Commissioners spoke with the people who testified.

City Planner Johnson provided an overview of the application and the Staff Report with a PowerPoint presentation. (A copy of the presentation is included in the hearing record.) It was noted that the Staff Report was available on the website.

Winchester asked questions of staff regarding how to assess the request to allow Phase 2 to be completed in two sub-phases. City Planner Johnson responded that there is little in the code to assess this request, however the PUD code states that a schedule be provided if the development is to be completed in stages. In this case, no such schedule had been provided by the Applicant. Lanyon stated that it would be challenging for the Applicant to provide a schedule, considering the amount of work that would need to be completed before final plat approval. Commissioner Johnson asked if a condition of approval could be added to provide a timeline in which the requested sub-phases were to be completed. City Planner Johnson responded the approval could be conditioned in such a manner to require the Applicant complete the sub-phasing in a reasonable timeframe. She further elaborated that many of the required permits also have their own expirations which would dictate how quickly the Applicant needed to complete the sub-phases or obtain new permits, should they expire. City Planner Johnson did note that the City's code does not provide any deadlines after the first phase had been completed.

Umholtz stated that she believed many of the concerns shared by the public would be addressed by the reports required to be completed prior to final plat approval.

Zedrick asked questions of staff regarding how the final plat approval would happen for the sub-phases. City Planner Johnson responded that the Applicant could bring forth both sub-phases for final plat approval at the same time or the Applicant could bring forth the first sub-phase for approval, followed by the second sub-phase at a later time.

Commissioner Johnson asked staff to explain what the purpose of a PUD is. City Planner Johnson responded that a PUD is an overlay to the underlying subdivision. PUDs allow developers more flexibility to build housing that does not need to meet the standards of the underlying zoning designation, with the exception of density of the parent zone. This type of development style requires more open space than the underlying subdivision and allows developers to avoid impacts to sensitive areas, such as wetlands.

Zedrick stated that she thought the requests to create two lots instead of one, and four lots instead of three should be denied.

Winchester stated that the Applicant did not provide a schedule of the phasing, as required by our code, nor did the Applicant provide an adequate response to this question when she asked questions regarding the phasing during the hearing as to why this request was needed. For these reasons, she felt this request should be denied. She continued that due to the density of the PUD not yet having been met during the previous approval, she believed they were obligated to allow the Applicant to create an additional two lots. Umholtz asked Winchester to elaborate on why she would not support the requested sub-phasing. Winchester responded that the Applicant had been granted a phased PUD in 2008 and that since this old approval is carrying over, she did not want to see the application continued out even further through the granting of additional sub-phases. She did not want to see the

granting of the sub-phasing, since the Applicant provided no schedule for the phasing, as the Applicant could simply apply for final approval of the first sub-phase, then wait another fifteen-years before seeking final approval for the second sub-phase. Umholtz agreed with Winchester's comments, however she did not see the harm in allowing the phasing, as it would simply allow the current open space to remain undeveloped for a longer period of time and that the Applicant would likely have higher regulatory standards to adhere to as time passed. Umholtz further commented that she understood the Applicant had made the request for the sub-phasing for financial reasons, but that was not something they could take into their assessment.

Lanyon commented that the PUD had to be honored. Commissioner Johnson clarified for Lanyon that if the application was denied, the Applicant could proceed with their original approval, but would still be subject to final approval.

Commissioner Johnson stated that she had reviewed the ORS mentioned in the public comment and agreed with the City's attorney that it did not give the Planning Commission authority to deny the application based upon a ten-year statute of limitations. She stated that this was a good example of why the City should amend its code to put time limitations on all phases of PUD approvals, as none currently exist. She further commented that based upon the criteria, she believed the request for the additional building lots would need to be approved. There was further Commissioner discussion regarding the request to modify lots and concerns expressed that there wasn't criteria to support denial. Commissioner Johnson asked staff if the request for the additional building lots could be denied based on those lots not meeting the minimum lot size of the underlying zone. City Planner Johnson responded that due to the PUD overlay, the only criteria of the underlying zone that needed to be maintained was density.

Commissioner Johnson asked questions of staff regarding how CC&Rs are enforced. City Planner Johnson responded that the City does not enforce CC&Rs and that they are enforceable by private property owners or through a HOA.

