

Gearhart Planning Commission Minutes for November 9, 2023

MEMBERS: Virginia Dideum, Russ Taggard, Don Frank, Terry Graff, Paulina Cockrum, Judy Schector, and John Mesberg

STAFF: Chad Sweet, Garrett Phillips, and Angoleana Brien

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, November 9, 2023, was called to order at 6:00 p.m. by President Virginia Dideum. All *Members and staff were present except Judy Schector, who was excused.*

CONSENT AGENDA

On **MOTION** by Paulina, 2nd by Schector, the consent agenda was approved. Said agenda approved Minutes for October 12, 2023, with four edits, financial report for September 28, 2023.

No Correspondence

7 - Approved - Dideum, Taggard, Frank, Graff, Mesberg, Cockrum, Schector

STAFF REPORT - None

COMMISSIONERS REPORT _ None

GOALS LIST - None

VISITORS COMMENTS

PUBLIC HEARINGS

Dideum opened the public hearing at 6:05 p.m. on File #23-05ZTA. The proposal amends the Gearhart Zoning Ordinance Section 6.070 Landscaping, Vegetation & Revegetation and Tree Preservation regarding permit approval procedures and standards for removing trees.

Dideum read the hearing disclosure, and asked if any commissioners need to declare a conflict of interest in ex parte contact or personal bias. – None

Dideum asked the audience if anyone challenged the commission's ability to make an impartial decision. No Challenges.

Phillips gave an overview of the staff report.

The proposed amendments to the Gearhart zoning ordinance focus on regulating tree removal, distinguishing between cutting more than five trees and less than five trees in a year. Currently, a permit is required for cutting more than five trees, but not for fewer. The amendments propose that anyone wanting to cut less than five trees must apply for a permit from city staff, ensuring compliance with existing laws.

The discussions leading to these amendments highlight the value of trees to the public and the city. The changes aim to improve city staff awareness, enabling better customer service and responsiveness to residents' inquiries about tree cutting. Additionally, the permit system allows the city to track tree removal, helping in assessing long-term trends for potential future policies on urban trees management.

The approval criteria for the proposed amendments involve consistency with the comprehensive plan and fulfilling a public need or purpose. While the comprehensive plan doesn't directly address tree management, the proposal is deemed consistent. The decision on the legislative text amendment lies with the city council, and the planning commission is to recommend approval, denial, or suggest changes based on their deliberations.

During the meeting, questions were raised about the need for an actual permit form. The staff clarified that a form has been drafted for applicants, similar to other application forms, but it is not part of the zoning ordinance and is subject to staff decisions and potential feedback from the commission.

APPLICANTS TESTIMONY

City of Gearhart is the Applicant – Staff Report

Proponents: None

Opponents: None

Neutral: None

Dideum closed the public hearing at 6:21 pm.

Discussion between commissioners occurred.

Several key points were raised, and Taggard presented three recommendations for potential changes to the proposed amendments. The first suggestion was to modify the circumference measurement from 12 inches diameter to 38 inches circumference, a change that seemed agreeable to the commissioners. The second recommendation involved a discussion about the wording under E. 4 A, which pertained to the replacement of trees proposed for removal. The commission deliberated on the necessity of including such a condition, with some expressing concerns about its subjectivity and potential impact on property owners. The third and more extensive recommendation focused on various aspects, including the involvement of the Planning Commission in major permit decisions, the burden of proof for design alternatives, and the language regarding disease assessment by a forester. The Commissioners discussed the implications of these changes and debated whether they were substantive or not. Concerns were raised about potentially becoming involved in design review and the need for public input on any significant modifications.

While some commissioners expressed a preference for addressing these changes, others suggested caution and the need to ensure public understanding and participation.

The potential confusion arising from modifications prompted the suggestion to either continue the hearing or hold another meeting to thoroughly discuss and finalize the proposed amendments.

Additionally, clarification was sought regarding the numerical threshold for minor and major permits, confirming that it applied to six or more trees rather than five or more. The commissioners also discussed the intent behind language related to design alternatives, especially in cases of construction or renovation work, pointing out the apparent inconsistency.

In summary, the main areas of focus included the circumference measurement, the inclusion of tree replacement conditions, the role of the Planning Commission in major permit decisions, and the language concerning disease assessment. The commissioners expressed a mix of opinions, and further deliberation and potential adjustments were suggested but before moving forward with any of the proposed amendment changes, Phillips informed the commissioners they would need to come back for another hearing with said changes, suggesting approval to move city council. Ultimately it was decided to make a motion to move forward with the minor edits of modify the circumference measurement from 12 inches diameter to 38 inches circumference, Changing the word shall to may be required under E. 2, and to take out the space in E. 3 the line space between rooftop and the burden.

On MOTION by Frank, 2nd by Schector to accept the proposal and recommend to city council, with changing the 12 inches diameter to 38 inches circumference, changing the word shall to may be required under E. 2, and to take out the space in E. 3 the line space between rooftop and the burden.

7 - Approved (Dideum, Taggard, Frank, Graff, Schector, Mesberg, and Cockrum)

UNFINISHED BUSINESS - None

NEW BUSINESS – There are no agenda items scheduled for the December meeting. If there is a consensus that a meeting in December is unnecessary, we can proceed accordingly. Alternatively, if any member has a specific reason to convene in December, please voice it now.

Given the absence of any responses, it is noted that the staff has already granted approval for this decision, and as a result, the December meeting will be canceled due to the lack of agenda items.

CONCERNS OF THE COMMISSION - None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 6:50 p.m.

Angoleana R. Torres, Secretary,

Approved