

Staff Report

For City Council Meeting - 11/5/2025

Subject - Ordinance/Resolutions - *2nd Read* Ordinance #950 - An Ordinance Vacating a Portion of Hemlock Avenue Right of Way

Synopsis: The attached Ordinance #950 proposes vacating a portion of Hemlock Avenue as indicated in the supporting documents. The City Council has the authority to vacate within a right of way following proper procedures, and has done so previously (e.g., Hager Street).

Since the September City Council meeting when the item was tabled and hearing continued, staff conducted a site evaluation based on Council's direction and met on-site with two Councilors. An amended draft ordinance was presented and approved with further amendments at its first reading in October. The findings order from Garrett summarizing changes is attached. The ordinance, also attached, is inclusive of all amendments for this proposed second reading, along with the required Affidavit of Non-Interest.

Council Options:

- Motion to approve Ordinance #950 reading once by the title only;
- Make changes and motion to approve as amended;
- Motion to deny the request and summarize findings in support of a denial.

Recommended Motion: Council has the option to make decisions regarding the hearing and/or the ordinance; City staff has no recommendation. Commission recommendations are as stated in the various reports Garrett has given.

Legal Analysis: The ordinance describes transferring 400 x 30 feet of Right of Way. If the applicant wants to acquire less, [the city will] need to issue an addendum with a new legal description. If the ordinance is unanimously approved to be read once by title only, it will take effect in December.

Financial Analysis: N/A

Respectfully Submitted,

BEFORE THE CITY COUNCIL OF THE CITY OF GEARHART

In the

matter of:

ORDINANCE 950

An application to vacate a portion of Hemlock Avenue ROW, south of Pacific

Way. File #25-06 SV.

FINAL FINDINGS AND ORDER

Application Purpose:

An application to vacate a portion of Hemlock Avenue ROW, south

of Pacific Way.

Decision Type:

This is a legislative decision by the City Council. The Planning Commission considered the request and made a recommendation to City Council. City Council held a hearing and made the decision.

Applicant/Owner:

Beach Development LLC/ Terry Lowenberg

925 11th Avenue Seaside, OR 97138

Location:

Hemlock Avenue as laid out on the Amended Plat of

Woodland Park Addition to Gearhart Park, Blocks 1 to 10, inclusive. As Recorded in Book 7, Page 27, Clatsop County Plat Records from the South Line of 6th Street to the South line of Lot 5, Block 4 on the East and Lot 42, Block 4 on the West.

Preapplication Conference:

None

Completeness:

July 25, 2025

Planning Commission Meeting:

August 14, 2025 August 18, 2025

Notice Mailed: Notice Published:

August 19 and 26, 2025

City Council Hearing:

September 3, 2025, Continued to October 1, 2025

Exhibits:

Application Materials

Testimony of Tom Theis (P.O. Box 2831)

Review Criteria:

GZO Article 12 Street and Alley Vacation

GZO Article 13 Application, Notice and Hearing Procedures

Gearhart Comprehensive Plan, 1994 Gearhart Transportation System Plan, 2017 Gearhart Parks and Recreation Master Plan, 2022

Public Comments:

Tom Theis, neither for nor against: "...I do have a concern that it is a wetland

and drainage Stream. If this becomes private property can it slowly be filled in, which would cause more flooding upstream? Can it be stated that if it becomes private property that nothing can be done with the property or that there can be zero fill-in?..."

Agency Comments:

State agency comments were not requested. The fire marshall and public works staff were invited to comment, and verbally expressed that they did not have any issues with the vacation.

