



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

CITY OF GEARHART

APPEAL OF CITY ADMINISTRATOR/PLANNING COMMISSION DECISION

Appeal from Ruling of the City Administrator and/or Planning Commission. An action or ruling of the City Administrator may be appealed to the Planning Commission pursuant to the zoning ordinance. A legislative action or ruling of the City Administrator may be appealed to the City Council. An action or ruling of the Planning Commission may be appealed to the City Council. An appeal of the City Administrator shall be submitted within 15 days of the notice of the decision was mailed by the city. An appeal of the Planning Commission shall be submitted within 15 days of the date the final order is signed. If the appeal is not filed within the 15-day period, the decision shall be final. If the appeal is filed, the City Administrator or Planning Commission shall make a written report and recommendation to the City Council. The City Council shall hold a Public Hearing on the Appeal.

CITY OF GEARHART
CITY COUNCIL MEETS 1ST WEDNESDAY, 7:00 PM
PHONE (503)738-5501

JURISDICTIONAL FILING FEES:
ADMINISTRATIVE APPEAL \$300.00
PLANNING COMMISSION APPEAL \$2,000.00

APPLICANT John Banta
MAILING ADDRESS PO Box 2134 Gearhart OR 97138
PHONE 503 717 2144 EMAIL ADDRESS bantajojb@yahoo.com
PROPERTY OWNER John A / Sally M Banta estate
MAILING ADDRESS PO Box 2134 Gearhart OR 97138
PHONE 503 717-2144 503 739-0368 503 738-4131
RULING OR DECISION BEING APPEALED Gearhart Planning Commission #21-01P Banta

Per Sec 13.080 of the Gearhart Zoning Code the filing fees established by the City Council shall not include the cost of preparing the record for appeals. Fees for preparation of the record shall not exceed the actual cost. Actual expenses incurred by the City during the process of technical evaluation of an application shall be borne by the applicant, in addition to the filing fees established by Resolution.

SIGNATURE (APPLICANT) [Signature] DATE 6/30/2021
SIGNATURE (OWNER) [Signature] DATE 6/30/2021

APPEAL

PAID
\$2000
Check # 89319. 7/1/21
[Signature]

MARCH 2020

Appeal to City of Gearhart

Banta Land Partition

July 2, 2021

The Banta Family is formally filing this appeal to oppose the decision of the Gearhart Planning Commission regarding the final partition plat application decision dated June 10, 2021. Please see below and attached for the rebuttals and concerns that we have regarding the requirements needed to meet before partition approval.

Final Findings and Order File: #21-01P Banta

Location: 4.76 acres located at 1060 McCormick Gardens Road, map 6-10-03DB Tax Lot 802 and Tax Lot 0900.

Page 12 of document, decision #3. "The final partition plat shall be modified to incorporate a portion of the planned Railroad Avenue pedestrian shared use path identified as TSP Project #G-3 located along the west boundary of the parcel. The path shall be an estimated 40-45' wide to connect to right-of-way to the south. The path may either be dedicated to the public or defined on the plat as a public access easement."

REBUTTAL: The City of Gearhart Planning Commission has stipulated that the Banta Family **must** donate or define a public access easement of 40-45' of their Tax Lot 0900 for the purpose of future creation of planned TSP project, Item #1A, of a shared use path that will extend from Pacific Way at the south, to Hillila Road to the north. This is essentially, blackmail.

This planned TSP is at a cost of \$3,030,000 for the extension from Pacific Way to Park Lane. The continued path from Park Lane to Hillila Road is Clatsop County property and as of the May 14, 2020 Staff Report, Clatsop County has no intention of continuing the path onto county properties.

In the attached numbered items, you will see on Item #1 that "The Standards" for this shared use path is 14-16' in width. Why is the Banta Family being required to donate 40-45' of Lot 0900 when the standards stated in the TSP is a much smaller width? Since the Banta Family only owns to the middle of the railroad right of way, rightfully acquired title to this land by quiet title Case No. 04-2085 as stated in Item #1C, isn't it only reasonable to assume that half of the needed 16' width would come from the west side properties?

As noted in Item #1B from the May 14, 2020 Staff Report, it is stated that “Although neighboring TL0900 falls into the City of Gearhart’s Transportation Systems Plan, neither the City nor the County can condition its dedicated to the public as a requirement.”

We have obtained signatures, Items #1D, from concerned citizens around the area that this pathway would affect. The main concern from everyone who has signed is the homeless population building encampments along the wooded areas that would border the pathway. This would create a great safety concern for the homeowners, business owners and for the future users of this pathway would be put in jeopardy. As you can see from the attached pictures, Items #1E, that several sections of the railroad ROW already have personal properties and businesses that are established on this ROW.

- Safety; the main concern from everyone who has signed is the homeless population building encampments along the wooded areas that would border the pathway. This would create a great safety concern for the homeowners, business owners and for the future users of this path being put in jeopardy.
- Funding; concerns also extend to this being an unfunded proposal. This will be at a great cost to taxpayers.
- Elk habitat; this is hot topic for the City of Gearhart and the pressures that have been put on the elk herds in town. We feel that this will have a direct impact on the elk herds in this area and one less safe place for elk to habitat. How will the dangerous elk vs. human interactions be controlled when the city already cannot control this issue?
- Liability to property owners bordering this pathway as well as to many others in the surrounding area; how do you keep citizens on the path and not wandering to private property where injuries, theft and loitering will occur if not heavily policed? How will the Gearhart Police be able to monitor this area in addition to their other duties?

Page 12 of document, decision #4. “Street improvements: No building permit may be issued until all required street and access easement improvements are in place and approved by the City Manager or designee, or other bonded, in conformance with the provisions of the Subdivision Ordinance.”

4a. “The Planning Commission decided to defer street improvements to McCormick Gardens Road adjoining Parcel 1. In lieu of the transportation improvement requirements identified in Section 4.040, the applicant shall sign a Waiver of Remonstrance to participate in a future Local Improvement District for road improvements to McCormick Gardens Road. The signed waiver shall be submitted to the City with the final plat approval request.”

