

April 13, 2017

MEMBERS: Carl Anderson, Jeremy Davis, Virginia Dideum, Terry Graff, Richard Owsley, David Smith and Russ Taggard

STAFF: Carole Connell, Chad Sweet and Chief Bill Eddy.

### Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, April 13, 2017 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Taggard, 2<sup>nd</sup> by Owsley, the minutes of March 9, 2017 were unanimously approved.

The financial report of March 30, 2017 was as follows:

Planning Commission Expenses

Year to date 6040.78

Balance 2459.22

Planning Commission Secretary Expenses

Year to date 18,355.65

Balance 11,644.35

Anderson questioned no Secretary Expenses posted over the last month. Sweet will double check the numbers. On **MOTION** by Anderson, 2<sup>nd</sup> by Owsley, the financial report of March 30, 2017 was unanimously approved as is.

#### STAFF REPORTS

Connell reported at the April Council meeting Councilors affirmed the Planning Commission decision to deny installation of lottery machines in the pub by a vote of 3 – 1.

Connell reported there was no agenda item for the May Commission meeting.

Sweet reported the initiative to replace the short term vacation rental ordinance summary written by our attorney is being appealed to Clatsop County Circuit Court. After the summary is determined by the court the applicant will be able to begin collecting signatures. They will need to collect about 175 signatures by August to have the initiative placed on the November ballot.

#### COMMISSIONERS REPORTS

Smith report on the Transportation Systems Plan meeting held this afternoon. He noted the group has made interesting progress developing goals and policies. The 2 major areas are plans for highway 101 and South Ocean Avenue. Smith stressed there is a need for funding when it comes to transportation needs in the City.

#### GOALS LIST

Following discussion on the list the planner will have discussion points ready for the May Commission meeting for Flood Regulations Update and Parks and Trails.

Sweet will also make a report on the Fire Station Replacement at the May meeting.

#### CORRESPONDENCE

None

#### VISITORS COMMENTS

Jeanne Mark, P O Box 2627, Gearhart – reported on the fire house committee meeting, she said the process is moving along. There is a town hall planned for May 4<sup>th</sup> and they would like as much public input as possible.

#### PUBLIC HEARINGS

6:15pm Dideum opened public hearing #17-005ZTA to consider an amendment to allow for removal of noxious weeds and a safety buffer along the Neacoxie Blvd right-of-way and fire road. She read the disclosure statement into the record.

Dideum asked Commissioners if they had any conflict of interest, exparte contact or personal bias. None was declared.

She asked if there were any audience challenges to the commission hearing the application before the commission. None was voiced.

Connell reviewed the staff report noting the additional comments from DLCD.

Sweet presented an illustration showing the changes to the vegetation and fire road since the 70s and the impact on the area with the proposed 60 foot buffer. He explained the proposed width of the safety buffer zone for fire fighters with heavier material like scotch broom and trees generating a more intense fire with a higher fire load requiring the bigger buffer which can be accomplished with the, proposed 60 feet total measuring from the center line. The fire road was put in place about 20 years ago as a stop gap measure to create a buffer zone on the beach front side before homes would be threatened, the road could also be used as an escape zone for persons walking in the dunes. With occasional fires in the dunes the safety buffer could be used to save the trees that the public has express concerns to preserve.

The current ordinance only allows for removing up to 50% of any vegetation. Sweet pointed out Neacoxie Boulevard, a platted right of way just to the west of the ocean front homes.

Chief Eddy said he would be able to live with beach grass that could be mowed yearly; his concern is the City cannot afford to maintain the buffer yearly and would be seeing encroaching growth of about 4 feet a year estimating the road would only be cleared every 5 or 10 years. The department recently experienced \$1500 damage to a vehicle using a right of way where vegetation was allowed to grow and the road had not been maintained annually. 60 feet would be good if the right of way could be mowed annually. The area by the estuary with trees growing on the river bank may require the road be pushed over a bit as long as it is on City property. Eddy pointed out some vegetation on the fire road has grown so fast the road no longer exists. There are two fire seasons in Gearhart late summer to November and the dead of winter and 4<sup>th</sup> of July always being a concern. There have been recent times the department has not been able to get to a dune fire due to the pinch off point.

