

Gearhart Planning Commission Minutes for September 14, 2023

MEMBERS: Virginia Dideum, Russ Taggard, Don Frank, Terry Graff, Paulina Cockrum, Judy Schector, and John Mesberg

STAFF: Chad Sweet, Garrett Phillips, and Angoleana Brien

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, September 14, 2023, was called to order at 6:00 p.m. by President Virginia Dideum. All *Members and staff were present.*

CONSENT AGENDA

On **MOTION** by Graff, 2nd by Taggard, the consent agenda was approved. Said agenda approved Minutes for August 10, 2023, financial report for August 23, 2023. There was no correspondence.

7 - Approved (Dideum, Taggard, Frank, Graff, Schector, Mesberg, and Cockrum)

STAFF REPORT

Sweet updated the commission on several significant updates. Firstly, the city has successfully raised water rates and is currently focusing on establishing conservation rates, particularly for those who use excessive amounts of water. Code enforcement has been a busy department, handling various issues such as signage problems, lighting concerns, and addressing noxious weeds. Additionally, investigations are ongoing into potential illegal rentals, particularly in single-family dwelling areas, which are taking up some time.

Water conservation remains a top priority, with efforts to encourage residents to adopt different landscaping practices and devices to conserve water. There's also a project in progress to upgrade meters for real-time reading, which will help in identifying water system issues more promptly. The Public Works team has been actively maintaining the water system, exercising valves, and participating in painting projects around town.

The status of vacation rentals appears to be stable, with a decrease in active rentals over time. An exciting development is the acquisition of a \$100,000 grant for sidewalk replacement on the south side of Pacific Way, from Marion down to the stores. However, due to changes in pricing influenced by COVID-19, the city may only be able to replace a portion of the originally planned sidewalk.

There was a mention regarding potential building restrictions in tsunami zones, similar to Cannon Beach. Although research has been conducted, it seems that there are currently no apparent restrictions in place, although further details may be provided by Garrett. This summary encompasses the main highlights from Sweet's comprehensive city report.

Furthermore, Sweet mentioned an important aspect regarding potential building restrictions in tsunami zones. While exceptions and processes exist for their specific ordinance, the city is actively looking into this matter. The building official is currently in contact with FEMA Region Ten, engaging in conversations to determine what FEMA might require or prohibit, and also to ascertain what the building code stipulates. Initial findings suggest that there's a possibility of placing critical infrastructure in the current location, provided that the community goes through the exception process and collectively decides on this course of action. This adds an additional layer of consideration to the building restrictions in tsunami-prone areas.

Dideum asked Officer Brown to introduce the city's new officer, Officer Mares.

Phillips updated the commission by addressing the fire station discussion and the zoning code. He mentioned that the Planning Commission holds the authority to grant exceptions to the restriction on critical facilities in the

tsunami hazard overlay zone through a type three decision process, emphasizing that it would involve the city's decision-making process.

He then provided updates on several items. Firstly, in October, there is an anticipated conditional use permit hearing for converting a tennis court into pickleball courts in the city's park, with the city as one of the applicants. Next, he informed the council that the R1 to R3 zone change request at the Morgan Falby property was approved by the city council with certain conditions. The applicant has submitted documentation showing compliance with these conditions.

He reported that the city had jointly applied for a grant from DLCD's Housing Planning Assistance Grant Program with other cities in Clatsop County. The grant will be awarded, and it will fund various projects related to housing needs and policies. These projects will help each jurisdiction plan for future housing needs and synchronize with statewide housing demand forecasts. The planning project will take place in 2024, ensuring that all cities in Clatsop County have up-to-date data for future decisions. Cooperation among the jurisdictions in this effort was highlighted as a valuable aspect of this initiative.

He continued by emphasizing that this collaborative effort among the cities in Clatsop County would provide valuable lessons learned. He mentioned that a common consultant would be handling the work for and with each city. Moreover, there's a structured process in place to ensure that the planning commissions and city administrators from each jurisdiction receive regular updates and have opportunities to provide input throughout the project.

Phillips concluded by stating that he would provide another update on this project in a month. At the moment, all they knew was that they had been awarded the grant, and further details would follow in due course. This highlighted the importance of ongoing communication and coordination in this significant regional planning initiative.

COMMISSIONERS REPORT

Cockrum's initially addressed an issue related to tree planting. She mentioned that there was a consensus within the council to address it at a later date, but this decision did not make it into the letter sent to the council. Cockrum requested clarification and suggested sending a clear communication to close the loop on this matter.

Schector asked Sweet for an update on the elk situation.

Sweet provided updates on elk-related issues in the community. He mentioned that there were concerns about the disappearance of elk from Gearhart and discussed possible reasons for their reduced presence. These included elk dispersing during calving season, the start of the rut, and hunting activities sanctioned by the Oregon Department of Fish and Wildlife to manage the elk population. He noted that the elk's behavior might also be influenced by increased human activity and property development in the area.

