

Krysti Ficker <krysti@cityofgearhart.com>

written comment for Gearhart City Council Meeting 04/03/2024

Eva Kirk <catwhisperer91@gmail.com>
To: info@cityofgearhart.com

Wed, Apr 3, 2024 at 1:28 PM

Name: Eva Kirk
Address: 1001 Pacific Way PMB 2682 Gearhart, OR 97138
Topic: Passing ceasefire resolution

04/3/2024

Dear Mayor Kerry Smith and members of the Gearhart City Council,

I am contacting you to urge you to consider passing a ceasefire resolution to put an end to the violence in Gaza. Since October 7th, over 30,000 civilians have been killed in Gaza. The majority of these civilians have been women and children. Many cities and towns across the U.S have now called for a ceasefire. As a resident of Gearhart, this matter is of utmost importance to me, and I will not stand behind any elected official who does not support a lasting ceasefire.

This issue is relevant to Gearhart residents as our tax dollars are funding Israel's assault on Gaza, when they could be funding projects in our own country that could improve the lives of community members in Gearhart and surrounding areas. Watching this horrific assault continue to unfold is also affecting my own mental health and quality of life. I am personally no longer able to enjoy my hobbies or interests that I once loved, although that is the least of my worries when I think of the unimaginable terror civilians in Gaza have been experiencing daily at the hands of Israel.

Israel has claimed that it has a right to defend itself against Hamas, a claim that is echoed by many U.S politicians to justify Israel's ongoing assault on an occupied territory with minimal military power. I implore you to ask yourselves- in what world is slaughtering, torturing, and starving to death over 30,000 innocent civilians considered self defense? Is bombing hospitals and schools self defense? Is using white phosphorus against unarmed civilians self defense? Is blocking trucks bringing aid to a starving population self defense? From a humanitarian perspective, there is nothing that could justify Israel's brutality against the civilians of Gaza.

On January 11th, South Africa's case against Israel was reviewed by the International Court of Justice. South Africa proposed that Israel had violated its obligations under the 1948 genocide convention. The International Court of justice determined that Israel's actions fall under the definition of genocide. Since then, Israel has ignored orders not to harm civilians, and the situation has only gotten worse.

The definition of genocide is: "The systematic and widespread extermination or attempted extermination of a national, racial, religious, or ethnic group." (*American Heritage Dictionary of the English Language, 5th edition*). I fail to see how Israel's bombardment of the Palestinian civilians in Gaza would not fall under the definition of genocide. The reports from journalists in Gaza show civilians (many of them children) being tortured, brutally murdered by Israeli forces, literally bombed to pieces, and systematically starved to death. On April 1st, Israeli forces withdrew from Al Shifa hospital in Gaza, leaving behind a wake of death and destruction. This is only one of the most recent incidents in a series of ongoing war crimes.

As a millennial, I grew up learning about the horrors of the Holocaust in Nazi Germany. I also learned about the extermination of Native Americans by European settlers. As someone with a strong sense of justice, I was horrified to learn of these historical atrocities, but I took comfort in knowing that they were a thing of the past, and we had learned from our mistakes. It is very disturbing and heartbreaking to see it occurring again, and I am even more ashamed knowing it is directly funded by our tax dollars, with the full support of US politicians.

I am one person with very little political power. That is why I am looking to my city council members to join the call for a lasting ceasefire. If you've ever asked yourself what you would have done if you had lived during historical genocides or other crimes against humanity, and wondered if you would have done anything to stop it, all you have to do is look at what you are doing right now.

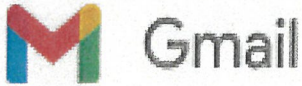
I hope you will seriously consider passing a ceasefire resolution to show that the city of Gearhart stands for liberty, justice and peace. Thank you for taking the time to read my concerns.

Sincerely,

Eva Kirk

1001 Pacific Way Gearhart, OR 97138

5037392735



Chad Sweet <chadsweet@cityofgearhart.com>

Comments Regarding Zimmermann Submittal Regarding 3rd Street Site

scofinz@aol.com <scofinz@aol.com>

Wed, Apr 3, 2024 at 1:32 PM

To: Chad Sweet <chadsweet@cityofgearhart.com>

Cc: Justine Hill <jhill@cityofgearhart.com>, Kerry Smith <mayorsmith@cityofgearhart.com>, PRESTON DEVEREAUX <sarge196@msn.com>, Dana Gould <councilorgould@cityofgearhart.com>, Sharon Kloepper <councilorsharon@cityofgearhart.com>, Reita Fackerell <councilorfackerell@cityofgearhart.com>

Mayor, Councilors, Mr.Sweet, and Ms. Hill,

We are booked on an 8PM flight from PDX and will be unable to attend tonight's City Council meeting either in person or online.