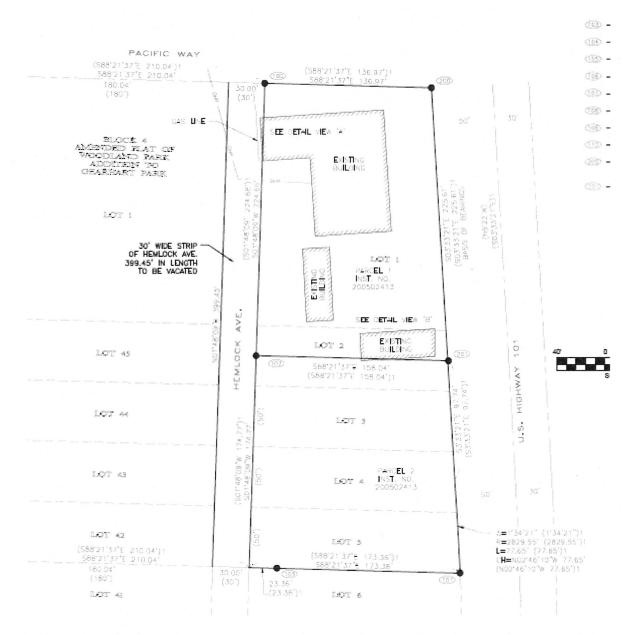
Building Official – No Comments
Fire Marshall – No objection
Police - No Comments
Public Works - No objection
City Administrator - No Comments



Street view



Existing Zoning, and Rough Illustration Boundary of Vacation Area in dashed line.



2025 survey of vacation area.

I. INTRODUCTION

Site Description

The applicant requests vacation of the right of way. The right of way extends south from Pacific Way, between properties that front on US 101 to the east and Glenn to the west. The original plat refers to Pacific Way as 6th Street, and to the right of way as Hemlock. These names are not on contemporary maps.

The right of way appears to include a small paved driveway and a portion of a building at its intersection with Pacific Way, but otherwise is not developed. It is forested and includes

Locally Significant Wetlands. It is adjacent to commercial and vacant uses zoned C-2 and C-3 to the east and west.

When a city vacates a whole right of way, the ROW land is split in half, and added to the adjacent existing legal lots on both sides. Staff's understanding is that if the vacation is approved, the applicant and adjacent landowners may request lot line adjustments to transfer some land amongst those parties, however this is not part of the application that the Planning Commission and City Council considered

The primary criteria for deciding on a vacation are in GZO Article 12. The City does not have to approve the proposal just because it meets those minimum criteria.

Planning Commission Discussion and Recommendation

Planning Commission considered the proposal and recommended approval with conditions on August 14th. The first condition was for staff to complete notification of estimated compensation to the adjacent owners before the City Council hearing. The other condition recommended by Planning Commission is to require an access easement for the City. No one testified to the Planning Commission and the applicant was not present. No new information was identified in the meeting.

New Information Between the Planning Commission Meeting and September City Council Hearing

Staff clarified the default compensation estimate method. Staff also corrected a default compensation estimate math error to more precisely assign compensation to each adjacent lot based on its own value, rather than the average of the values, resulting in the final compensation estimate in the findings below. Staff mailed notices of estimated compensation (the correct amount) to adjacent owners on August 21st.

Testimony of Adjacent Owners Gary Hanson and Jason Palmberg

Gary Hanson and Jason Palmberg did not testify in writing or in person during the hearings process.

City Council Hearings

In their September hearing, City Council asked staff to propose an alternate compensation estimate that accounts for the limited development potential of the right of way, and continued the hearing to October 1st.

Staff prepared an alternate compensation estimate that values area in Locally Significant Wetlands as \$0, resulting in estimated required compensation of \$29,140, and presented this in the continued hearing on October 1st.

On October 1st, the applicant made a verbal offer of \$5,000 for the right of way reasoning that the wetlands and position of the septic systems serving buildings to the east make the right of way area unbuildable.

City Council decided to approve the vacation with the conditions identified in the staff report,

where total compensation to the City for the right of way shall be approximately \$29,140 subject to the final survey square footages of Right of Way Area and Locally Significant Wetland Area, where the City will provide a discount of approximately \$24,140 subject to the final survey square footages in exchange for an access easement that prohibits development in the right of way area, and where these transaction should occur simultaneously so that the effective compensation to the City is \$5,000.