REBUTTAL: The City of Gearhart Planning Commission has stipulated that the family must sign a “Waiver of Remonstrance” before final plat approval request. At this writing, a copy of said document was requested and a “example” of such was forwarded to us. By experience, it is usual to make a contract an example of what parties plan to demand later. It would be irresponsible for the family to agree to signing of such a form without having the document for us to review. In the example, Item 2, page 2, section 1, “That during OWNER’S ownership of the Parcel, or thereafter, and in accordance with all applicable street and building code provisions, OWNER agrees to pay upon request its pro-rata share of the Improvements. Such improvement costs shall be determined by the City Engineer and allocated to the Parcel based upon a street frontage or other allocation as shall be determined, at the discretion of the City Engineer, to be fair and equitable.” Page 2, section 2, “that the owner in possession of the Parcel will promptly, and within ninety days thereafter pay all costs associated with the Improvements constructed in accordance with building and other applicable ordinance codes, rules and regulations relating thereto, all as required by Section 1 above. In the event of a _____ may file a municipal lien against the Parcel for the actual and allocated engineering, construction and inspection costs thereof.”

In Item #2A, documentation from Clatsop County Public Works and Clatsop Development states that McCormick Gardens Road is a County road and there is no foreseeable future widening or improvements to it. There “may be some chip seals and maybe paving, but the road is currently constrained by wetland for most of its length.” To highlight the concerns of the neighbors on McCormick Gardens Road, there is wetlands directly east and west of the road that would require fill that would displace waterways, and there is already flooding issues annually on the roadway.

As a reminder, the Banta Family previously, May 14, 2020, had agreed to donate 10’ of the 187’ of frontage to McCormick Gardens Road for the possibility of any road improvements. As taxpayers of the property to the City of Gearhart and Clatsop County for road maintenance, it is mind boggling to the family and other property owners along McCormick Gardens Road, that we be held responsible for improving 187’ road frontage for projects that are tax funded for these improvements. This means the family will pay twice for these improvements, once by the paying of annual taxes and secondly paying in total for their section of road. So not only was the family willing to donate 10’ of the 187’ of frontage at that time, now the City of Gearhart is requiring us to pay for improvements, of which there is no idea of financial cost and/or impact to the family. This creates reasonable restraint on the family to move forward with any improvements or development of these lots due to the uncertainty of the financial burden that would lie ahead either for the heirs of John and Sally or the generations to follow.

Page 4

Please see Item #3 from Clatsop County Development regarding the 25' easement that will be placed on the north County property. Our surveyor, Jack White, has forwarded the required plat to them for final approval.

Lastly, please let us reiterate that John and Sally lived on this property for almost 50 years, paid taxes annually, raised their family and were proud to be citizens of Gearhart. This land is their legacy to their children, not a developer or someone who wants to make a fortune on this land. This is for the express purpose of their adult children to be able to have the same property ownership that they did. To live on it, not profit from it.

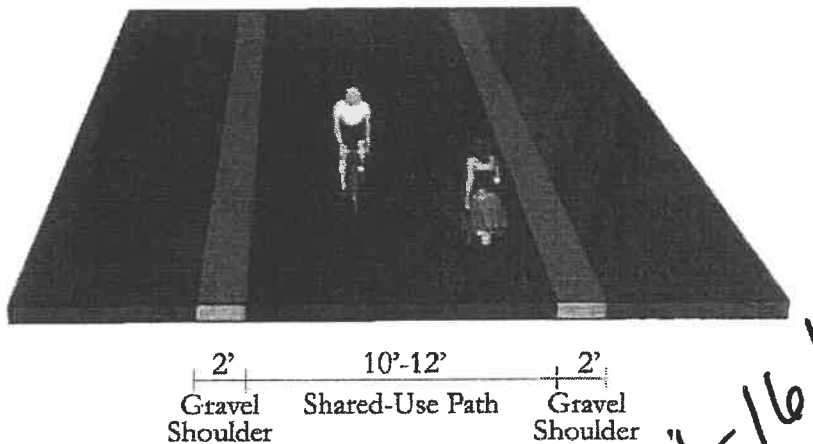
The Standards

Shared-Use Paths

Shared-use paths provide off-roadway facilities for walking and biking travel. Depending on their location, they can serve both recreational and transportation needs. Shared-use path designs vary in surface types and widths. Hard surfaces are generally better for bicycle travel. Widths need to provide ample space for both walking and biking and should be able to accommodate maintenance vehicles.

Gearhart requires that a paved shared-use path be 12 feet wide in areas with significant walking or biking demand; otherwise, it should be at least 10 feet wide (see Figure 13). The city may reduce the width of the typical paved shared-use path to a minimum of eight feet in constrained areas (e.g., steep, environmentally sensitive, historic, or previously developed areas). This design standard applies to newly constructed facilities and does not apply to existing shared-use paths (e.g., Ridge Path).