Please read the attached memo our planner, Eric Eisemann, prepared for me.

We deal with a Category 2 wetland at the former school site (Tax Lot 800). Our wetlands delineation as signed off by the State of Oregon shows a 25' buffer (smaller than planner Connell's requested 50-foot wetlands buffer when we set a few fence posts in this Category 2 wetlands).

Neacoxie Creek is a Category 1 wetland at 3rd the Street location referenced in the Zimmerman letter.

It appears that the City of Gearhart should require the applicant to file the appropriate documentation with DSL and the Corps before activity is done on the site.

Kind regards,

Bob Morey
271 D Street
Gearhart, OR 97138

(503) 936-2500

 Maps and Zimmermann Submittal 3rd Streetb Site Gearhart Council Meeting April 4, 2024.pdf
1304K

April 3, 2024

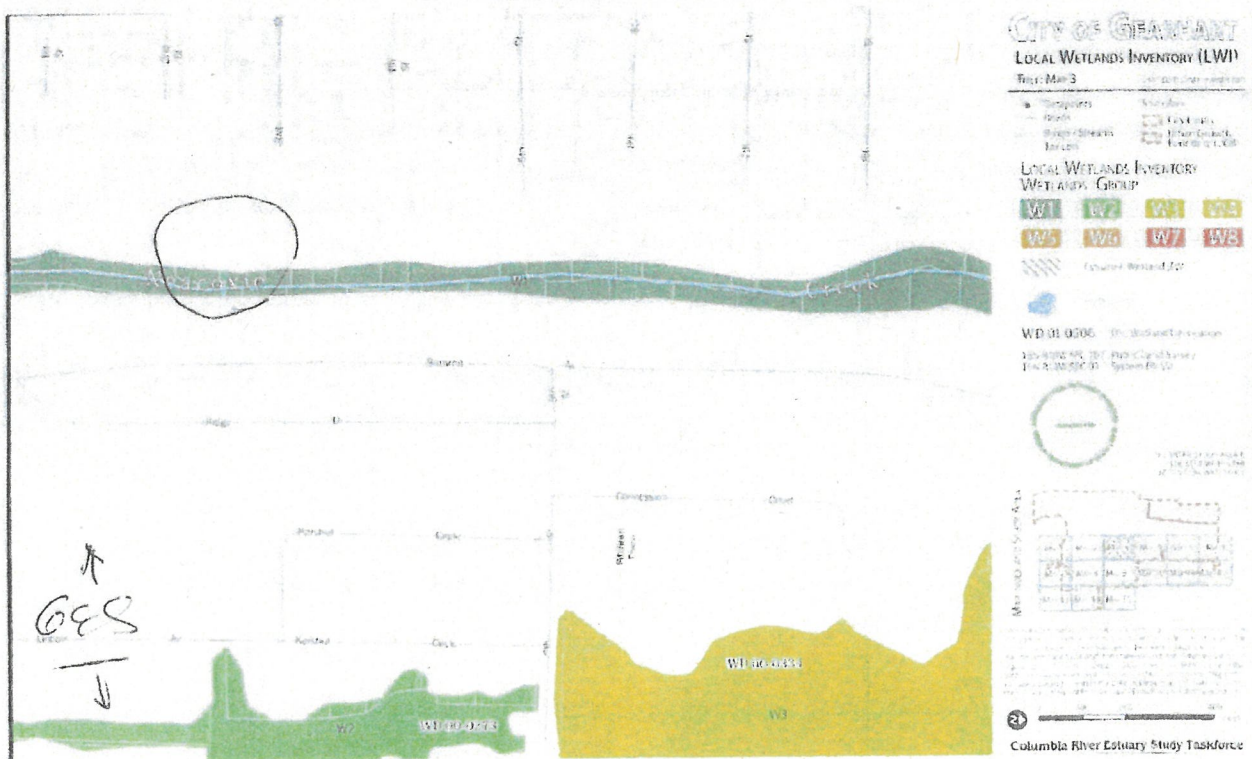
Mr. Bob Morey
Gearhart, Oregon

Mr. Morey,

This brief letter is written in response to an inquiry you made today regarding potential development within a wetland or wetland buffer in Gearhart. The subject property is identified as Creekside Building lots near 3rd Street and Neacoxie Creek.

