

Gearhart Planning Commission Minutes for March 14, 2024

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

STAFF: Chad Sweet, Peter Watts, Garrett Phillips, and Angoleana Torres

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, March 14, 2024, was called to order at 6:00 p.m. by President Virginia Dideum. *All Members and staff were present.*

CONSENT AGENDA

On **MOTION** by Mesberg, 2nd by Taggard, the consent agenda was approved with one letter corrected in the minutes. Said agenda approved Minutes for February 8, 2024, financial report for February 31, 2024.

No Correspondence

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

STAFF REPORT

Sweet spoke about city code enforcement, the city has several cases ongoing, most of which are being resolved without court involvement, and being resolved satisfactorily.

Informed the commissioners of another town hall meeting with the mayor and city council on Monday the 25th, scheduled at the fire station. The city council is still finalizing the agenda, but they'll be seeking public input on various matters, including the firehall situation. They're also placing signs around the parks to address recreational community concerns in Oregon, reminding people that the trails are for recreational use, not accidents waiting to happen. This should address that issue and allow Gearhart to keep our trails open.

It seems staff have been quite busy in the planning department lately, with numerous plans coming in, which is to be expected with spring here. People are starting to prepare for construction and have ideas for their properties, resulting in increased inquiries to the planning commission or department. Staff have also been attending regional housing task force meetings, actively participating in discussions.

Currently, Peter Watts is focusing on the population estimates from PSU. They've experienced these population estimate discrepancies before, particularly during Gearhart's growth stages 20 years ago. PSU tended to underestimate growth, and now, with an influx of residents, it's affecting various aspects such as revenue sharing and infrastructure spending. Peter is advocating for a reconsideration of these estimates to reflect our unique situation on the coast. Despite overall population decreases in Oregon, our town continues to attract new residents. Additionally, the city is working on water rights within the city. Over the past twelve years, the staff has gathered significant data on the city's water system and now plan to apply for additional water rights through the water resources division to ensure sufficient supply during the summer months. This move is particularly significant as Warrenton, initially hesitant about our water system, now supports our independence due to their own growing demands.

Phillips update the commission on the zoning text amendment regarding the Drift Haven being approved by the city council as recommended, with little discussion and no additional public

testimony. He also mentioned that despite not seeing many development applications, the city has been engaged in extensive customer service with potential applicants.

Watts conveyed the city recently received population projections from Portland State University a couple of weeks ago, and we're currently reviewing them. These projections are crucial as they impact various aspects such as our allocation of state-shared revenues including gas, liquor, and cannabis taxes, as well as potential funding like ARPA funds. He has been in discussions with PSU to ensure they understand our local context. Their projections indicate a decrease in our population over the past decade, albeit less than other cities in Clatsop County on a percentage basis. Phillips and Watts will continue examining these projections and may engage in further discussions with PSU to understand their methodology. These numbers will also influence whether an Urban Growth Boundary (UGB) expansion is necessary, a decision typically made at the county level.

Regarding housing, there are several bills potentially coming into effect, which could impact our ability to undertake a modest UGB expansion or consider a land swap. Once these bills are signed into law, he will provide an update on their implications for our planning decisions. It's worth noting the critical housing shortage on the northern Oregon coast, particularly for workforce housing, which we need to address alongside population estimates and legislative changes.

Portland State University is statutorily designated to provide these population projections, which are instrumental in determining funding allocations and land use decisions. However, he has expressed concerns regarding the accuracy of their projections, given our recent census data showing a much higher growth rate than projected. He's been advocating for more accurate assessments to ensure fair distribution of resources and appropriate land use planning tools. It's possible that other jurisdictions in the county may also be affected by inaccuracies in these projections, so there may be interest in broader discussions to address housing shortages. They will continue monitoring the situation and keep everyone updated on any developments.

COMMISSIONERS REPORT

Cockrum had a couple of updates for the commissioners. Firstly, she informed everyone she has been appointed to the budget committee by the council, and if anyone has suggestions or ideas, that they'd like her to bring forward during the budget meetings, to please feel free to send them to her via email.

Additionally, while organizing some of her paperwork, she came across documents from her time on the planning commission back in 2008. Specifically, she mentioned there were proposals for zone changes related to trees, which sounded quite similar to the work they're currently engaged in. These proposals included a permitting process and various other considerations. Interestingly, none of these proposals were accepted by the council, and consequently, none were implemented. As a result, the city is still operating under the regulations predating 2008. She has a copy of these documents if anyone would like to review them.