On **MOTION** by Anderson, 2<sup>nd</sup> by Owsley, by unanimous motion the commission accepted the verbage from the draft ordinance that has been provided which includes the DLCDC language.

Correspondence was entered into the record.

Sharon Kloepfer, P O Box 2512, Gearhart & John & Margaret Green, P O Box 2597, Gearhart – submitted alternate draft ordinance, stating the proposed ordinance is over-reaching, ill-timed, ordinance development should be part of an overall plan, information presented to the public is incomplete and the proposed ordinance as being considered is not urgent. Included Fuelbreak Guidelines from Colorado State Forest Service. 3-25-2017

John & Margaret Green, P O Box 2597, Gearhart – provided a list of birds and mammals observed on their daily walk in the dunes. 2-9-2017

Stewart Schultz, University of Zadar, 23000 Zadar, Croatia – he stated scotch broom is not a fire hazard, its removal would not have a net positive effect on native species, the foredunes did not exist prior to 1950, the easiest way to manage the dunes is to allow natural succession, 2-8-2017 letter summary.

Marcia McCleary & Melody Hatch, 25 NW 23RD PLACE PMB 157 #6, Portland, OR 97210 - concerned she is not allowed to remove plantings from her property leaving a dangerous situation this is also contrary to previous notices the City has mailed to homeowners requiring removal of scotch broom and invasive species. The policy creates a potential fire situation, increases homeowner liability, encourages use of the brush for criminal activity, and cover for Elk and calves putting them in harm's way. She encourages the City rethink what is important to protect residents in the best way possible.

Nancy Clark, P O Box 2132, Gearhart, OR 97138 – Said the current ordinance works, the proposal was brought by homeowners with the underlying intent to cut trees for views. The proposal has been generated by fear; animals, vagrants, fire. Wildlife will be affected by cutting and mowing, trees offer a protective buffer for homes and dune stabilization. Human intervention does not always work without consequences. She encourages non bias professional opinions, cautions about increased staff time to administer the proposed changes.

Truman Seely, 1020 Fairway Dr., Aberdeen, WA 98520 – in support of the proposed amendment, historically from the 1950s when dune vegetation was sparse to today trees and brush choke out beach grass, views are obstructed, elk herds are encouraged and fire danger has significantly increased. Managing the dune habitat would be a sensible approach.

John Green, P O Box 2597, Gearhart, OR 97138 – It makes no sense to remove an unknown amount of vegetation, he recommends change in text language to specify maximum amount of vegetation removal and limb trees up to 8 feet from ground to remove fire fuel, protect habitat and provide sightline for security. Wildlife species in the area have been ignored, allow citizens committee and CREST to develop a Dune Management Plan.

Margaret Green, P O Box 2597, Gearhart, OR 97138 – Be cognizant of citizens concerns for safety and quality of life, extensive clearing will alter habitat, rushing the process has the potential for damaging results.

Richard & Margaret Marino, P O Box 2353, Gearhart, OR 97138 – encourages incorporation of existing *nuisance ordinances* into the proposed amendment; Zoning Ordinance Section 6.175 Riparian Vegetation, City Code Chapter 92 Nuisances /Weeds.

Robin Cavandish, P O Box 597, Banks, OR 97106 – with over 100 years of non-incident why is an amendment required now? The City has the ability to just take a crew down and selectively clean up the area without the need for a zone change.

Tara Sinclair, 90181 Lake Shore Ct., Warrenton, OR 97146 - she objects to the decision and suggests further discussion before permanent actions are taken.

Truman Seely, 1020 Fairway Dr. Aberdeen, WA 98520 – The Keeler Home LLC owners /members unanimously support the proposed amendment.

Robert Buzzard III, P O Box 2174, Gearhart, OR 97138 – disapproval of the proposed amendment, he feels the proposal has not been given enough time or consideration to the potential impacts, he needs more information from the fire department regarding real issues.

Stewart Schultz, 140 NW 20<sup>th</sup> Ave, Rockaway Beach, OR/ Zadar, Croatia – he said no change should be made to the zoning ordinance without a formal Master Plan that is approved by all citizens, there is no urgent fire hazard, scotch broom is not highly flammable and nearly impossible to burn, there is no rationale for a cleared fire road in the dunes, the proposed text is too vague, maintaining the dunes would be extremely costly for Gearhart, the dunes are an incomparable value to the city and they deserve a careful Master Plan.