I am not a qualified professional biologist and cannot offer you an opinion as a wetland specialist, I have 30 years of professional experience as a city planner working in Oregon and Washington and in that capacity I have substantial experience working with local codes and state regulations relating to riparian areas and wetlands.

The Gearhart Wetland Inventory map indicates that Neacoxie Creek is classified as a "W1" wetland. The [Oregon Statewide Wetland Inventory Map](#) confirms that the subject properties are in the LWI overlay, and that the soils are predominately hydric. In combination, these resources are excellent indicators that wetlands may be present and that appropriate measures are required prior to any development of the subject properties.



The Gearhart Zoning Ordinance, Chapter 3.13 regulates development within Freshwater Wetlands and Lakes. (The FW zone) The purpose of Chapter 3.13 is to "conserve significant freshwater wetlands and lakes." GZO 3.1310. The Chapter recognizes that the location of water resources should be refined over time. GZO 13.1330. The city of Gearhart requires *that*

“Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City.” GZO 13.1380.1.

Section 13.1380 establishes a regiment of review for any development in the FW zone including:

- *“... review by the Oregon Department of State Lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. GZO 13.1380.2.*
- *If the agencies have jurisdiction, “... no construction shall commence until authorizations from these agencies have been obtained.” GZO 13.1380.2.*
- *“... the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.” GZO 13.1380.3.*

The city followed this format, consistent with OAR 141-086-0100, when you proposed to dig several fence post holes within the buffer of the wetland on Tax Lot 800. In that case, city planner Connell asked us to consider a 50-foot wetland buffer, not a 25-foot buffer, as the potential impact area. (The Division of State Lands [DSL] determined that the proposed work was so minor that it did not rise to the level of a wetland permit.)

In Oregon wetland buffers can be established on a case-by-case basis. Many cities create different buffer values for different wetland classifications, for example, a 50 to 100-foot buffer for a Category 1 wetland or a 25 to 50-foot buffer for a Category 2 wetland. When a high value wetland is associated with a fish-bearing stream, buffers can exceed 150 feet in Oregon. The Oregon [Department of Environmental Quality](#) 2021 regulations require a minimum 50-foot buffer associated with Section 1200-C stormwater permits.

The State of Oregon Safe Harbor Rules for riparian corridors require a 75-foot buffer when the annual stream flow exceeds 1,000 cfs and a minimum 50-foot buffer when the stream flow is less than 1,000 cfs. Where riparian corridors include portions of significant wetlands, the riparian corridor *“buffer shall be measured from, and include the upland edge of the wetland.”* (See [OAR 660-023-0090\(5\)\(a\) – \(c\).](#))

Gearhart’s 25-foot buffer for all wetlands is at the lowest end of the protection level I have researched. If any development is proposed on the properties south of 3rd Street that are associated with Neacoxie Creek, to be consistent with state law, the city should require a minimum 50-foot riparian buffer.

Sincerely,

Eric Eisemann

E²

E² Land Use Planning

Fwd: post office article 2003

Dana Gould <councilorgould@cityofgearhart.com>

Wed, Apr 3, 2024 at 2:29 PM

To: Krysti Ficker <krysti@cityofgearhart.com>, Justine Hill <jhill@cityofgearhart.com>

Please include this (and the article) as late correspondence. I have her permission to make it public.

Thanks!-DG

Begin forwarded message:

From: Michelle Christensen <1578fifer@gmail.com>**Subject:** post office article 2003**Date:** April 3, 2024 at 10:29:17 AM PDT**To:** councilorgould@cityofgearhart.com, councilorfackerell@cityofgearhart.com

I wanted to thank you both for the courtesy of a reply to my email yesterday. I found this historical article from the Daily Astorian dated March 5, 2003 which references a vote by the council to direct the postal service to make a decision regarding street delivery to all residents of Gearhart and the city supports street delivery and open that option to any residents of the city.

