



# City of Rockaway Beach

## Planning Commission Meeting Minutes

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**Date:** Thursday, July 17, 2025

**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 5:00 p.m.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

**Commissioners Present:** Bill Hassell, Penny Cole, Lydia Hess, Sandra Johnson, Nancy Lanyon, Jason Maxfield (remote), and Stephanie Winchester

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

**Staff Present:** Luke Shepard, City Manager; Abram Tapia, City Planner; and Melissa Thompson, City Recorder

### 4. APPROVAL OF MINUTES

Start time: 5:00 p.m.

#### a. June 26, 2025 Meeting Minutes

**Motion** by Hess, seconded Cole, to approve the June 26, 2025 Meeting Minutes as presented.

**Motion carried** by the following vote:

Yes: 6 (Cole, Hess, Lanyon, Maxfield, Winchester, Hassell)

Abstain: 1 (Johnson)

No: 0

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

### 6. STAFF REPORTS

Start time: 5:02 p.m.

Hassell welcomed City Planner Tapia to his first Planning Commission meeting. Tapia introduced himself.

Tapia provided the following Planning Department updates:

- 8 zoning applications approved, including one for construction of a new dwelling unit.
- Sourcing funding sources for comprehensive plan updates and preparing a housing needs analysis.
- Oregon Land Use Board of Appeal (LUBA) case brought by the Oregon Shores Conservation Coalition was remanded to the City Council. LUBA sustained two assignments of error. As it is an active case, legal counsel has advised not to respond to comments at this time.

## **7. PUBLIC HEARING**

Start time: 5:05 p.m.

### **a. #CU-25-2: Consideration of an Approval for Conditional Use at 127 South Miller Street for Expansion of Non-Conforming Use in the C1 Zone**

Public Hearing opened at 5:06 p.m.

- Mayor McNeilly and Council Member McGinnis excused themselves from the hearing since the decision could be appealed to the City Council.
- Hassell provided an introduction and read opening statements, public hearing disclosure statements and procedures, and testifying instructions.

Declarations of Conflict of Interest or Bias:

- Maxfield declared potential conflict of interest and potential appearance of bias due to owning a retail store near the subject property, and past attempt to purchase the subject property. Maxfield stated he believed he could be fair and impartial, would participate in the hearing, and would abstain from voting only if further cause came up during the hearing.

Declarations of Ex-Parte Contacts:

- Maxfield declared that he frequently walked by the site.

Staff Report:

- Tapia shared slides, presenting the Staff Report, reviewing the criteria and staff findings, concluding that staff found that the criteria required to grant a conditional use had been met, and recommending approval of the applicant's request to expand the nonconforming use of 127 South Miller Street.
- Staff Response to Commission Questions:
  - Commercial Zone criteria is used for siting of building and it has no setback requirements.
  - Off-street Parking requirement is tied to type of unit, not the zone. A tri-plex requires two spaces and the site plan shows four.
  - Applicant would have to go on the waiting list for an additional short-term rental license.

- Commissioners noted need for both denser housing and need for commercial space. Applicant could address question whether they intended to create a triplex, or rental units.
- Parking requirements are from the new middle housing code and is tied to building size, not the number of units.
- Staff interpretation is that since application proposes an expansion of a non-conforming use, it was not considered new residential use.

**Applicant Presentation - Josh Bennett, Scovel Design Group, representing applicant:**

- Currently use residential. Uncertain of owner's intent, but believes they intend to keep as a single-family dwelling unit. Expansion would allow ground floor commercial use in the future. If application is denied, it will stay residential.
- Similar project on Beacon Street was approved.

**Applicant Response to Questions:**

- May need to clarify, but believes applicant's intent is single family use. Expansion will allow for possibility of commercial use. Commissioner desired clarification from applicant.
- Will building on existing foundation. Foundation and walls were tested by architect and engineer.
- Full design detailing ground floor is not yet available. Commissioner desired information on how it could be easily amendable to commercial uses in the future.