Dideum remind everyone about filling out their SEI (Statement of Economic Interest) reports and ensured everyone is aware of this requirement. The reports will be available starting tomorrow.

For those who haven't done it before, they'll need to create an account, which is a straightforward process. Commissioners have one month to complete it, with the deadline being April 15th. Failure to do so may result in a fine, which isn't worth it considering it typically takes about 5-10 minutes to complete. The purpose of these reports is to ensure transparency and prevent any financial conflicts of interest while serving on the planning commission.

The process is pretty much the same as last year, although there may be some minor changes. Planning commission members, city councilors, the city manager, and the city lawyer are all required to fill these out.

Just to clarify, no one has received the notifications yet, but they should expect them soon, and to keep an eye out for any communication from the state of Oregon regarding this matter. Informing everyone if they don't receive anything, any questions, or concerns, to reach out to Chad Sweet for assistance. The notifications should provide details on the portal to access the reports.

GOALS LIST – Tree permitting process was decided to keep on the goals list.

VISITORS COMMENTS - None

PUBLIC HEARINGS – None

UNFINISHED BUSINESS - None

NEW BUSINESS

File #23-05ZTA Preservation & Removal of Trees Zoning Text Amendment

During the discussion, a motion was introduced suggesting a non-response to the city council's query regarding a specific issue related to tree permitting, citing a lack of consensus within the council. The conversation then shifted to an exploration of the historical context behind the issue, particularly Commissioner Kleopfer's longstanding concerns regarding the city's tree removal processes. It was emphasized that there was a need for a more structured approach to tree removal, with Commissioner Kleopfer advocating for the establishment of a permit system to address these concerns.

Further discussion ensued regarding whether to maintain the current approach or pursue more stringent regulations around tree removal. Some members expressed reservations about making the process more restrictive, while others supported the idea of including additional measures to ensure responsible tree management.

Suggestions were made to provide the city council with a comprehensive rationale for the commission's decisions, including a clear purpose statement outlining the objectives of the proposed permit system. Additionally, there was a proposal to include a detailed description of the decision-making process behind the commission's recommendations.

After deliberation, a motion was made to refrain from taking any further action on the matter at the present time, acknowledging the divergent viewpoints within both the commission and the council. The decision underscored the complexities surrounding the issue and the need for further dialogue and consideration moving forward.

On MOTION by Mesberg, 2nd by Frank To do no more work on this at this time.

- Outcome: Motion denied with two commissioners in favor and five commissioners opposed.

2 - in Favor – Mesberg, Frank

5 - Opposed – Dideum, Cockrum, Schector, Taggard, Halperin

On Motion by Taggard, 2nd by Schector to resubmit the amended document that Garrett amended with the amended red changes, and with the addition of the words in definition B, any tree with a primary trunk greater than 38 inches.

The discussion continued with a motion to retain the current document with some additions and definitions regarding trees, particularly focusing on primary trunks greater than 38 inches in circumference. There was confusion regarding the proposed changes and their implications, especially regarding the measurement of tree trunks and the definition of "tree."

MOVED to Amend Motion by Taggard, 2nd by Schector, to amend his motion by eliminating the last sentence in definitions defining multiple trunk shrubs.

The amendment is to remove when a tree has multiple trunks or branches below the measurement, the measurement shall only be applied to the largest trunk or branch.

More discussion occurred.

- **Outcome: Amendment approved with all commissioners in favor.**

7 - in Favor – Mesberg, Frank, Dideum, Cockrum, Schector, Taggard, Halperin

0 - Opposed

Current Motion now:

On Motion by Taggard, 2nd by Schector to resubmit the amended document that Garrett amended with the amended red changes, and with the addition of the words in definition B, any tree with a primary trunk greater than 38 inches. And to remove when a tree has multiple trunks or branches below the measurement, the measurement shall only be applied to the largest trunk or branch.

More discussion on height measured and size occurred.

Various concerns were raised about the proposed changes, including whether they adequately addressed the issue of dangerous trees and whether the involvement of arborists was necessary for tree removal permits. Some members expressed skepticism about the effectiveness of the proposed changes in addressing the underlying issues.

There was a motion to amend the original motion to remove certain language related to the involvement of arborists in tree removal permits. However, there was debate about the necessity of this amendment and whether it adequately addressed concerns about dangerous trees.

Ultimately, there was a consensus to leave the language regarding arborists unchanged, as it was felt that the original wording provided sufficient flexibility for addressing safety hazards while allowing for the involvement of arborists if necessary. The discussion highlighted the complexity of the issue and the challenges of finding a satisfactory solution.