II. DECISION CRITERIA AND FINDINGS

SECTION 12.010 COMPLIANCE WITH STATE STATUTES

A request for a street or alley vacation shall be submitted in accordance with the state statutes, ORS 271.005 - 271.540.

FINDING: Staff reviewed ORS 271 and found that by implementing Article 12 of GZO, the requirements of ORS 271 will be met.

A. Application. The applicant shall file a petition with an application fee accompanied by consent forms from adjoining property owners affected by the street vacation as determined to be land lying on either side of the proposed vacation and extending laterally to the next parallel street, not to exceed 200 feet; and land for a like distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. The statute requires all abutting property owners consent and requires at least two thirds of owners of the real property land area described above.

FINDING: The applicant submitted consent forms signed by all adjacent property owners. The applicant also submitted additional property owner consents from the area extending 400 feet beyond both ROW termini, totaling 2/3rds of the area.

The application includes signed consents from the adject owners below.

- Beach Development LLC (owner to the east)
- Palmberg Jason (owner to the west)
- Hanson, Gary L (owner to the west)

The application also includes signed consents from the following owners. In total this appears to constitute consents from 2/3rds of the area based ownership.

- Hanson, Gary L
- Kumar, Alpana
- Inman William D
- G & S Estates LLC
- Thompson Hunter L
- Pacific Pelican LLC
- Seahart Enterprises LLC
- DMT Development LLC
- SCOFI Gearhart LLC

B. Fee. As a condition precedent to the city's accepting any petition for the vacation of any street or

alley, it shall be the obligation of the petitioner to submit a filing fee as established from time to time by resolution of the city council, which shall be nonrefundable; provided, however, in the case of petitions submitted by public agencies such filing fees may be waived. Fees described in this chapter are imposed for the purpose of defraying the administrative cost of processing vacation petitions.

FINDING: The applicant submitted the required application fee.

C. Notice. Notice of a public hearing before the City Council shall be published in the local newspaper of record and the City website once each week for two (2) consecutive weeks prior to the hearing. Written notice of the petition and hearing shall be posted in three of the most public places in the city and by signage posted on the subject right-of-way area.

FINDING: Staff published newspaper notices and posted a sign notice at the right of way location for the City Council Hearing.

SECTION 12.020 REVIEW PROCEDURES The Planning Commission shall review the request and provide a recommendation to City Council. The City Council must hold a public hearing and approve a street vacation by ordinance.

FINDING: Planning Commission recommended approval with conditions on August 14th. City Council held a hearing September 3rd and continued it to October 1st.

SECTION 12.030 ASSESSMENT COMPENSATION REQUIREMENTS Except in the case of a public agency, no ordinance vacating a street or alley shall be complete until the petitioner or their representative has received from the City Administrator a statement of the assessed value of the property to be vacated. The compensation to be paid by the applicant to the City shall be determined by ascertaining the most recent county assessor's valuation of the land to which the vacated property is to be joined, determining the assessed value of each square foot of such property, then multiplying that amount by one-half (50%).

FINDINGS: The City sent statements to the owners around August 21st, 2025, notifying them of the compensation amount based strictly on the Section 12.030 formula.

- Beach Development LLC (owner to the east)
- Palmberg Jason (owner to the west)
- Hanson, Gary L (owner to the west)

The City finds that it has discretion based on prior street vacation cases to determine the final compensation amount based on ROW characteristics, such as its potential for productive use or other characteristics that affect its value. It also finds that in obtaining an access easement over the same right of way area simultaneously, it has discretion to discount right of way compensation in exchange for the easement.

GZO prohibits development in Locally Significant Wetlands. Following the September hearing, staff modified the compensation amounts by excluding Locally Significant Wetland areas, resulting in

compensation amounts estimated below.