**Public Testimony:**

- None

**Staff Response/Clarification:**

- Additional short-term rental units would require a new license.
- Number of dwelling units will affect findings. Off-street parking requirement for single-family dwellings is 2 spaces.
- Height limitations are addressed with zoning approval.

**Applicant Clarification:**

- Property was previously approved by City and County for commercial and residential use with a previous owner. It is applicant's understanding that they have ability to do this, but they are seeking formal approval.
- Will comply with all height limitations.

**Public Hearing closed at 5:43 p.m.**

- Staff noted that the applicant had opportunity for final word.

**Public Hearing reopened at 5:44 p.m.**

Applicant and Commissioner inquired about process for decision. Staff clarified that the applicant would have the opportunity to assert the right to submit additional testimony.

Public Hearing closed at 5:45 p.m.

Requests to Present Additional Evidence:

- Applicant requested the right to submit final written argument.

**Motion** by Winchester, seconded by Hess, to set July 24, 2025 as the date for the applicant to submit its final argument, and the date upon which the record for this Conditional Use will close. Winchester further moved to set deliberations on this Conditional Use No. 25-02 to 5:00 p.m., August 21, 2025, at Rockaway Beach City Hall.

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

Yes: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

No: 0

**b. #VAR-25-1: Consideration of an Application for a Variance for a Reduction in Lot Width (Tillamook County Assessor's Map #2N1020BD Lot #6300)**

Start time: 5:48 p.m.

Public Hearing opened at 5:49 p.m.

- Hassell provided an introduction and read opening statements, public hearing disclosure statements and procedures, and testifying instructions.

Declarations of Conflict of Interest or Bias:

- None

Declarations of Ex-Parte Contacts:

- Johnson declared she made a site visit to view the lot and surrounding area.

Staff Report:

- Tapia shared slides presenting the Staff Report, reviewing criteria and summarizing findings. Tapia concluded that criteria had been met and staff recommended approval.

Staff Response to Commission Questions:

- Property is connected to water and electricity, and the sewer would be septic.
- Units on separate lots are not considered middle housing.
- A partitioned lot could be sold.
- There are no vegetation-related requirements for variance approval.

Applicant Presentation:

- Gloria Johnson, Applicant
- Scott Kehrli, General Contractor (consulting/representing Johnson's son on the application)
  - Johnson provided background on the lot, sharing why it had previously been combined into one lot, and her desire to develop to leave something for her grandchildren.

- Kehrli explained it was a financial hardship to develop the lot without a variance, requiring the construction of a detached duplex at the same time.
- Kehrli stated there was a nearby lot with 40 ft. width currently under development.
- Johnson stated she didn't want to cut vegetation and wanted to maintain the dunes.

#### Public Testimony in Opposition:

- Juan Paul Gover, Nedonna Ave. resident, expressed concerns about the required square footage for dwellings and the number and size of septic systems allowed in the neighborhood. Gover expressed further concerns about the potential for more short-term rentals.
- Rick Rausch, Geneva Ave. resident, expressed concerns about increased density, traffic, and short-term rentals. Rausch was concerned about setting a precedent by doubling lots and increasing the population in Nedonna, which has only one exit route. Rausch did not see a benefit to reducing financial hardship, and stated the increase in ocean-front housing would not benefit the average person.

#### Staff Response/Clarification:

- Lot in question is in the urban growth boundary.
- Short-term rental use would be regulated by the County.

#### Applicant Rebuttal:

- Kehrli stated there would be one septic on each lot, and the County had confirmed that there was adequate space. Kehrli argued that existing residents' concerns about septic were not a basis to prohibit the applicant from developing.
- Regarding comments about precedent, Kehrli stated there was probably only one other undeveloped ocean front lot in the area.

#### Additional Commissioner Questions:

- Commissioners asked the applicant about their intent for the lots. The applicant responded that they intended to develop one lot, and her grandchildren might want to develop the other lot in a year or two.

