

To: CITY OF GEARHART PLANNING COMMISSION

From: Garrett Phillips, City Planner

Date: April 28, 2025

City File: #25-03TREE

---

Application Purpose: The applicant requests approval of a Major Tree Removal Permit to remove two trees exceeding 55 inches in circumference from the property at 101 S. Cottage Avenue.

Applicant: Craig & Dana Weston PO Box 2825 Gearhart, OR 97138 cweston@windermere.com 503-738-2838

Applicant's Representative: Robin Smith, RLA, ASLA Huntington & Kiest Landscape Architects 5511 S Hood Ave Portland, OR 97239 robin@huntingtonandkiest.com 503-222-3383

Location: 101 S. Cottage Avenue, Gearhart Taxlot: 61010BB06900

Completeness Determined: April 14, 2025  
Notice Mailed and Published: April 17, 2025  
120-day Decision Deadline: August 12, 2025  
Public Hearing Date: May 8, 2025

---

Exhibits:	Applicant's Application, including photograph and site plans.
Review Criteria:	Gearhart Zoning Ordinance Article 6, Section 6.070(8) – Preservation and Removal of Trees
Staff Comments:	Not requested. City Manager visited site to confirm tree measurements. All trees had some measurement variation depending on the exact height at which measurements were taken. However, two trees by all measurements are greater than 55 inches circumference, and one tree by all measurements is less than 55 inches circumference.
Public Comments:	None

---

## INTRODUCTION

Background: The applicant seeks to remove two trees exceeding 55 inches in circumference from the property at 101 S. Cottage Avenue. Under Gearhart Zoning Ordinance Article 6, Section 6.070(8), removal of such trees requires Planning Commission approval through a Major Tree Removal Permit. A minor permit has already been issued separately for the smaller tree.

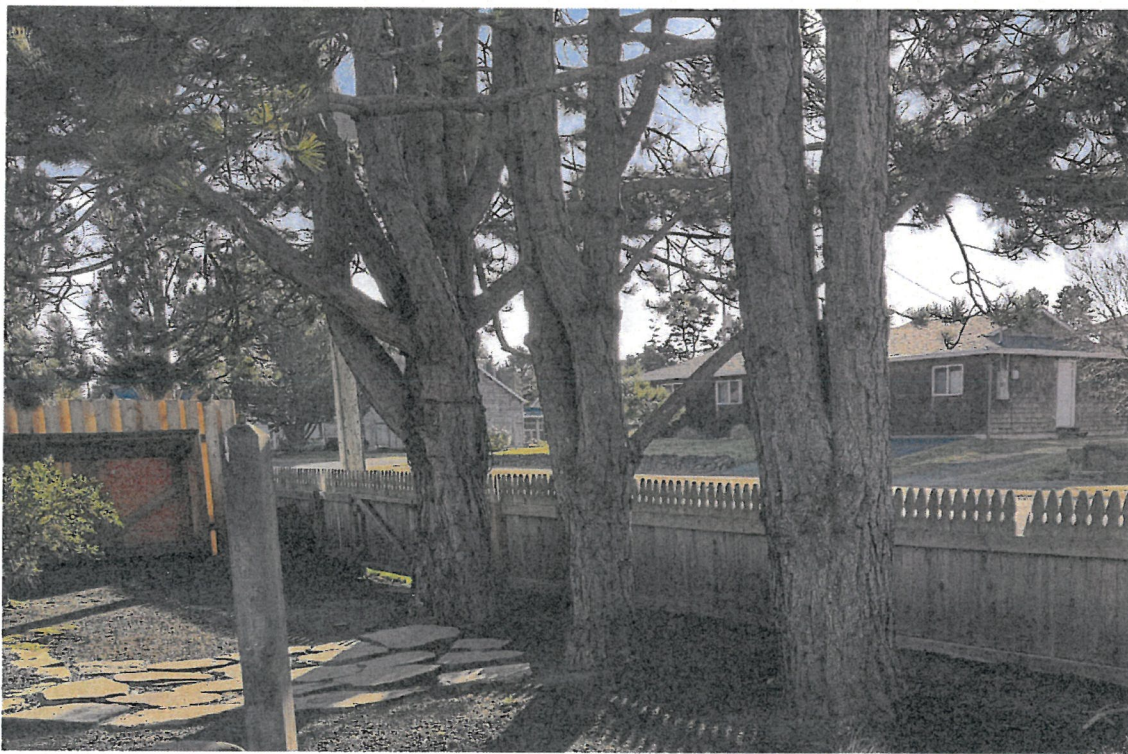
Definition: A "Fifty-Five Inch Tree" is defined as any tree with a primary trunk greater than fifty-five (55) inches in circumference measured four and one-half (4.5) feet above the existing grade.