I also spoke with Tish at the Seaside Post office and told her about this vote from 2003 and she said thats great, I am also not holding up home delivery.

I had to scan the article and attach it as I got the paywall from the daily astorian after looking at it three times...

Thanks again for your time...
Michelle Christensen

 **Daily Astorian 352003.pdf**
2905K

https://www.dailyastorian.com/news/gearhart-delivers-mail-fee-decision-to-postal-service/article_c6dcf8f8-5611-52c9-9460-8095b8a61de9.html

Gearhart delivers mail fee decision to postal service

Mar 5, 2003

GEARHART - In a city hall packed tighter than a last-minute holiday parcel, councilors put a stamp of approval on letting the U.S. Postal Service decide whether to expand street mail delivery Wednesday.

Residents sought answers to questions surrounding the Gearhart Post Office, where, effective Feb. 1, box holders were required to pay a fee even though home mail delivery is not available to all of them. Where previously boxes had been free, the annual fee for a small box is \$38 and medium and large boxes cost \$68 and \$126, respectively.

"Quite honestly, we are all very upset," Councilor Dianne Widdop said.

David Ellis, manager of U.S. Post Office operations in Portland, and Jim Wills, manager of the Seaside Post Office, attended to try to clarify the situation.

Concern about the new fees for post office boxes "The city supports street delivery and opens up that option to any residents in the city." - Ed Tice, city councilor, Gearhart previously surfaced in Cannon Beach, where a small box now costs \$24 a year. A meeting with Ellis to address issues there is planned next month.

Residents in both towns have brought their concerns about the fees to the attention of Oregon representatives in Congress, including U.S. Rep. David Wu and Sen. Gordon Smith. Both have written letters urging postal officials to seek resolution as soon as possible.

Discrepancy debates

Chat

Many considerations determine the different rates at different post offices, including proximity to other post offices, Ellis said.

The mail matter is compounded in Gearhart because it shares a ZIP code with Seaside. Gearhart residents said that overlap sometimes leads to delivery difficulties.

The problem apparently dates to 1955, when, for reasons not entirely clear, residents north of Pacific Way apparently opted to not take part of the standard home delivery of mail from Seaside, Ellis said.

The separation was sparked by a dispute among local postmasters about Gearhart stamps being mailed from Seaside, resident Jack Keeler said. That argument set the stage for the elimination of Gearhart's own ZIP code.

The only city council record of what followed was from Sept. 6, 1961, when councilors acknowledged petitions in protest of the Gearhart Post Office becoming a branch of the Seaside Post Office. Today, the Gearhart office is still run by a contractor and tied to Seaside.

The community post office was closed temporarily in mid-December for issues apparently relating to an audit of the previous contractor, and reopened shortly thereafter.

Regardless of what happens with fees and delivery, "I have no intention of shutting that Gearhart office down," Ellis added.

However, in the past, the rules about fees were improperly applied, he said.

Residents north of Pacific Way are especially concerned about the newly imposed post office box fees because they do not currently have an alternative of home mail delivery, Widdop said. "We want free mail delivery because we feel we are entitled to it."

The rules are not that simple, Ellis said.

Postal customers are entitled to one form of getting their mail without fees. If they are deemed eligible for home delivery and choose to have home delivery, and the Postal Service decides to refuse, then the customers are entitled to "no-fee" post office boxes, he said.

"If you say you want delivery on the north side, that puts the burden on me to either provide delivery (on our terms) or offer no-fee boxes," he said.

"We are not required to provide street delivery where none exists," he added. "You can request it, but we don't have to provide it."

Determining delivery

Contemporary standards for home delivery in cities are different than they were in past decades, with mailboxes at every house door. For carrier safety and efficiency, clustered "collection box units" typically are placed along main roads.

Ellis said he has received a petition with more than 100 Gearhart residents opposed to home mail delivery. He asked city councilors to play a role in trying to determine what residents want.

Currently, a majority of residents south of Pacific Way who already are entitled to home mail delivery prefer to have a post office boxes instead, Councilor Chuck Schluter said.

But the fees may change that outlook.

People who are interested in having home delivery must submit extension of service request forms to the U.S. Postal Service, Ellis said.

Councilors sought to end the discrepancy north and south of Pacific Way by having the Postal Service consider delivery everywhere in city limits.