Public Hearing closed at 6:17 p.m.

#### Requests to Present Additional Evidence:

- Applicant waived the right to submit final written argument.

#### Discussion & Deliberation:

- Discussion that the lot could be developed as desired without being split, and that once the lot is split, each lot would be considered individually.
- Comment that there was nothing to deter approval.

**Motion** by Cole, seconded by Winchester, that based on the facts and evaluations presented in the city staff report and evidence presented, the Planning Commission approve Variance 25-1 to

reduce the required lot width for the property in question. Cole further moved to direct staff to prepare findings and conclusions, and authorize the Chair to sign an order to that effect.

- Discussion regarding septic system concerns. Staff confirmed that this application was only concerned with the lot, not zoning or building approval.

**Motion carried** by the following vote:

Yes: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

No: 0

## **8. CITIZEN INPUT ON NON-AGENDA ITEMS**

Start time: 6:24 p.m.

McGinnis rejoined the meeting at 6:24 p.m.

- Dick Martindale, resident, commented on wetlands and wetland mitigation, expressing concern that federal and state mitigation efforts aren't effective. Martindale advocated for enacting local ordinances to control wetlands, and noted that there was public support for wetland preservation.

## **9. OLD BUSINESS – None Scheduled**

## **10. NEW BUSINESS**

Start time: 6:29 p.m.

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

- Johnson confirmed that Maxfield and Hassell were willing to serve again.

**Motion** by Johnson, seconded by Cole, to elect President Hassell and Vice-President Maxfield to another term.

**Motion carried** by the following vote:

Yes: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

No: 0

### **b. Consideration to Cancel October Meeting Date**

- Shepard explained that the City was aware when City Planner Tapia was hired that he had an important previous engagement scheduled in October.

**Motion** by Hess, second by Johnson, to cancel the October meeting.



**Motion carried** by the following vote:

Aye: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

Nay: 0

## **11. PLANNING COMMISSION COMMENTS & CONCERNS**

Start time: 6:33 p.m.

- Johnson shared she was impressed with the Planning Commission's work on the Façade Grant. Johnson announced the Music and Movies in Park event was occurring that night.
- Lanyon commented that "muti-family" still appeared in ordinances, and encouraged future updates. Lanyon questioned whether the City could address parking issues on Highway 101.
- Winchester commended Public Works for their work on the 4<sup>th</sup> of July. Winchester reported on improvements to accessibility around the train tracks in Garibaldi and wondered if it could be implemented in Rockaway Beach.
- Maxfield welcomed City Planner Tapia and commended his work in the meeting. Maxfield expressed concerns about preserving and promoting commercial space within the City.
- Hess welcomed Tapia to the City and thanked Mertz for leading the way. Hess championed the citizen who spoke regarding the importance of wetlands in the community and stated it was very important to her.
- Cole echoed sentiments regarding wetlands. Cole advocated for defining dark skies in the community. Cole commented on two derelict buildings along Highway 101 and questioned whether any action could be taken.
- McGinnis welcomed Tapia and looked forward to working with him. McGinnis suggested concerns about commercial space and wetlands could be addressed in a Comprehensive Plan update.
- Hassell advocated for a new category for accessible short-term rentals. Hassell shared that David's Chair has been very successful and encouraged all to visit when guests are returning from visiting the beach. The current chair will be replaced through a grant. Hassell reported that David's Chair commented on the City's exemplary implementation of the volunteers for the program.

## **12. ADJOURNMENT**

**Motion** by Cole, seconded by Johnson, to adjourn the meeting at 6:46 p.m.

**Motion carried** by the following vote:

Aye: 7 (Cole, Hess, Johnson, Lanyon, Maxfield, Winchester, Hassell)

Nay: 0

MINUTES APPROVED THE  
21<sup>ST</sup> DAY OF AUGUST 2025



William Hassell, President

ATTEST



Melissa Thompson, City Recorder