

Staff Report

March 6, 2024

To: Gearhart Planning Commission

From: Garrett Phillips, AICP City Planner

City File: Gearhart Zoning Ordinance Amendments: Section 6.070(8) Preservation and Removal of Trees Amendments

Attachments: Discussion Draft Changes to Planning Commission’s Proposed Amendments
Councilor Gould Email Comments

Planning Commission proposed legislative text amendment to the Gearhart Zoning Ordinance (GZO) Section 6.070(8) Preservation and Removal of Trees. The proposed amendments were drafted, deliberated over in open Planning Commission meetings, and refined over the course of several months in 2023. City Council held a hearing and declined to approve the amendments and requested that Planning Commission reconsider and continue working on the amendments.

Individual City Council members’ concerns are summarized in the table below. Initial discussion draft changes to the proposed amendments responding to “less” complex concerns are provided in an attachment. Responding to the more complex concerns may require more intentional public outreach to guide the City in balancing its interests in tree protection and its concerns around property rights and staff time burden. Alternately, Planning Commission has already deliberated over some of those “more” complex concerns, and may consider directing staff to document and explain those decisions more completely in presenting draft amendments to City Council.

Staff requests feedback on the discussion draft amendments responding to “less” complex concerns, and confirmation of whether the Planning Commission wants to deliberate further in the coming months to respond to the “more” complex concerns.

Summary of Individual City Council Member Concerns

Concern	Response Complexity
Require more protection for trees, potentially lowering the size threshold for what constitutes a tree.	More
Include a purpose statement for the section	More
Require consideration of methods other than whole tree removal, such as pruning or limb removal	More
More public input should be obtained.	More
Dangerous tree mitigation should be allowed without any permit process that would slow it down.	Less
City staff should not be in the position of determining whether a tree is dangerous	Less
The permit process will require additional unfunded staff time.	More
The amendments give inappropriate consideration to aesthetic while ignoring homeowners’ rights to make their own decisions.	More
Clarify tree definition so that the measurement is only applicable to the largest trunk/branch at breast height in cases of multi-trunk trees.	Less
Change the tree definition to exempt several invasive species.	Less

