

CITY OF GEARHART  
Worksession of the City Council  
Tuesday, October 29, 2024  
6:00 pm On-site and Virtual/Telephonic

A worksession of the Gearhart City Council was held Tuesday, October 29, 2024. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

Present were Mayor Kerry Smith, City Councilor Preston Devereaux, City Councilor Reita Fackerell, City Councilor Dana Gould, City Councilor Sharon Kloepfer, City Planner Garrett Phillips, City Administrator Chad Sweet, Executive Assistant Krysti Ficker, Building/Planning/Court Assistant Angoleana Torres, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the worksession to order at 6:00 pm. He invited City Planner Phillips to begin the discussion on Ordinance 942, an ordinance amending the City of Gearhart zoning ordinance section 6.070(8) preservation & removal of trees.

City Planner Phillips mentioned that there had been no changes made from the last draft presented to the Council at the October 2, 2024 meeting. Administrator Sweet had distributed the October 2, 2024 version before the worksession to the Councilors. City Planner Phillips explained that he would present discussion topics that he felt had been requested for review and have the Councilors clarify if there were any additional updates being requested. Items proposed were: changes to the minimum tree replacement sizes; editing the invasives species list and moving it from Section B Definitions to Section F Exceptions; changing the tree permit decision maker from City Council to Planning Commission; and providing any additional clarification on tree care specialist versus arborists.

City Planner Phillips clarified that proposed changes to tree replacement sizes were recommended as follows: evergreen replacement would be five (5) foot and deciduous trees replacement would be 10 gallon size. Councilor Gould would like flexibility for the City and property owner to work together on size replacements if the Ordinance requirements were unable to be met.

Mayor Smith requested confirmation that proposed changes regarding the approval process would be the Planning Commission rather than the City Council (Section D Requirements #3), which City Planner Phillips confirmed was accurate. Councilor Kloepfer requested the insertion of language regarding that the approval would be held through the public hearing process.

Councilor Devereaux requested clarification on the development of land and the property owner's rights in terms of tree removal. City Planner Phillips mentioned that Ordinance 942 does allow property owners to

construct proposed improvements (e.g., building footprint, septic system) without needing to apply for a tree removal permit. He also noted that there was no specific language in Section C Applicability (1) regarding replacement of septic systems. There was continued discussion on the removal of trees in terms of property development (e.g., removal due to replacement of structures and on-site sewage disposal facilities, access ways, utilities, and essential grad changes). City Planner Phillips confirmed that in a development type scenario, with building permit approval, any tree would be eligible to be removed without a permit. The requested area for development would be submitted through the regular building permit process. He explained that the building department would approve this type of area of improvement, which would include removal of any trees in the development area. The City Planner does also review site development and may provide relevant commentary. Councilor Gould would like to see language added to Section C Applicability (1) that included the repair and/or protection of on-site sewage disposal facilities. Administrator Sweet mentioned that Section F Exception (2) did mention immediate removal of trees for a required septic system emergency repair. Councilor Kloepfer expressed concerns over the lack of trackability of trees in terms of the property development process. She feels that the Planning Commission's objective with the Ordinance was to track and document tree removal and the complete lack of tracking tree removal during the development process defeats that intent. It was recommended that in order to fulfill that objection, a minor tree removal permit could be implemented that would not require approval during the building permit process but would allow tracking of tree removal.

Councilor Gould brought up a potential revision in Section C Applicability (2) to also include language on the airport overlay. Councilor Kloepfer mentioned that airport overlay language was already in the draft Ordinance under Section F (3).

City Planner Phillips suggested the potential of merging Section C Applicability with Section F Exceptions and including language on invasive species. City Planner Phillips talked about the limitations of finding a specific list that meets all the Councilors' requirements. He mentioned the State of Oregon Department of Agriculture's list; the Oregon State University Solve Pest Problems list; and listing individual species (e.g., English Holly; Cherry Laurel; Siberian Elm). There was continued discussion on the best approach to address invasive/noxious species in the Ordinance, which may be to leave the current language and add some specific species types.

Councilor Kloepfer asked if language was needed on tree care/removal in public right-of-way. Mayor Smith mentioned that Attorney Watts had discussed this type of language at a previous meeting and that he should be consulted for adding the appropriate language. There was discussion on property owner's responsibility; utility right-of-way; maintenance responsibilities; planting restrictions on property owners; level of communication/involvement between property owners and City staff; and liability. City Planner Phillips felt language could be added in this Ordinance in relationship to tree removal and the right-of-way. He

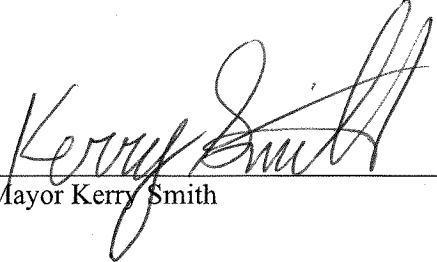
recommended that if restrictions on planting vegetation in the right-of-way was a direction the Council would like to pursue, a separate Ordinance may be more appropriate at a later date. City Planner Phillips was going to reach out to Attorney Watts regarding language stating that trees in the right-of-way are the responsibility of the property owner with City input. Mayor Smith mentioned that this language may be able to be added in Section F since the Exceptions section was going to be merged with Section C.

Councilor Kloepfer mentioned language updates in Section H regarding appeals of a tree removal decision.

Administrator Sweet told the Council that discussed changes will be incorporated into the draft Ordinance and brought back to the Council for review. He mentioned that at a later time, he would like to talk about any financial impacts (e.g., staff time) that may be involved with the implementation of Ordinance 942. Councilor Gould had a follow-up question regarding enforcement of the Ordinance, especially on Saturdays and Sundays when City Hall is closed. Administrator Sweet mentioned that because this Ordinance is in the zone code, enforcement would be done through the Building/Planning department, which the City Administrator assistance. If there is illegal removal being done when staff are not available, the incident should be reported to non-emergency dispatch and appropriate City staff will be notified.

City Planner Phillips noted that there would be a tight turnaround for revising the Ordinance. He would reach out to Attorney Watts for input. The goal is to have the revised draft Ordinance ready for the November City Council meeting.

Mayor Smith adjourned the worksession meeting at 6:56 pm.



---

Mayor Kerry Smith



---

Chad Sweet, City Administrator