Property (Account / Taxmap / Owners)	Sq Ft	Assessed Land Value (2024)	Value per Sq Ft	Estimated ROW Value per sq ft x 50%	Estimated Area of Attaching ROW (sq ft)	Estimated required compensati on
Account 9347 / 61010BA03600 / Palmberg Jason, Hanson Gary L	71,874	\$551,939	\$7.68	\$3.84	15 ft. x 400 ft. = 6,000 sq ft 1625 sq ft developable	\$6,240
Account 9342 / 61010BA03300 / Beach Development LLC	30,492	\$269,116	\$8.82	\$4.41	15 ft. x 175 ft. = 2,625 sq ft 0 sq ft developable	\$0
Account 9343 / 61010BA03301 / Beach Development LLC	12,197	\$169,328	\$13.88	\$6.94	15 ft. x 75 ft. = 1,125 sq ft 685 sq ft developable	\$4,754
Account 9341 / 61010BA03200 / Beach Development LLC	22,651	\$365,420	\$16.13	\$8.065	15 ft. x 150 ft. = 2,250 sq ft	\$18,146
Total						\$29,140

On October 1st, City council determined that monetary compensation shall total \$5,000.

SECTION 12.040 TITLE TO VACATED AREA Title of the vacated areas shall attach to the lands bordering on each side in equal portions in accordance with state statutes.

FINDING: If approved the result will be that each existing legal lot adjacent to the vacated area will have vacated ROW added to it. The applicant and other owners receiving vacated land will have to produce a survey establishing the new boundaries of their respective lots, and submit it to the City for review by staff to ensure compliance with this standard.

The premise of the lot line adjustment is that Terry Lowenberg is requesting the whole right of way. Adjacent owners Gary Hanson and Jason Palmberg were sent notices of estimated compensation and of the City Council Hearing, and they did not testify or respond.

These findings and notice of decision will also be mailed to adjacent owners Terry Lowenberg and Jason Palmberg.

Finally, to ensure that Terry Lowenberg or Jason Palmberg do not wish to obtain the

right of way or be compensated for it, staff will do one of the following:

OR

1) Work with Terry Lowenberg, Jason Palmberg and Gary Hanson to transfer the right of way ownership to the three parties as prescribed in the GZO, while allowing a simultaneous or subsequent lot line adjustment transferring the interests of .Palmberg and Hanson to Lowenberg.

2) Obtain affidavits of non-interest or similar instruments from Jason Palmberg and Gary Hanson confirming that they are giving up any right or interest that they may have in the right of way area.

SECTION 12.050 VACATION APPROVAL CONSIDERATIONS The following criteria provide a basis for the City to determine if the public street or alley should be vacated:

1. What is the reason for the application to vacate this particular area?

FINDING: The applicant testified in the September City Council hearing that the vacation (and potential subsequent lot line adjustments) are intended to bring an existing driveway and portions of a shed and/or building into the applicant's ownership to make those developments legal. They also want to be able to remove some brush and tree limbs that block views from their property into the right way, so that they can prevent illegal activities and trespassing from occurring.

2. Does the vacation eliminate access to public infrastructure installations such as sewer, water or storm drainage facilities?

FINDING: No staff did not find any indication that there are public infrastructure items in the vacation area.

3. Will the vacation result in the elimination of access to any parcel in the surrounding area?

FINDING: Land surrounding the proposed vacation is accessed from streets adjacent to the other sides of the lots, including Pacific Way, Glenn Avenue, and US 101. None of the parcels appear to use existing improved access in the vacation area.

4. Would vacation inhibit the future development of infrastructure or future development of land surrounding the proposed vacation?

FINDING: See the finding above regarding access. Utilities serving adjacent lots also use those rights of way, and do not include existing service or easements in the vacation area. There is a gas line and power line in the area serving the petitioner's property. Staff reviewed maps of all lots surrounding the Hemlock ROW from Pacific Way south to its terminus and found that all adjacent lots have access to other rights of way. In conclusion, the vacation would not inhibit development of planned infrastructure or land in the area.

5. Is any portion of the subject vacation area noted on the Transportation System Plan (TSP) of the City? If so, how does the vacation affect the plan?

FINDING: The vacation area is not identified or discussed in the TSP.

