

February 10, 2022

MEMBERS: Virginia Dideum, Stephanie Dudley, Terry Graff, Sharon Kloepper, David Smith, Russ Taggard and Austin Tomlinson

STAFF: Carole Connell and Chad Sweet

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, January 13, 2022 was called to order at 6:01 pm by President Virginia Dideum. *Members and staff were present in by video conferencing.*

ELECTION OF OFFICERS

On **MOTION** by Taggard, 2nd by Graff, Commissioner Dideum was unanimously elected to serve as president respectively for 2022.

On Motion by Graff, 2nd by Taggard, Commissioner Smith was elected to serve as vice-president respectively for 2022.

CONSENT AGENDA

On **MOTION** by Graff, 2nd by Taggard by unanimous motion the consent agenda was approved. Said agenda approved minutes for December 9, 2022 and financial report of December 31, 2021. There was no correspondence.

STAFF REPORT

Connell gave an update on the Highway 101 improvement project. There's a stakeholder's citizens advisory committee of highway property owners. They are having their next meeting on February 16th that will be reviewing the chosen plan.

Sweet gave an update on the building official situation. We have a temporary building official Leonard Brogden that is filling in for the city currently. Sweet also shared that there are a few employees out sick currently, and the city is taking the steps to be cautious. Sweet said with the new full-time position of building assistant and planning being filled, he believes that customer service has increased and that it will continue to increase in the future, as well as has relieved some of the pressure off some of the other administrative staff.

Sweet also shared that Scott Fregonese will be going over the fire station regarding planning. We are in the middle of the planning, and we are getting a lot of the information gathered like maps, tsunami information, Dogami, some architect engineers and such. During the next city council meeting, they will be asked to go forward with the May election for the fire station bond. The city is getting together the cost estimates and going over them thoroughly and will present those to the city council next month. From there the city has a political action committee formed locally in Gearhart that will be working towards the firehouse. There will be some events, and some informational meetings coming up soon, and to keep an eye on the blog for that information.

COMMISSIONERS REPORT

None

GOALS LIST

None

VISITORS COMMENTS

Scott shared slides and spoke about the UGB land swap to put the Fire Station on land, outside of the tsunami inundation zone that is currently outside the urban growth boundary. He gave a brief update on what they are working on and some of the steps they will be working through, as well as the timeline and expectations about how they will get this done.

Smith asked if the Geo Tech would be approved by Clatsop County.

Fregonese said that he did not believe so, it would be an attachment to the report and application and be part of the packet that both Planning Commission and Council would see as we go through this process.

Smith asked if the engineering for performing that work would be approved by the county.

Fregonese was not sure and will be looking into it, to provide that answer.

Smith also asked where the 34 acres is, that the city will lose, in the UGB.

Fregonese showed on the slide where this would be located.

Anne Taylor at 124 3rd St, Gearhart, OR. asked, why there has not been more information forthcoming about a potential land swap, given the short timeline for the land swap. Secondly, she asked if the city does have two parcels, why it was so hard for her to find any information.

Fregonese shared that there will be public noticing done for the public hearings that will occur, the report that is going to be in the public domain, and the timeline is not that short as this won't be done for four or five months.

Sweet shared that there is a lot of information on the City's website under Fire Station, but the land swap is coming together during this process with Fregonese, there will be multiple public hearings coming up with the opportunity for the public to be able to participate in this. The city has been formulating the process and are working on getting some data and statistics and then the city will be able to start making some presentations to the public. The City Blog is the best way to stay informed as it will send notifications as things come up.

Frank was wondering how the bond measure that is in May affects the schedule that is laid out, whether it is passed or not, and what impact that would have.

Fregonese believes that they will know before that whether the state is going to allow the swap, so even if the city is in the process of the comp plan amendments or the zone change, the city will still know if it is allowed to do the land swap.

Sweet shared that the vote is not until May for that, and even if the bond does not go through, the city may still proceed with the land swap for future ideas.

Dideum requested that the city see about putting Fregonese's slide presentation on the City Blog.