Commissioner Johnson asked questions of staff regarding developing wetland properties. City Planner Johnson responded that whenever a building application is received for a property with potential wetlands, she submits a wetland use notification to the Department of State Lands (DSL) for review and comment. DSL has 30 days to respond and inform the City if additional permitting or other restrictions are necessary to avoid or mitigate wetland impacts.

After discussion of desired action, Shepard suggested a recess for staff to draft a motion.

Hassell called for a recess at 6:29 p.m.

Hassell called the meeting back to order at 6:37 p.m.

Commissioner Johnson made a **motion**, seconded by Olson, that, based on the facts and evaluations presented in the City Staff Report, and testimony received, the Planning Commission approve modifications requested in the Planned Unit Development Application Number 24-01 to the following with the conditions outlined in the Staff Report:

- (1) Create two lots instead of one lot at the north end of Jackson Street, identified as lots 21 and 22 on the plans submitted with the Application; and

- (2) Create four lots instead of three lots at the northeast corner of Kittiwake Drive and Riley Street, identified as lots 13, 14, 15 and 16 on the plan submitted with the Application.

I further move that the Applicant's request to Develop Phase 2 in two sub-phases, instead of one phase be denied and direct staff to prepare findings and conclusions, and authorize the Chair to sign an order to that effect.

The Applicant's request to vacate the East stub of Riley Street was withdrawn by the Applicant during the public hearing and is not subject to consideration in this request.

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

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

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

## 10. NEW BUSINESS

### a. Election of Planning Commission President and Vice-President

Start time: [06:39:43 PM \(01:39:39\)](#)

Zedrick made a **motion**, seconded by Johnson, to continue with Bill Hassell as President and Zandra Umholtz as Vice-President.

The **motion carried** unanimously.

### b. Discussion Regarding Updates to Mobile Food Unit Pods

Start time: [06:40:40 PM \(01:40:36\)](#)

City Planner Johnson gave a presentation on suggested administrative updates for mobile food unit pods (multiple food trucks), explaining that the code needed to be clarified to address permitting challenges. She noted there was also an opportunity to better align the City's ordinance with the requirements of the Health Department to help streamline the process for applicants. Johnson stated that staff will prepare a draft of the proposed updates which will be presented at an upcoming Planning Commission meeting for consideration.

City Planner Johnson commented that the public testimony received regarding a mobile food unit that was permitted on Highway 101 and Hollyhock Street. She explained that the City had no jurisdiction over the traffic concerns and only provided zoning oversight in the UGB.

Shepard thanked the Planning Commission for their work, noting that have had to make difficult decisions in the past six months based on the regulations in place. Shepard explained that the Commission was in a good position to address any concerns in the ordinances and recommend changes.

City Planner Johnson noted that since the amendments to the sign regulations were within the Zoning Ordinance, it required a notice to DLCD and public hearing, so the Sign Ordinance would come before the Commission again.

## 11. PLANNING COMMISSION COMMENTS & CONCERNS

Start time: [06:53:08 PM \(01:53:04\)](#)

Umholtz commented that she loved the new Anchor Street parking lot and playground, and thanked everyone for their hard work.

Commissioner Johnson shared that it was great that the City heard and considered everyone's concerns about the PUD application and she appreciated the community for providing comments even though they might not agree with the decision.

Zedrick concurred with Johnson's comments. She inquired about recycling changes. City Planner Johnson confirmed that the DEQ survey was submitted.

Winchester expressed interest in working with staff and the Fire Department to evaluate tsunami evacuation routes. Shepard indicated that the City had tools the Fire Department could use in their analysis. Winchester reiterated that the PUD code and probably others needed attention.

Lanyon agreed that tsunami evacuation routes should be reviewed. Lanyon inquired how the Strategic Plan related to possible code updates. Shepard replied that all should be encouraged to take the Strategic Plan survey as the Strategic Plan would guide how resources are allocated in the next five years. He confirmed that updates to the Comprehensive Plan and Zoning Ordinance were likely to be a large focus.

Hassell concurred with comments to review tsunami evacuation routes. He shared that he was working with an Oregonian reporter who is working on an article on accessibility on the coast, which would include recent and future City projects.


## 12. ADJOURNMENT

Start time: [07:01:29 PM \(02:01:25\)](#)


Umholtz made a **motion**, seconded by Zedrick, to adjourn the meeting at 7:01 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

  
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Melissa Thompson, City Recorder