They voted 5-0 in favor of a motion by Councilor Ed Tice "to direct the Postal Service to make a decision regarding street delivery to all residents of Gearhart." By that motion, he added at the request of Ellis, "the city supports street delivery and opens up that option to any residents in the city."

Councilors also agreed to draft a letter to Wills to begin the process of formally petitioning for Gearhart to get its own ZIP code.

The intent of the motion regarding mail delivery, Tice said, is for "the entire city to be effected the same way."

Second street lots

1 message

goodmule@aol.com <goodmule@aol.com>

Wed, Apr 3, 2024 at 3:54 PM

Reply-To: "goodmule@aol.com" <goodmule@aol.com>

To: Reita Fackerell <councilorfackerell@cityofgearhart.com>, "councilorsmith@cityofgearhart.com" <councilorsmith@cityofgearhart.com>, PRESTON DEVEREAUX <sarge196@msn.com>, Dana Gould <councilorgould@cityofgearhart.com>, Sharon Kloepfer <councilorsharon@cityofgearhart.com>, Justine Hill <jhill@cityofgearhart.com>

Please accept the following as a formal request for the public record.

We understand, based on more than rumor, that there are wetland and old growth tree issues and complaints on the lot development at the end of Second street.

I and others, have walked the lots in question and find a preponderance of wetlands. We further understand there are various state regulations which require different setback distances depending on the category of wetlands and the various state and county agreements governing the Neacoxie Corridor and the estuary.

We ask for public clarification on the following issues:

1. Is it true the city administrator(CA,) never required a formal certified wetlands designation on the lots;
2. Is it true the CA stated the wetland setback of 50 feet along the state designated Neacoxie Corridor was unenforceable since the city had no ordinance therefore a 50 foot setback couldn't be imposed;
3. Is there a DEQ/DSL approved septic permit which prevents drainfields and septic reserve areas within the 50 foot setback; and
4. Have any complaints been made or filed with jurisdictional agencies;

As a side note we are aware that Mr. Morey has submitted a separate statement to the city highlighting a requirement by Gearhart Planning for a 50 foot setback for the elementary school. Such city requirement also called for a formal wetlands designation on a school area far less sensitive than the subject lots located on the Neacoxie. At this point there is a strong appearance of selective regulation enforcement providing benefit to one party and by the.. book enforcement... with the other party.

In order to protect future buyers and proper disclosures, we formally request any approvals or city commitments be rescinded immediately until the above captioned issues are solved.

Thank you!
Jack Zimmerman

Sent from AOL on Android



Krysti Ficker <krysti@cityofgearhart.com>

Fwd: Postal Blues

Dana Gould <councilorgould@cityofgearhart.com>
To: Krysti Ficker <krysti@cityofgearhart.com>

Wed, Apr 3, 2024 at 4:19 PM

More late correspondence. I received it before 4, but I've been tied up with other things.

Sent from my iPhone

Begin forwarded message:

From: griffinmjones@yahoo.com
Date: April 3, 2024 at 4:09:59 PM PDT
To: Dana Gould <councilorgould@cityofgearhart.com>
Subject: Re: Postal Blues
Reply-To: "griffinmjones@yahoo.com" <griffinmjones@yahoo.com>

That would be fine ma'am.

Thank you again for your work.

On Wednesday, April 3, 2024 at 01:54:01 PM PDT, Dana Gould <councilorgould@cityofgearhart.com> wrote:

Excellent points! Would you like your letter included in the city council packet tonight?

Sincerely,

Dana Gould

Sent from my iPhone

On Apr 3, 2024, at 1:39 PM, griffinmjones@yahoo.com wrote:

Thank you for working on this.

Your points are valid and valuable. Here is one more contention.

I lived in Seaside for three years and had curbside mail delivery up on Huckleberry. The one thing that ruined my day was getting a notice of pickup at the post office. It was overcrowded in the building, the lines were interminable, and the parking was grueling if not often nonexistent. The only thing short about that errand was people's tempers.

That ended for me eleven years ago when we moved to Gearhart.

Imagine the situation now that Seaside has grown for eleven years with no change in their facility.. Add all of the mail and Gearhart patrons to that sorry mix.

Now ask the people of Seaside what they think of this proposal.

We ask for our own zip code and they punish us AND the good people of Seaside.

They will join us in the uproar.

Postal Logic rides again!!!