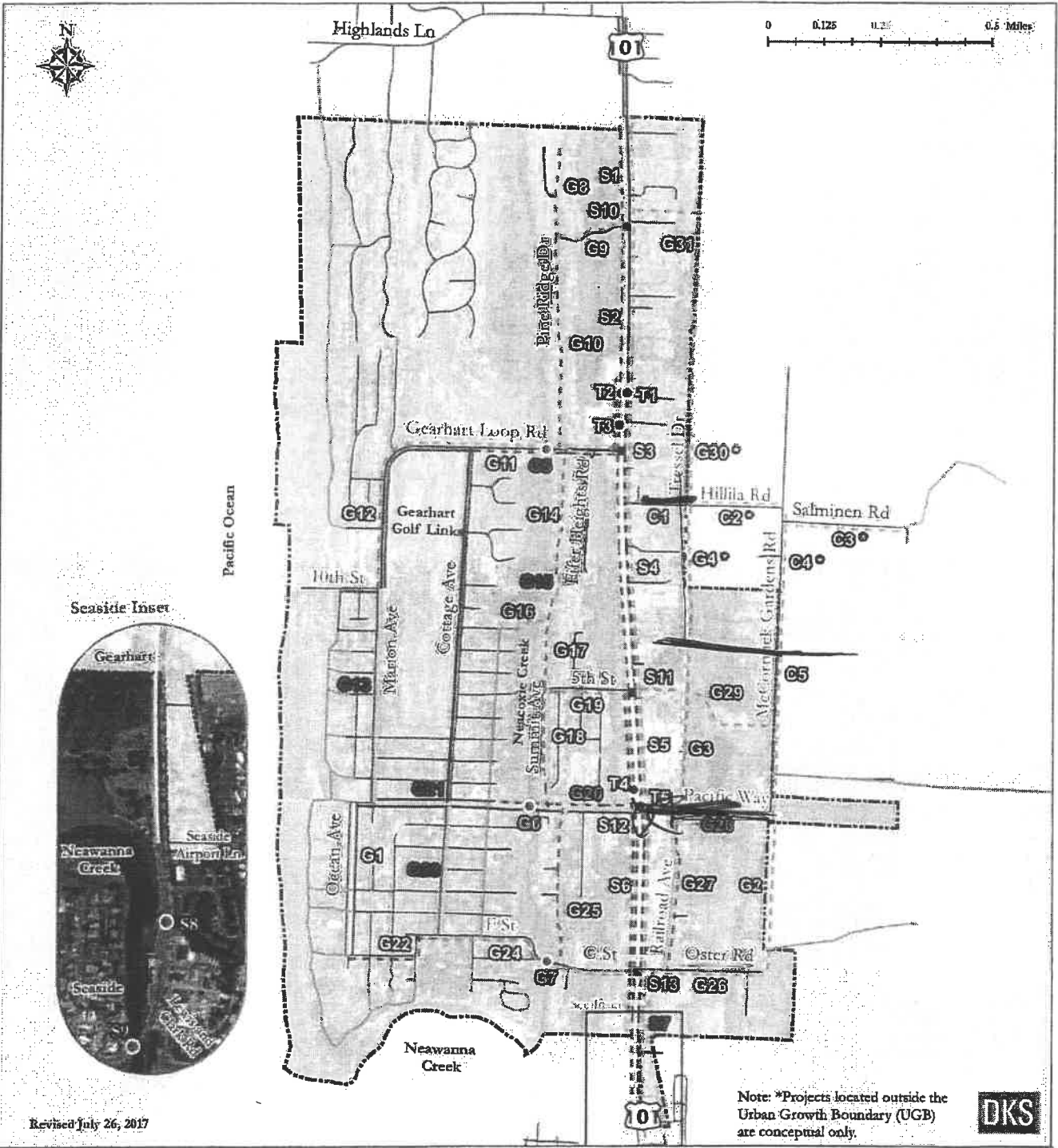
Figure 13: Design Standards for Shared-Use Paths



Item # 1

7

Planned TSP Investments



Note: *Projects located outside the Urban Growth Boundary (UGB) are conceptual only.



Legend:

- Planned Street Improvement
- ▬ Planned Street Extension
- Planned Intersection Improvement or Study
- Planned Bus Stop Improvement
- Planned Bridge or Culvert Improvement

Pedestrian, and Bicycle Facilities:

- | Existing | Planned | |
|----------|---------|-----------------------|
| ▬ | ▬ | Sidewalk |
| ▬ | ▬ | Bike Lane or Shoulder |
| ▬ | ▬ | Bikeway (> 5 feet) |
| ▬ | ▬ | Trails |
| ▬ | ▬ | Planned Shared Street |

- Project included in the Financially Constrained Plan (Package 1)
- Priority project with additional funding (Package 2)
- Priority project with additional funding (Package 3)
- Project included in the Aspirational Plan (Package 4)

Item # 1A

30-wide x 392' parcel paralleling the rail right-of-way. In addition the City requests dedication of 15' x 392 feet on the west property line of Tax Lot 800 to the City for street right-of-way. The combined dedications of Tax Lot 900 and a portion of Tax lot 800 would be total of 45' x 392'. It is planned to connect both north and south to a future street or pedestrian trail. The final design shall be approved by the City prior to final plat approval.

The Gearhart TSP Project #C5 identifies the addition of a shared walking/biking/maintenance and tsunami evacuation path on the east side to McCormick Gardens Road from Pacific Way to near Salminen Road. The pathway specification adds 8-12' of surface, depending on location. Since the subject area adjoining McCormick Gardens Road is swampy lowlands an additional 8 feet would be adequate. Currently the road ROW is 40' wide and the pavement is narrow. The final design shall be approved by the City prior to final plat approval.

Thank you for the opportunity to comment."

Staff Response:

On May 14, 2020, County staff attended the virtual (GoTo Meeting platform) Gearhart Planning Commission public hearing for the Banta partition. The motion to approve the application with conditions was approved by the City Planning Commission. County approval is conditioned upon the property owner and the City of Gearhart agreeing to the resolution of those conditions. Although neighboring TL0900 falls into the City of Gearhart's Transportation Systems Plan, neither the City nor the County can condition its dedication to the public as a requirement. The applicant has been found to have removed the shed since the City of Gearhart provided this comment, satisfying this condition for both jurisdictions. Staff also concurs that a 25' easement providing access to Parcel 2 shall be required, as described in the staff findings above. This will be found as a condition of approval from the county in this application.

Prior to recording the final plat, the property owner shall provide the county with documentation from the City of Gearhart that all conditions have been satisfied. (See Condition 3, Page 10)

PUBLIC COMMENT

None.

OVERALL CONCLUSION

Based on the findings provided above, the application satisfies the applicable approval criteria. However, suitability of the site for the proposed use is based on the following and has not been considered in the approval of this partition.