Site Information: The subject property at 101 S. Cottage Avenue contains residential structures and landscaping. The property currently includes mature trees, two of which exceed the 55-inch

circumference threshold, thus triggering the requirement for a Major Tree Removal Permit. The application site plan L0.0 shows the location of the proposed tree removals. Site plan L0.1 shows the location of proposed replacement trees.

An 8-inch water supply line is located approximately 4 to 6 feet to the west of the trees. Tree removal or root impacts could be necessary in the future for water line repairs. There is no evidence at this time that roots are impacting the line. The trees have been heavily pruned to maintain clearance from the overhead power lines, and pruning occurred or was scheduled to occur again this year. Neither of these conditions is creating any issues for city infrastructure at this time.

**Decision Process:** The Planning Commission decides on Major Tree Removal Permits. The decision follows the same process as a Conditional Use Permit, but uses unique approval criteria.



*Applicant's photograph of the trees to be removed. The left tree and right tree are greater than 55 inches in circumference.*

## **CRITERIA and FINDINGS**

**Applicability/exceptions:** This application represents the first Major Tree Removal Permit to be considered under the newly adopted tree preservation regulations. A Major Tree Removal Permit is required to remove a 55 inch trees, except in some particular circumstances that qualify 55 inch tree removals for a Minor Tree Removal Permit. These circumstances or exceptions qualifying for a Minor Tree Removal Permit are listed below.

1. In order to construct proposed improvements, including the placement of structures and on-site sewerage disposal facilities, replacement sewerage disposal facilities, access ways, utilities, and essential grade changes authorized by a City Building Permit or County Septic Permit.
2. The tree(s) pose a safety hazard, dangerous condition, or obstacle to an emergency septic system repair. In this case, the permit is not required prior to tree removal. The owner shall apply for a permit within ten days of the removal.
3. The tree(s) threaten the integrity of a septic system, or tree removal is needed to repair or maintain a septic system.
4. The tree height is within 20 feet of the maximum tree height limits of an applicable Airport Hazard Overlay Zone.

**Finding:** The application did not include information to support an exception, however if the applicant is constructing an improvement of a septic system is threatened, they may be eligible for a minor tree removal permit. If the Planning Commission finds that this is the case, staff will issue a minor tree removal permit to remove the two trees.

**Major Tree Removal Permit Criteria:** The Planning Commission may grant a Major Tree Removal Permit if at least one of the following criteria is met:

1. Necessity to remove trees which pose a safety hazard.
2. Necessity to remove trees which are diseased (evidence provided by a qualified tree care specialist).
3. Necessity to remove trees for solar access or because they deposit needles or debris on rooftops. The applicant must demonstrate that other design alternatives that do not require removal are not practical or create significant economic hardship.

**Finding:** The application did not appear to include information that the trees pose a safety hazard, are diseased, are blocking solar access, or are depositing needles or debris on rooftops, however additional information may be presented before or during the hearing.

**Conditions of Approval:** If approved, the Planning Commission may impose appropriate conditions, such as:

- Replacement of removed trees with suitable trees (minimum 5 feet tall evergreen or 10-gallon deciduous trees).
- A protection plan for remaining trees during and after any subsequent development.
- Restrictions on grading or construction within the root zones of remaining trees.

**Finding:** The applicant is proposing to plant 22 replacement trees, as described on Sheet L0.1, including fourteen Crepe Myrtles and eight Lavalley Hawthorns. They are all specified as 10 gallon size on the plan.

## ALTERNATIVES

The Planning Commission may take any of the following actions:

1. Approve the Major Tree Removal Permit with conditions, if applicable.

2. Deny the Major Tree Removal Permit.
  3. Continue the hearing if additional information or clarification is needed.
-