6. Would the vacation inhibit the free flow of traffic in the immediate or surrounding area?

FINDING: There is no existing traffic in the vacation area, so vacating the area would not displace traffic.

7. Are there wetlands, flood plain or other naturally occurring elements in the immediate area?

FINDING: Much of the area to be vacated is Locally Significant Wetland (Wetland #W4). Locally Significant Wetlands are regulated by GZO Section 3.13 Freshwater Wetland and Lake Overlay Zone and are generally off limits to any building, grading and vegetation removal, however there is no requirement that the City retain ownership of them. 100 year floodplain (Flood Hazard Overlay Zone) is not designated in the vacation area.

Tom Theis testimony asked "If this becomes private property can it slowly be filled in, which would cause more flooding upstream? Can it be stated that if it becomes private property that nothing can be done with the property or that there can be zero fill-in?" Staff's response is below. The final decision protects wetland and floodplain functions with a required access easement that will prohibit development in the right of way area.



Locally Significant Wetland W4 is in the vacation area.

8. Does the proposed vacation create a buildable lot or a portion of a buildable lot?

FINDING: No the vacation will not create new lots. The vacated land will attach to the adjacent lots, increasing their size, so in this regard the vacation creates new portions of existing lots. The vacated area that is Locally Significant Wetlands will not be buildable under GZO standards, and the entire area will not be buildable under the terms of the conditioned access easement.

SECTION 12.060 VACATION DOCUMENTATION REQUIREMENTS

1. Prior to recording the street vacation with Clatsop County, the applicant shall assure that any necessary utility easements are provided and included in the final recording documentation.

FINDING: Staff did not identify water utilities in the vacation area. The applicant's survey identified a power line and gas line serving the applicant's property east of the right of way but did not identify public utility easements for those. The applicant may record an easement for their power line and gas line service across the vacation area that will attach to their neighbor's property, but because these lines do not appear to serve additional lots and there is no existing easement for them, staff are not recommending that the city require new recorded easements for them.

If the vacation is approved, the City will continue to own ROW south of the vacation area that has no connection to the public street network. The City found that it is in the City's interests to retain an easement granting the City access to the remnant right of way, as a condition of approving the vacation, and that the access easement boundaries should be the same as the vacation area boundaries.

2. The applicant shall provide a legal description of the ground to be vacated with exact concise distances, to be provided by a land surveyor or attorney licensed by the State of Oregon and verified by the City Administrator.

FINDING: The application includes the following legal description, and provided the following image from the referenced plat. A final survey and legal description by a licensed surveyor must be provided to City staff for review and approval, and then they along with the City Ordinance must be recorded with Clatsop County after the City is compensated

Hemlock Avenue as laid out on the Amended Plat of Woodland Park Addition to Gearhart Park, Blocks 1 to 10, inclusive. As Recorded in Book 7, Page 27, Clatsop County Plat Records from the South Line of 6th Street to the South line of Lot 5, Block 4 on the East and Lot 42, Block 4 on the West.

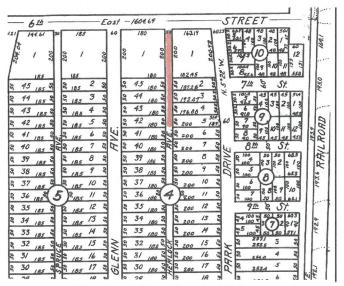


Image of the referenced plat.

3. A certified copy of the ordinance and legal description vacating the street shall be filed for record with the Clatsop County Clerk. The petitioner(s) for vacation shall bear the recording cost and cost of preparing and filing the certified copy of the ordinance and survey exhibit. A copy of the certified and recorded documents shall be provided to the City Recorder.

FINDING: This requirement is implemented after the City Council Hearing and ordinance readings if the City Council approves the vacation.