- Water availability -
The subject properties are within the Gearhart Water District. Proof of a water source is required by one of the methods specified in S2.400 of the Clatsop County Land and Water Development and Use Ordinance 80-14 BEFORE a building permit for a use requiring water (e.g. single-family dwelling or mobile home, commercial use) will be issued.
- Sewage district: None
- Fire protection district: Gearhart RFPD
- Soil classification (EFU, AF, F80): N/A
- Topography and Hazards:
 - Geologic Hazards N/A
 - Flood Hazards N/A
 - Shorelands Overlay N/A
 - Active Dune Overlay N/A
 - Other: Statewide Wetland Inventory (SWI)

Item # 1 B

Tillamook Office
P.O. Box 210 - 309 Laurel
Verified Correct Copy of Original 4/16/2020
Telephone: (503) 842-2553

MOBERG, CANESSA, FABER & HOOLEY, P.C.
Attorneys at Law

Seaside Office
842 Broadway
Seaside, Oregon 97138
Telephone: (503) 738-6388

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EXHIBIT "A"

A thirty foot wide parcel of land lying on the Easterly side of the centerline of the Spokane, Portland, and Seattle Railroad located in the Philip Gearhardt Donation Land Claim #40, said parcel of land being further described as follows:

Commencing at the Southwest corner of that property described in that deed to John A. Banta and Sally M. Banta, husband and wife, recorded March, 1967 in Book 292, Page 31, Clatsop County Deed Records, said point being the true point of beginning of the parcel of land described herein;

Thence perpendicular to the centerline of said Railway North 89° 38' 25" West 30.00 feet to the centerline of said Railroad;

Thence North 00° 21' 35" East 392.10 feet along the centerline of said Railroad to a point that bears North 89° 38' 25" West 30.00 of the Northwest corner of said Banta property;

Thence perpendicular to the centerline of said Railroad South 89° 38' 25" East 30.00 feet to the Northwest corner of said Banta property;

Thence along the Easterly right of way line of said Railroad, South 00° 21' 35" West 392.10 feet to the point of beginning;

Said parcel of land containing 0.27 acres, more or less.

Situated in the Southeast quarter of Section 3, Township 6 North, Range 10 West, Willamette Meridian, County of Clatsop, State of Oregon.

Bearings are based on Partition Plat No. 1998-033, Clatsop County Survey Records.----

Page

Item # 1C

Tillamook Office
P.O. Box 720, 309 Laurel
Tillamook, Oregon 97141
Telephone: (503) 842-2553

MOBERG, CANESSA, FABER & HOOLEY, P.C.
Attorneys at Law

Seaside Office
842 Broadway
Seaside, Oregon 97138
Telephone (503) 738-6388

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attached hereto, free and clear of any claim, estate, title or interest of said Defendant, and from any person claiming through or under said Defendant, except as hereinabove otherwise provided, and the title of Plaintiff, as to the said Defendant, is hereby quieted; and

(2) That said Defendant, be and hereby is enjoined, and all persons claiming through it, from asserting any estate, title or interest in said real property or any part thereof claimed by the Plaintiff in the Complaint (Quiet Title) on file herein; and

(3) That each party shall bear their own costs, disbursements and attorneys fees herein.

Dated: June 28, 2004.

Phil T. Nelson
CIRCUIT COURT JUDGE

Prepared by:
William R. Canessa - OSB #72045
Moberg, Canessa, Faber & Hooley, P.C.
842 Broadway
Seaside, OR 97138
Telephone: (503) 738-6388

Item #1C

June 24, 2021

We the undersigned citizens of Gearhart Oregon, particularly McCormick Gardens Road, Hilllila Road, Salminen Road, Park Avenue and other property owners along the planned Railroad Avenue Pedestrian/Shared Use Path development would like to share our concerns with the City of Gearhart regarding the implementation of this TSP project.

The Banta Family is requesting to divide a portion of their parents' land into 3 buildable lots. The City of Gearhart is requiring that a portion of their land, Tax Lot 0900, be dedicated to them before any final plat is determined. They are requesting 45' of this tax lot for this pathway.

The plan to create a walking/bike path on the old Railroad Avenue, from Pacific Way to Hilllila Road would create many issues to the property owners in this area. The undersigned concerns include the taking of land for an unfunded mandate. Next, safety. We feel that having an area that is proposed, would create a public nuisance with homeless citizens as well as the setting up of encampments that some of us have already had on our properties bordering this area. There would be concerns for all with lighting, equipment safety, day and/or night usage. The liability that property owners who are adjacent to this pathway is of concern. How do you keep people on the pathway and not on private property? Will there be a fence installed to keep citizens away from private property? The lack of public safety enforcement availability for this area is also in question.

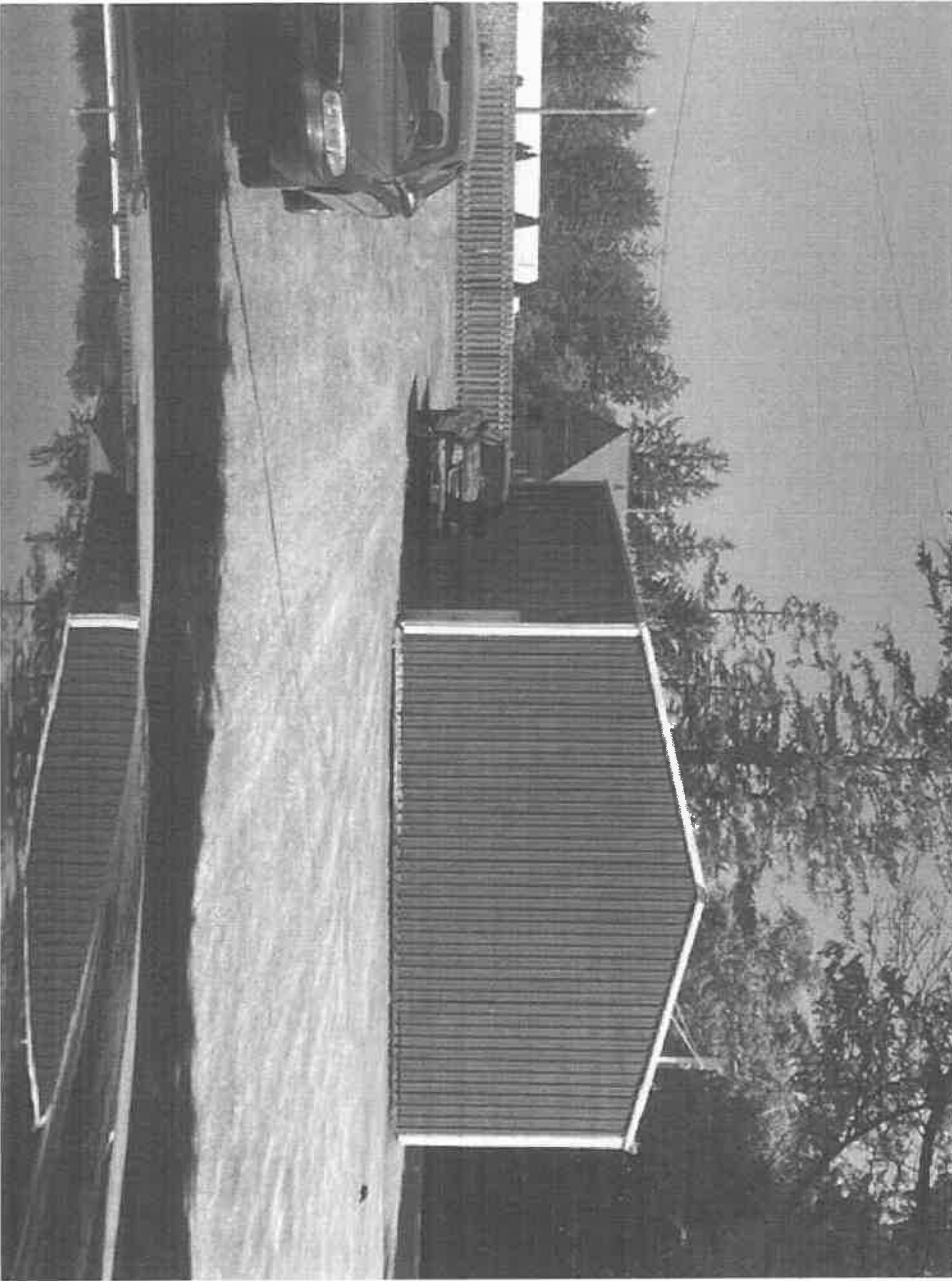
I am attaching the signatures of affected residents for your reference.