Instead of putting it in the red, we would leave it. The city administrator because this was what the original said. The city administrator, or designating, may grant the immediate removal of trees which pose a safety hazard or dangerous condition for a required septic system. Emergency repair. That's what the original wording said. To basically just leave it as it was originally stated.

Cockrum moved that they removed the part in red, basically from the exception. Go back to the original, the original language.

MOVED to Amend Motion by Cockrum 2nd by Taggard to amend the motion, to remove the red, leaving Exception F, The city administrator, because this was what the original said. The city

administrator, or designating, may grant the immediate removal of trees which pose a safety hazard or dangerous condition or a required septic system emergency repair.
More discussion occurred.

The continued discussion centered on revising the criteria for tree removal. Concerns were raised about the necessity to remove diseased trees and the authority to grant exceptions for obvious safety hazards. It was proposed to retain the authority for exceptions and revise the language accordingly. A motion was made to add back the struck language concerning safety hazards in exception two, which was seconded and passed. Additionally, a misprint regarding permit submission was noted and corrected. The decision was made to resubmit the revised criteria to the city council.

The discussion continued with a focus on the criteria for tree removal, particularly regarding diseased trees and safety hazards. Concerns were raised about the removal process and the authority to grant exceptions in cases of obvious safety hazards. It was proposed to revise the language to allow for exceptions based on safety concerns, either determined by an arborist or recognized by designated city officials. A motion was made to reintroduce the language concerning safety hazards, which was seconded and passed. Additionally, adjustments to wording and definitions were proposed for clarity, and the decision was made to present the revised criteria to the city council for further consideration.

Amendment is to present this to the city council to send it back to him with the changing of the wording, adding with a primary trunk on definition b and striking when a tree has multiple branches. That striking that. And to add back in those words, stricken in exception two, which pose a safety hazard, dangerous condition, or.

- Outcome: Amendment denied with all commissioners against.

0 - in Favor – Mesberg, Frank, Dideum, Cockrum, Schector, Taggard, Halperin

7 – Opposed

Current Motion now:

On Motion by Taggard, 2nd by Schector to resubmit the amended document that Garrett amended with the amended red changes, and with the addition of the words in definition B, any tree with a primary trunk greater than 38 inches. And to remove when a tree has multiple trunks or branches below the measurement, the measurement shall only be applied to the largest trunk or branch.

More discussion occurred.

MOVED to Amend Motion by Mesberg 2nd by Schector to amend the motion, to add the red stricken words back in, leaving Exception F, 2, which pose a safety hazard or dangerous condition, or

- Outcome: Amendment approved with all commissioners in favor.

7 - in Favor – Mesberg, Frank, Dideum, Cockrum, Schector, Taggard, Halperin

0 – Opposed

Final Motion:

On Motion by Taggard, 2nd by Schector to resubmit the amended document that Garrett amended with the amended red changes, and with the addition of the words in definition B, any tree with a primary trunk greater than 38 inches. And to remove when a tree has multiple trunks or branches below the measurement, the measurement shall only be applied to the largest trunk or branch. And to add the red stricken words back in, leaving Exception F, 2 with the words, which pose a safety hazard or dangerous condition, or. And to correct the word will changing it to with in F, 2, second sentence in red.

- Outcome: Amendment approved with all commissioners in favor.
- 7 - in Favor – Mesberg, Frank, Dideum, Cockrum, Schector, Taggard, Halperin
0 – Opposed

File #24-01 Road Name

The commission meeting involved several key discussions and decisions. Firstly, they addressed the issue of naming a private road used for accessing a Fourplex development near US Highway 101. Garrett presented a proposal to follow Clatsop County’s Road naming standards, involving input from property owners or staff for naming suggestions. The commission debated whether to adopt existing procedures, create new ones, or involve property owners in the naming process.

They also discussed the absence of a formal process for naming roads in Gearhart, acknowledging a need to establish clear guidelines. Suggestions included adopting state statutes or drafting new procedures to involve property owners and ensure community input. Additionally, there were considerations regarding the involvement of multiple property owners in the naming decision and the need for road naming to facilitate emergency services.

Ultimately, the commission agreed to proceed by having staff gather input from property owners for the current road needing named and to develop a naming procedure for future road naming instances. They also discussed the importance of addressing road maintenance issues during development and the need for clarity regarding easements and property ownership. Overall, the discussion focused on establishing a clear process for road naming and addressing naming the road for current construction project.

CONCERNS OF THE COMMISSION - None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 8:13 p.m.

Angoleana R. Torres, Secretary,

Approved