SECTION 12.070 PUBLIC ACCESS TO BEACHES, LAKES AND SHORELANDS In accordance with the provisions of Article 12 Street and Alley Vacation:

- 1. The City shall review under ORS 271.230 proposals for the vacation of public easement or right-of-way which provide access to or along ocean beaches or lakes.
- 2. The City shall review under the provision of ORS 271.300-271.360, proposals for the sale, exchange or transfer of public ownership which provides access to ocean beaches or lakes.
- 3. Existing public ownership right-of-way and similar public easements which provide access to or along ocean beaches or lakes shall be retained or replaced if they are sold, exchanged or transferred.
- 4. Public beach, lake or shoreland access rights-of-way may be sold, exchanged or transferred.
- 5. Rights-of- way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained

FINDINGS: The vacation area does not provide public access to beaches, lakes or coastal shorelands. The absence of beaches and lakes is verified on areal images. Staff verified the absence of Coastal Shorelands by reviewing the Comprehensive Plan Goal 17

chapter, and the Local Wetlands Inventory. Comp Plan Goal 17 does not refer to the protection of any wetlands other than estuarine wetlands, and does not refer to other Goal 17 resources. The Local Wetlands Inventory identifies Wetland Complex W2 as a Locally Significant Wetland, and as a non estuarine wetland, with the head of tide south of the subject area at G Street.

III. CONDITIONS OF APPROVAL

The City Council required the following conditions of approval.

- 1. A private access easement to the City of Gearhart accessing the remaining Hemlock Street ROW and prohibiting development in the easement area shall be recorded at the same time as the vacation.
- 2. Prior to recording the vacation with Clatsop County, the applicant shall assure that any necessary utility improvements or easements are provided and included in the final recording documentation.
- 3. The applicant shall provide a legal description and survey of the ground to be vacated with exact and concise distances, to be provided by a land surveyor or attorney licensed by the State of Oregon.
- 4. Prior to recording the City shall be paid at least \$5,000 total by vacation area recipients, in consideration of the estimated required compensation, and the value of the access easement.
- 5. A certified copy of the ordinance and legal description vacating the street shall be filed for record with the Clatsop County Clerk by the applicant. The petitioner(s) for vacation shall bear the recording cost and cost of preparing and filing the certified copy of the ordinance and survey exhibit. A copy of the certified and recorded documents shall be provided to the City Recorder.
- 6. The approval shall become void one year after the effective date of the ordinance if all conditions are not completed.

IV. Decision

Based on the findings in this report, City Council moved to approve the street vacation, modifying condition #4 to specify compensation in the amount of \$5,000.

City Council Hearing/1 st Reading: City Council 2 nd Reading:	October 1, 2025 November 5, 2025		
Signed: Kerry Smith, Mayor		Date:	
Date Mailed:			

APPEAL: In accordance with the Gearhart Zoning Code Section 13.060 (7) the decision of the City Council may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days of the date this final order is signed. The complete case, including this final order is available for review at the City.



ORDINANCE NO. 950

AN ORDINANCE VACATING A PORTION OF HEMLOCK STREET RIGHT OF WAY

WHEREAS, Beach Development LLC submitted an application to vacate a portion of Hemlock Street Right of Way located in contemporary lay terms as the right of way running north and south between US 101 and Glenn Avenue, from Pacific Way about four hundred feet to the south, and formally/legally described below; and

WHEREAS, City of Gearhart Planning Commission considered the application as new business on their publicly noticed agenda and recommended approval with conditions on August 14th, 2025; and

WHEREAS, the request with conditions approved by City Council following their September 3rd, 2025 hearing meets the requirements of City of Gearhart Zoning Ordinance Article 12 and ORS 271.005 – 271.540;

NOW, THEREFORE, the City of Gearhart ordains that a portion of Hemlock Street shall be vacated as defined herein and in accordance with the Gearhart Zoning Ordinance Article 12 Street and Alley Vacation.

Section 1 Right of Way Area to be Vacated

Hemlock Avenue as laid out on the Amended Plat of Woodland Park Addition to Gearhart Park, Blocks 1 to 10, inclusive. As Recorded in Book 7, Page 27, Clatsop County Plat Records from the South Line of 6th Street to the South line of Lot 5, Block 4 on the East and Lot 42, Block 4 on the West.