Name	Signature	Address	Phone	Email
P. Devereaux		196 McCormick Gardens Rd	503-440-6212	jarbz196@gmail.com
MAT LADDIN		1799 Pacific Way Gearhart OR 97138	503-739-1943	mladdin@hotmail.com
Rebecca Hollingsworth		1799 Pacific Way Gearhart OR 97138	415-858-4071	rhollingsworth@outlook.com
S. Lemas		1714 Pacific Way Gearhart OR 97138	503-440-2915	srelde@yahoo.com
Martin Lemas		1714 Pacific Way Gearhart OR 97138	503-440-2915	strelde@yahoo.com
Gloria Edler		51 McCormick Gardens Rd Gearhart OR 97138	503-440-2913	grelde@yahoo.com
Kimi Postlewaite		33706 Postlewaite Lane Gearhart OR 97138	503-440-2153	ncutting@mon.com
John Postlewaite		33706 Postlewaite Lane Gearhart OR 97138	503-717-2089	ncutting@mon.com
Denald Philbrook		McCormick Gardens Rd	503-738-5117	philbdob@gmail.com
Cynthia Philbrook		33706 Postlewaite Ln	503-738-5117	philbdob@gmail.com

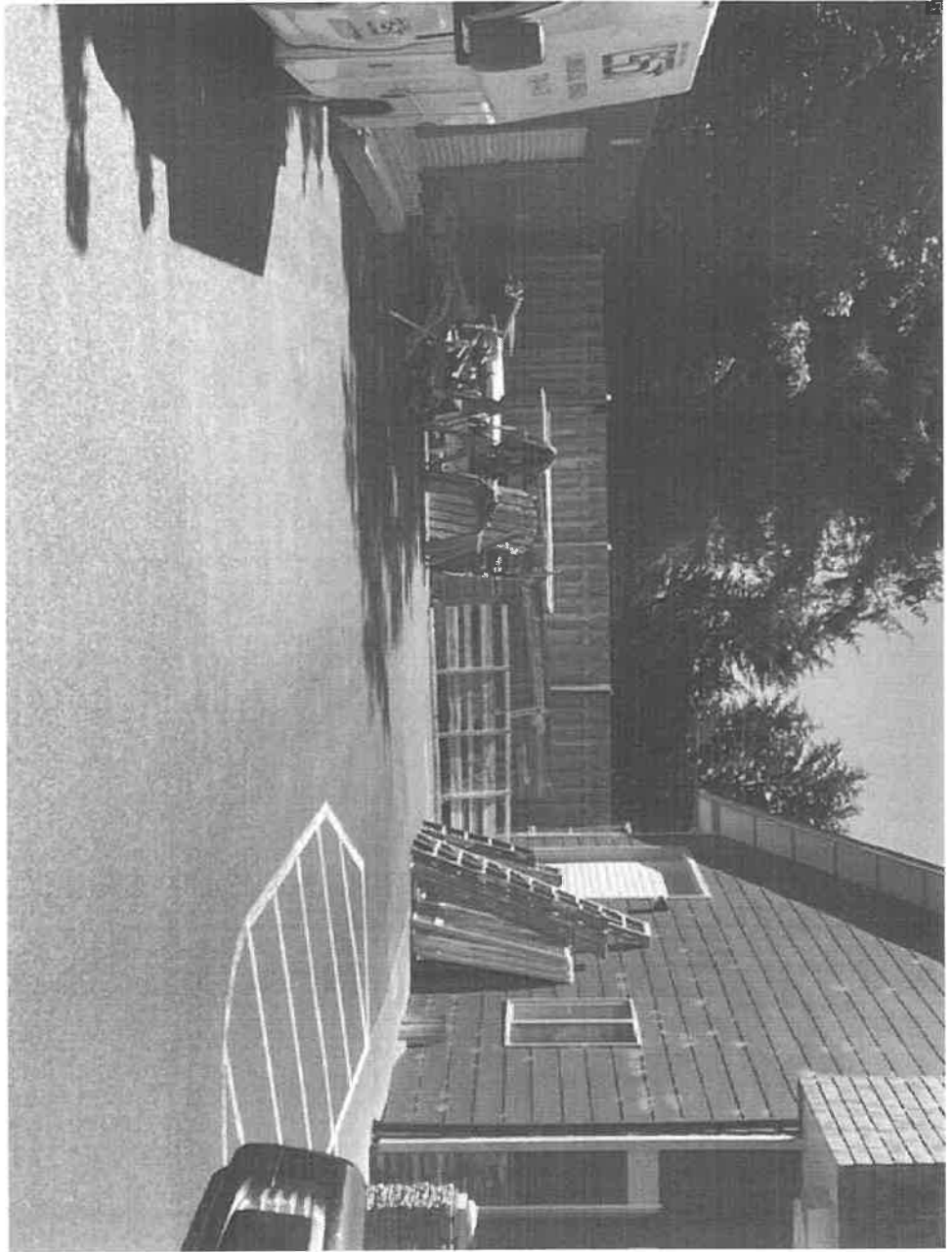
Item 1D

John Banta

From: John Banta
Sent: Sunday, June 27, 2021 8:57 AM
To: John Banta



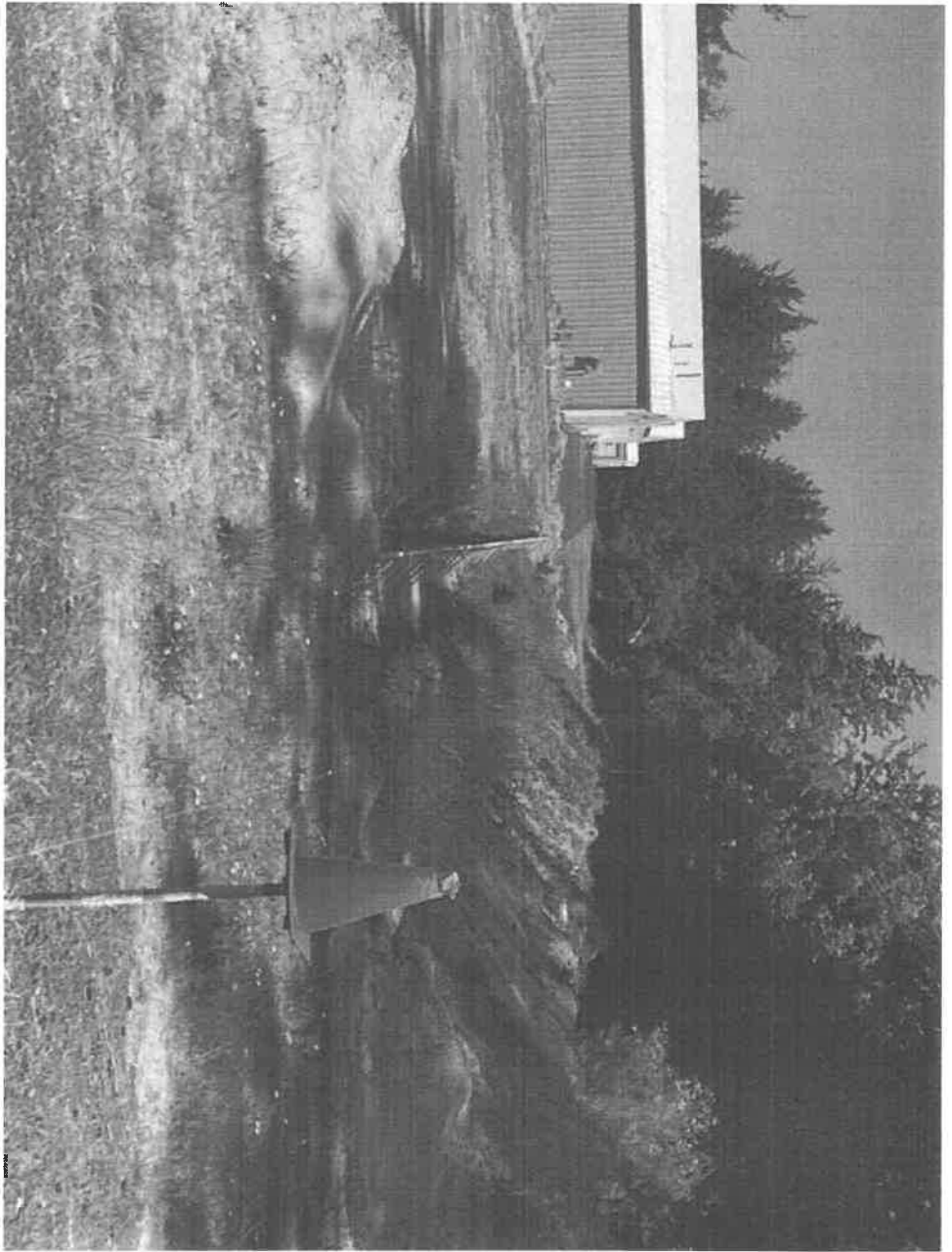
Start of Pathway (across from DQ)
Shop on ROW
Item #1E