PUBLIC HEARING

Dideum opened the public hearing to consider application #21-06P The Fifer Rd Land Partition by Heritage Homes for property located at 1598 Fifer Rd and further described as 61003BD02500, and #21-04CP.ZTA the continued discussion of the Draft Gearhart Master Parks Plan at 6:32 pm.

For the Fifer Rd Land Partition, Dideum read the hearing disclosure statement into the record. Dideum asked if there was any conflict of interest, an ex parte contact or personal bias. None was declared. She asked if any audience member challenged the commissions' ability to make an impartial decision. None was declared.

Connell reviewed the staff report for the Fifer Rd Land Partition.

Dideum asked if the comment about pesticide is in the conclusion.

Connell shared that it is in the condition number six, and she believes it needs to be considered.

APPLICANT TESTIMONY

Scott Cooter, professional land surveyor who works for CKI Land Surveying. P.O. Box 2699, Gearhart, OR. 97138 – He represents Heritage Homes, he spoke about the partition being fairly simple, by taking an existing larger lot and dividing it into two. The new parcel will have a new constructed home on it, and they are in the process of remodeling the old house.

Nathan Johnson, 90856 Fort Clatsop Rd, Astoria, OR. – He said that Scott gave a good description and that he really did not have anything to add to it.

There was discussion about tree removal and grading on the property, between the commissioners, Scott Cooper, and Nathan Johnson.

Dideum opened testimony to proponents.

There were no proponents.

Dideum opened testimony to opponents.

There were opponents.

Dideum opened testimony to neutral comments.

There were no neutral comments.

Dideum closed The Fifer Rd Land Partition at 7:01 pm.

Dideum polled commissioners for their comments:

No comments from the commissioners.

On MOTION by Graff, 2nd by Tomlinson, based on the findings in the staff report the proposed tentative partition plat (#21-06P) was approved as presented with the conditions.

Motion passed by unanimous consent.

#21-04CP.ZTA the continued discussion of the Draft Gearhart Master Parks Plan

Dideum gave a brief overview of the discussion on the changes in criteria, and spellings that the commissioners were concerned about at the January meeting. She said that any changes in policy needs to be addressed it should be done now and stressed that it needs to be moved along. She went over what has been changed and the changes have been done in red.

Dideum asked if on 3.6 on page 13 there was a question if (as) was supposed to be crossed off as well.

Connell verified that that is correct.

Graff was concerned with policy number 19 and said that he was unable to support it the way he understood it. He suggested to propose an amendment to separate it from the Parks Plan, and it could be addressed at a later time. He also believes that the new language in policy 19 is in direct conflict with policy number 4 and is not sure all the restrictions are necessary to protect the parks and dunes. He is not willing to support it until he hears from a professional telling him it is necessary.

Tomlinson made some corrections in policy 19 Subsection A where it speaks about herbicide. "20 – 30% percent agricultural grade vinegar may be Spot applied" should be removed. Also in the last sentence, wording changed to, in the area treated as such will be flagged and posted on site as well as through notification on city website or blog.

Policy 19 subsection B, the second sentence should be removed, next sentence end at, arborist. The sentence after that should end at, tree or limb. The next sentence, the city will not allow any top-down tree cutting, he would remove. With the next sentence he would add and make the first word, native. In the next sentence, the mowing of dunes and areas, should be on a separate line because it has nothing to do with the trees, it could be added to C or policy number 4, or E.

With the concerns to what Terry, about with the riparian zone, they are trying to designate it as an item in the park zone, specifically along the Necanicum, he would like to see a riparian setback for that, however, if it needs to be moved to a specific area in the park zone itself, he is willing to have that brought back for re-evaluation.

Connell believes that it would be better in the park zone and easier to implement.

Smith wants to know who will be responsible for the enforcement and cost for the arborist, under 3.19 C and D.

Connell said that the parks committee will oversee the implementing of this Parks Plan, and sometimes it will come before the planning commission and city council on what they do, but it will be their responsibility. The cost will be associated with the city budget.