Section 2 Street Vacation Stipulations

The applicant and adjacent owners to whose property the vacated right of way will attach shall comply with the conditions established in the September 3rd, 2025 City Council Hearing. (The hearing was continued and conditions modified on October 1st)

Section 3 Effective Date

This ordinance will be read two times and will be effective 30 days after the second reading.

Section 4 Compensation

Adjacent owners shall compensate the City a total of at least \$5,000, in consideration of estimated required compensation to the City of \$29,140, and a discount of \$24,140 from the City in exchange for an access easement that prohibits development occupying the whole vacated right of way. (This section was modified by motion prior to 1st reading on October 1st)

Passed by	the City	Council	of Gearhart	this 5 th day	of November	, 2025.

Yeas:				
lays:				
Absent:				
Abstain:				
	11 1 1 1	CO 1	: cth 1	
Approved	and signed by the M	ayor of Gearhart th	nis 5 th day of November, 2025.	
			Mayor Kerry Smith	
ATTEST:				
ATTEST.				
City Administra	tor, Chad Sweet			

Affidavit of Non-Interest in Vacated Right-of-Way

City of Gearhart - File No. 25-06 SV - Ordinance No. 950

STATE OF OREGON)

County of Clatsop) ss.

I Gary Hanson, being duly sworn, depose and say as follows:

- 1. **Property Ownership.** I am an owner of the real property identified as **Taxlot 61010BA03600**, with mailing address **P.O. Box 173, Astoria, OR 97103**.
- 2. ROW Vacation. The City of Gearhart, by Ordinance No. 950 (File No. 25-06 SV), approved on First Reading October 1, 2025, and scheduled Second Reading November 5, 2025, is vacating a portion of Hemlock Avenue as laid out on the Amended Plat of Woodland Park Addition to Gearhart Park, Blocks 1 to 10 inclusive, as recorded in Book 7, Page 27, Clatsop County Plat Records, from the South line of 6th Street to the South line of Lot 5, Block 4 on the East and Lot 42, Block 4 on the West.
- 3. **Notice of Compensation.** Pursuant to state law, the City notified adjacent owners, including us, of the estimated compensation required to acquire our share of the vacated right-of-way. The original notice (mailed previously) indicated an estimated compensation of **\$23,040.00** for half Hemlock right of way areas adjacent to our parcel (Taxlot 61010BA03600).
- 4. **Council Decision on Final Compensation.** On final adoption, the City Council approved disposition of the entire right-of-way for \$5,000.00 total, with cost allocation proportionately assigned to adjacent owners based on the average assessed land value of the adjacent parcels. The required compensation to obtain the western half of the subject right of way is between \$0 and \$2,500, which would be determined based on the final square footages of right of way area and Locally Significant Wetland in the right of way area, based on a survey provided by me.
- 5. **Acknowledgment and Disclaimer.** We acknowledge that we have been offered the opportunity to acquire our proportionate share of the vacated right-of-way at this reduced cost, but we **elect not to acquire any portion of the vacated right-of-way**.

Accordingly, we hereby disclaim, release, and waive any and all right, title, or interest we may have to acquire any portion of the vacated right-of-way described above, thereby allowing the City of Gearhart to convey the entire vacated right-of-way to **Beach Development LLC**, the applicant.

Signature(s):				
Gary Hanson				
Date:				
Notary Acknowledgment				
State of Oregon) County of Clatsop) ss.				
On this day of, 2025, before me, the undersigned Notary Public, personally appeared Gary Hanson , personally known to me (or proved on the basis of satisfactory evidence) to be the individuals who executed the foregoing instrument, and acknowledged that they signed it voluntarily for the purposes stated therein.				
IN WITNESS WHEREOF, I herei	unto set my hand and official seal.			
Notary Public for Oregon				
My Commission Expires:				
City Contact for Questions:				

City Contact for Questions:

Chad Sweet, City Administrator City of Gearhart