3

Terry Lowenberg's business on Row

#1E

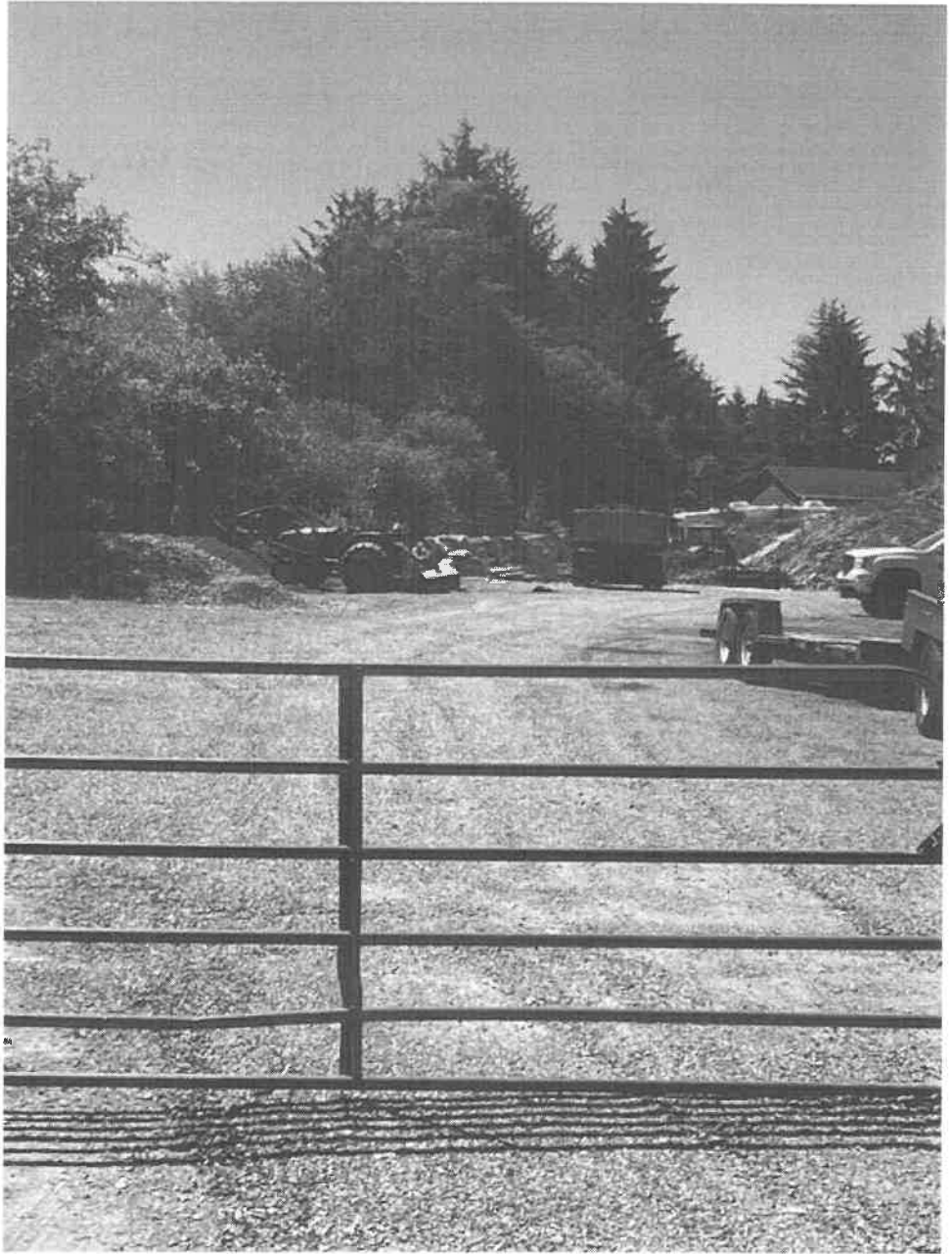


2

Terry Lowenberg's new shop on Row

#1E

Sent from my iPhone



Landscaper on North End Hillside

#1E

After recording, return to:

Walter R. Gowell, Esq.
P.O. Box 480
McMinnville, OR 97128

Send Tax Statements to:

No Change

IMPROVEMENTS DEFERRAL AGREEMENT
AND-WAIVER-OF-RIGHT-TO-REMONSTRANCE

RECITALS:

WHEREAS CCPN, LLC is the fee title owner and (hereafter called "OWNER") of real property located at 100 East Washington Street in the City of Carlton, also known as a portion of Yamhill County Tax Lot R3422CB-04600, and more particularly described as follows, to-wit:

BLOCK 3 CLOVERLAWN ADDITION TO THE CITY OF CARLTON in YAMHILL COUNTY, OREGON (hereafter the "Parcel")

located in the City of Carlton, which property is adjacent to Washington Street for which certain sidewalk, curb and gutter, 25 feet of pavement, an 8" sanitary sewer main extension to the end of Washington Street, and storm water improvements to Washington Street including approximately two catch basins and 100 feet of storm drainage pipe, (the "Improvements") have not been previously installed; and

WHEREAS, the approval of the present commercial winery development for the Parcel by OWNER is subject to the requirement for security for payment of and installation of specified public improvements to Washington Street; and

WHEREAS, OWNER has requested that such Improvements be deferred until Washington Street is further developed in conjunction with neighboring properties and

Item #2

WHEREAS, the City's approval of OWNER'S current commercial development requires that deferral of completion of required public improvements be memorialized by recordation of a written agreement to secure the eventual construction of the Improvements, and payment for the deferred Improvements by the owners of the Parcel.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that OWNER for and in consideration of the approval of the current commercial development of the Parcel, as the legal and equitable owners of the Parcel described herein, does hereby consent and agree as follows:

Section 1. That during OWNER'S ownership of the Parcel, or thereafter, and in accordance with all applicable street and building code provisions, OWNER agrees to pay upon request its pro-rata share of the Improvements. Such improvement costs shall be determined by the City Engineer and allocated to the Parcel based upon a street frontage or other allocation as shall be determined, at the discretion of the City Engineer, to be fair and equitable.

Section 2. That OWNER, as the sole legal and equitable owner of the real property described herein, does further consent and agree that the Parcel is presently held by OWNER and shall be transferred, sold or conveyed only upon the condition that in the event the Improvements are installed by the City, or undertaken by any third party with the approval of the City, that the owner in possession of the Parcel will promptly, and within ninety days thereafter pay all costs associated with the Improvements constructed in accordance with building and other applicable ordinances codes, rules and regulations relating thereto, all as required by Section 1 above. In the event of a failure to so make payment to the City or the

2

city's designee in a timely manner, the City of Carlton may file a municipal lien against the Parcel for the actual and allocated engineering, construction and inspection costs thereof.

Section 3. That OWNER on behalf of itself, and its successors and assigns, and any subsequent owners of the Parcel proclaim its support for the creation of any local improvement district created to undertake the sidewalk, curb and gutter, pavement and storm drainage improvements to Washington Street adjacent to the Parcel and that such constructed improvements will benefit the Parcel.

Section 4. That OWNER on behalf of itself, and its heirs, successors, assigns, and any subsequent owners of the Parcel voluntarily consents to the formation of a local improvement district or other local government financing method for the construction of future curb and gutter, storm drainage, pavement and sidewalk improvements to Washington Street in accordance with all then existing standards, specifications and construction requirements.