Taggard had some suggestions pertaining to policy number 6, & 7 wording that was discussed. He also said the wording at the top of page 14, should end at, American Disabilities Act., Tomlinson and Smith supported his suggestion for page 14 as well. In policy 11.D should instead say maintained ridge path as described in policy 8. In policy 12. A he does not want the committee to have a budget or have a place within the spending, and discussed the rewording needed here. Policy 15 was discussed to change or cut out some of the wording.

Frank addressed section 3.7 having the park require a leash law, he feels it seems to create a little bit of a challenge to have this one little area to have this. Tomlinson was neutral in this. Smith, Dideum agreed, and Taggard suggested that there just be a fenced area not allowing dogs in the future if needed.

Dideum asked to have the notes after, where it says that they have given instructions to the city council on what to do, be taken out. She does not believe that it belongs in there. Then on 3.8 B, she felt is not complete. A discussed pertaining to the motorized bikes occurred on this subject.

Kloepfer addressed the first sentence in policy number 4 on page 12, she believes that it is creating a new zoning ordinance. Discussion on this led to the decision of instead of saying, as allowed, to say consistent with the city zoning ordinance on beaches and dunes section 1,2,3 and 4. It was also discussed that 19 C on the riparian zone should be moved from policy 4 and placed in this section here.

Connell suggested a motion on the views of the ocean and beaches wording.

On MOTION by Kloepper, 2nd by Smith, on policy 4 under C, that the line in parenthesis including views of the ocean and beaches as well as views of the dunes themselves, be removed.

Discussion followed prior to vote.

Tomlinson asked for clarification on what the concern is over what is in the parenthesis on this.

Kloepper concern is that scenic views vary from person to person on what they feel are scenic views. She does not believe that this should be retained and thinks that the city should not be involved in any kind of efforts or guarantees that anyone will have access to ocean views from their home. She does not believe the city can legally support being involved and guaranteeing that and will set us up as a city for lawsuits. There should not be any money of the city's put towards maintaining this as a taxpayer.

Graff considers what was written in the first paragraph as well considered and balances various sometimes competing public interests. He thinks it was a great balancing act and a great job was done. He does not agree with the statement that nobody wants their taxes to maintain the items A through G. He thinks if you went to the people who do have views, who live on the ocean and along the estuary, who pay more taxes than anybody else would be more than happy to tell you that they wish that their tax dollars have been spent starting back in 1970, to do the work that's outlined in A through G. To his understanding now that the people who want to, really what they're doing is candling their trees, they're not chopping down the trees, they're not topping the trees, they meet with Chad, and they apply for a permit. Chad goes out looks at what is going to be done and allows it to be done. He does not think that the city has done a good job of managing their trees, and that the money needs to be spent to do that. He said if you looked at an aerial view that goes back to 1970 there's hardly a tree on the dunes, and now the dunes are all being reclaimed by forest. He feels very strongly about it. Excluding views of ocean and beaches as well as views of the dunes themselves, he thinks it's part of the beauty and history of Gearhart and believes it would be ridiculous to exclude it.

Taggard feels that reading that, even if we eliminate the parenthesis, part of this still reads preservation of scenic use from within the dunes and from neighboring properties. So, the parenthesis is essentially repeating what's already in there without it. However, he does agree with Graff, that those people are paying five times the tax than we are, and they deserve some consideration. In the 70s or the 80s there was hardly anything out there that was a tree. Mother nature is reclaiming it with trees, it certainly is part of the process. He does not disregard that, however it's not a redwood forest. It's been there for 5000 years.

There was some discussion back and forth.

Smith called for vote.

On MOTION by Kloepper, 2nd by Smith, on policy 4 under C, that the line in parenthesis including views of the ocean and beaches as well as views of the dunes themselves, be removed.
Motion failed 6-1.

Smith asked for the wording to be cleaned up in policy 4, due to the Snowy Plover being removed.

On consensus, the Parks Master Plan is to be brought back with the revisions for one final look in the February meeting.

UNFINISHED BUSINESS

None

NEW BUSINESS

None


CONCERNS OF THE COMMISSION

None

The meeting was adjourned at 8:36 p.m.



Angoleana Brien, secretary



Approved