Sharon Kloepfer, P O Box 2512, Gearhart, OR 97138 – adoption of the draft ordinance will result in removal of 50% of the trees in the dunes from E Street to the estuary, other impacts will occur to habitat, encouragement of scotch broom growth, dune stability, and diversion of City monies that could be better spent on a new fire house and refurbishment of City hall, a change should not be made without careful thought and study into long range ecological and monetary impacts.

Nancy Clark, P O Box 2132, Gearhart, OR 97138- there needs to be a baseline study of all species in the dunes, she disapproves of the City's proposed amendment, encourages working hard at keeping "The Gearhart Experience".

Thad Clark, P O Box 2132, Gearhart, OR 97138 – he requests the planning commission do further research because there could be far reaching consequences, he said there is missing information, the fire danger is being overstated and the proposed clearing has grown to a huge swath being used as an avenue for view cutting, the proposal is ill timed and could place the burden of the ordinance on the back of the fire department.

Testimony was open to proponents.

Craig Weston, P O Box 2838, Gearhart, OR 97138 – started out by thanking the staff for putting the document together, it is important to the City. He reported in about 1985 there were 4 dune fires on 4<sup>th</sup> of July, it would have been bad had the trees at the south end of the dune been there at that time. The safety issue needs to be considered if done responsibly humans as well as nature both can be protected without a disaster. In favor of the proposed amendment.

Testimony was open to opponents.

Pat Wollner, P O Box 2398, Gearhart, OR 97138 – read a letter submitted by John Green, P O Box 2597, Gearhart, OR 97138 – April 13, 2017 (see above).

Thad Clark, P O Box 2132, Gearhart, OR 97138 – read his letter dated April 13, 2017 (see above).

Sharon Kloepfer, P O Box 2512, Gearhart, OR 97138 – read her letter of April 13, 2017 (see above). She also read a letter from Stewart Schultz, 140 NW 20<sup>th</sup> Ave, Rockaway Beach, OR/ Zadar, Croatia – April 13, 2017 (see above).

Rita Fackrell, 776 Summit, Gearhart, OR 97138 – made reference to an October staff report, she is concerned with the use of spray that may harm animals.

Nancy Clark, P O Box 2132, Gearhart, OR 97138 – read a letter into the record from Margaret Green, P O Box 2597, Gearhart, OR 97138 - April 13, 2017 (see above) Clark read her letter into the record April 13, 2017 (see above)

Jim Furnish - P O Box 2013, Gearhart, OR 97138 – supports the overwhelming public opposition, it is a sensitive issue and no action should be taken until there is much more information.

Testimony was open to neutral comment.

Jeanne Mark, P O Box 2627, Gearhart, OR 97138 – said a citizens committee could be a good idea and move things along, she is concerned the committee needs to have a sense of urgency about fire access and a working plan for the fire department; she is concerned about access and habitat.

The public testimony was closed at 7:30pm.

Clarification was provided that the proposed amendment was directed from the Council over concerns of losing access for the fire department. Discussion followed on importance of local experience with regards to fire danger and emergency response in dune areas, the role of CREST as a facilitator in developing a dune master plan.

On **MOTION** by Graff, 2<sup>nd</sup> by Anderson, a motion was made to except the draft ordinance with amendment to #6 (line 3) *providing for a safety buffer zone not to exceed a maximum of 60' wide.* Motion carried 6-1. Anderson-aye, Owsley – aye, Graff – aye, Davis – nay, Taggard – aye, Smith – aye, Dideum – aye.

John Foundation Final Partition Plat

Carole summarized the final plat submittal and requested Planning Commission approval. On **MOTION** by Davis, 2<sup>nd</sup> by Owsley, by unanimous motion the final plats for file #15-002P & 15-003P for Lester & Regina John Foundation 999 Marion Avenue, further described as Assessors Plat 6 10 4DA, Tax Lot 900 & 1000 were approved for as presented.

On **MOTION** by Graff, 2<sup>nd</sup> by Anderson, the meeting was adjourned at 8 pm.

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Cheryl A. Lund, secretary

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approved