Section 5. It is understood and agreed that the foregoing covenants set forth in Sections 1 through 4 hereof are also subject to the following additional covenants and conditions:

(1) The obligations and covenants set forth in this agreement are not the personal obligation of OWNER but shall run with the land described above, and shall be a lien on said Parcel regardless of who may own said Parcel at the time of such required improvements. The lien hereby created may, in the event of a default by OWNER, or OWNER'S successors and assigns, be foreclosed pursuant to ORS Chapter 88 or other similar replacement statutes, or other applicable statutes allowing foreclosure of municipal liens generally.

(2). That this Agreement and waiver shall be binding upon OWNER, who is the legal and equitable owner of the parcel described above, and shall bind her successors, assigns and legal representatives forever.

DATED this ____ day of _____, 2020.

CCPN, LLC

By: _____
Authorized Member or Manager

STATE OF _____, County of _____) ss. _____, 2020

Personally appeared the above-named _____ as the duly authorized _____ of CCPN, LLC and acknowledged the foregoing to be said company's voluntary act and deed.

Before me:

Notary Public for _____
My Commission Expires: _____

APPROVED and ACCEPTED:

This ____ day of _____, 2020.

BY: _____
City Attorney

#2

From: JOHN BANTA <bantaj@jb@yahoo.com>
Sent: Sunday, May 23, 2021 10:21 AM
To: Clatsop Development <comdev@co.clatsop.or.us>
Subject: Banta partition

Hello,

My name is John Banta and I am the executor of my parents estate. We have been trying to divide out their property in Gearhart located on McCormick Gardens Road. At the May 2020 meeting with the Gearhart planning commission it was indicated by Victoria Sage that no improvements were slated to be done to McCormick Gardens Road in any foreseeable future by Clatsop County in terms of widening, sidewalks and the establishment of a walking path on the old railroad right of way.

As the property is split down the middle, half county property and half city of Gearhart, it is our belief that the county has the authority to identify if any improvements are to be made to the road now or if any plans are scheduled to be done to the entirety of McCormick Gardens Road in the future plan for Clatsop County.

We would your input and knowledge about these improvements.

Thank you

John Banta

Item #2A

I am forwarding your email to Clatsop County Public Works (copied on this response). Any improvements, and the scheduling of such, would be determined by that department.

Gail Henrikson, AICP, CFM, Director

Clatsop County Community Development

800 Exchange Street, Suite 100

Astoria, OR 97103

503.325.8611

503.338.3666 Fax

ghenrikson@co.clatsop.or.us

www.co.clatsop.or.us

[Facebook](#)

COVID-19 AND LAND USE PLANNING: In order to protect the health of our employees, clients and the overall public, please be advised that **appointments are strongly encouraged**. Whenever possible **emails and virtual meetings are encouraged**. If you or anyone in your party is ill, coughing, or has a fever, please reschedule your meeting. We understand that this may be an inconvenience and we appreciate your cooperation in working to protect the health of our community.

[Take our customer satisfaction survey](#)

2A

To: Dean Keranen <dlkeranen@co.clatsop.or.us>; Terry Hendryx <THendryx@co.clatsop.or.us>
Subject: FW: Banta partition

Are either of you aware of any near-term or long-term improvements that might be scheduled for McCormick Gardens Road?

Thanks.

From: JOHN BANTA <bantajob@yahoo.com>
Sent: Tuesday, June 1, 2021 3:00 PM
To: Gail Henrikson <ghenrikson@co.clatsop.or.us>
Subject: Re: Banta partition

Has there been any response to this?

Thank you

Sent from Yahoo Mail on Android

On Mon, May 24, 2021 at 7:20 AM, Gail Henrikson

<ghenrikson@co.clatsop.or.us> wrote:

Good morning, Mr. Banta.

2A

Good morning, Mr. Banta.

See reply below from Public Works. Please let me know if you have any additional questions.

Thanks.

Gail

2A

From: Terry Hendryx
Sent: Tuesday, June 1, 2021 4:25 PM
To: Gail Henrikson <ghenrikson@co.clatsop.or.us>; Dean Keranen <dkeranen@co.clatsop.or.us>
Subject: RE: Banta partition

Hi Gail,

No plans scheduled for widening or anything like that. Future chip seals will happen and maybe at some point we'll pave it, but the road is currently constrained by wetland for most of its' length.

TLH

From: Gail Henrikson
Sent: Tuesday, June 1, 2021 4:23 PM

As we discussed this afternoon, Both the City and County are amenable to having two driveways -- one for the county parcels and one for the city parcels. However, because of state statute, Gearhart only has 120 days to complete the approval process for your partition. Those 120 days also include any appeal to the Gearhart City Council.

My suggestion is that you move forward with the plat that you have already submitted to Gearhart. Once that is approved, the County can work with you to revise the already recorded plat for the County parcels. I would expect that Gearhart also has a process to make revisions to an approved, but unrecorded plat as well. I will let Carole confirm that, however.

Please let me know if you have any questions or if you need any additional information.

Thanks.

Gail

From: connellpc@comcast.net <connellpc@comcast.net>
Sent: Wednesday, June 9, 2021 9:10 AM
To: Gail Henrikson <ghenrikson@co.clatsop.or.us>
Subject: RE: Banta partition

I'm fine with the 25' easement and 14' surface built to county standards in the original location. I assume you prefer the county road standard for the portion across the City parcels too, right? I don't believe Gearhart has a gravel surface construction standard, except the fire code is 14' and think it makes sense to use the same county standard from McCormick G Rd. to the other parcels. Fire chief wants "no parking" signs on the road, unless there is sufficient width to accommodate vehicles.

Clarification -- only the county portion of the easement has been recorded -- right?

Item #3

Thanks.

Carole

From: Gail Henrikson <ghenrikson@co.clatsop.or.us>
Sent: Tuesday, June 8, 2021 3:57 PM
To: 'connellpc@comcast.net' <connellpc@comcast.net>
Subject: FW: Banta partition

OK. Which way do you want to go with this?

3

From: Dean Keranen
Sent: Tuesday, June 8, 2021 3:20 PM
To: Gail Henrikson <ghenrikson@co.clatsop.or.us>
Cc: connellpc@comcast.net
Subject: Re: Banta partition

Hi Gail,

That sounds good to me with keeping the current configuration and reducing to 14' for the back Parcel. I don't think we need a dedication for McCormick Gardens.

Thanks,

Dean

Sent from my iPhone

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