Additionally, he explained that efforts had been made in the past, involving multiple agencies and stakeholders, to address the elk issue, with a focus on community and property owner actions to deter elk from entering their properties. Sweet mentioned that while some culling of the elk population was occurring, it was being managed through licensed hunting, and there were no plans to eradicate the herd completely. He highlighted that elk were still present in the community, although their numbers and behavior had shifted.

During the discussion, some council members inquired about the gender of the elk being hunted, the possibility of killing the entire herd, and the use of hunting tags. He provided explanations and clarified that hunting activities were part of the management plan. He also shared that elk sightings had decreased in number but were still observed in smaller groups.

Frank's brought up a matter related to the Gearhart by the Sea condo development. Frank mentioned that the development had undertaken landscaping activities and placed two large boulders in an area that he believed to be

a street easement. This area was commonly used for parking, accommodating up to three cars. He expressed concern about the loss of these parking spots, particularly during the busy summer season when the area around the golf course and the hotel and condos experiences high traffic. Frank questioned whether this area should be considered public parking since it was located on the street. He sought clarification on whether it fell within the street right-of-way and wondered if the police had taken any action regarding this issue, although he had not personally witnessed any such action. Frank's concerns revolved around the impact of these changes on public parking availability and sought guidance on who should address this matter.

In Sweet's response, he confirmed her familiarity with the issue raised by Frank regarding the Gearhart by the Sea condo development. He explained that he didn't immediately inspect the area in question but had recently examined it. Regarding the placement of the boulders, he expressed uncertainty about the intent behind this action but agreed with Frank's observation that it appeared to be in a public area. He shared that he had spoken to one of the owners of a unit within the development, specifically the far north unit, and noted the presence of an electrical junction box and other equipment in the vicinity, which further suggested that it could be public right-of-way. Then mentioned hearing that someone on the board of the development might have had concerns about parking in that area, particularly related to golfers. Sweet suggested that this issue might fall under the purview of code enforcement or the police department to address, and believes that if it were indeed an issue, it should be appropriately dealt with, emphasizing the availability of code enforcement and police resources to handle such matters.

GOALS LIST - None

VISITORS COMMENTS

Michael Hoard - 13095 Princeton Ct, Lake Oswego 97035 - addressed concerns related to traffic issues in Gearhart. He mentioned his joint property on Ocean Avenue and noted that he had previously spoken to Chad (presumably a city official) about incidents of speeding in the area. Hoard described two separate incidents where cars collided with his property, causing damage and erratic driving behavior. He had filed a police report for these incidents and expressed his desire to contribute to a future discussion on the topic of traffic.

Graff, spoke on concerns about speeding in the town. They observed excessive speeding, particularly around curves, and highlighted the need for increased police patrol to address this issue. The visitor also inquired about the whereabouts of Jeff Bowman, mentioning a past traffic incident. In response, it was clarified that Jeff Bowman had retired, and the police department assured that they were actively monitoring and stopping speeding vehicles in the area. The visitors' comments underscored the importance of addressing speeding and traffic safety in Gearhart.

In response to concerns about speeding in Gearhart, Officer Brown acknowledged the need for increased vigilance regarding speed enforcement. He mentioned that the police department was actively working on the issue. Brown explained that the police were conducting daily stops of speeding vehicles and mentioned specific locations like Gearhart Lane and the highway where they were monitoring speed. He noted that while they were making efforts, there were limitations due to the number of personnel available for enforcement.

Sweet said the use of speed bumps could be a potential solution but highlighted the challenges of determining where to implement them and their potential impact on emergency services. He discussed the use of speed trailers to track speeding, emphasizing that the data from these trailers had not consistently indicated widespread speeding issues. While the average speeds in Gearhart generally stayed close to the speed limit, Sweet acknowledged the presence of speeders, including some driving at dangerously high speeds.

To address the issue, she mentioned plans to move the speed trailer to different locations, including G Street, Cottage, and Gearhart, to gather more data and monitor speed more effectively. Sweet noted that the speed trailer counts cars in both directions, providing a comprehensive view of traffic patterns and speeds. She assured the

visitors that the police department was actively working to address speeding concerns and would continue to monitor and enforce speed limits in the area.

PUBLIC HEARINGS - None

UNFINISHED BUSINESS

The meeting commenced with a comprehensive discussion of ongoing business, specifically addressing the Landscaping, Vegetation & Revegetation, and Tree Preservation ordinance, and permitting process pertaining to tree removal. Attendees had a range of viewpoints, primarily centered on whether to make amendments to the existing ordinance or to prioritize the development of a permitting process. The debate was complex, as some participants advocated for the introduction of a permitting process to monitor and track tree removals, while others were wary of altering the ordinance itself.

After an exchange of ideas, a motion was put forth and subsequently denied. The motion asserted that, at this stage, the existing ordinance should remain unaltered. However, it was recommended that the city establish an administrative procedure dedicated to tracking and documenting tree removals. This decision aimed to strike a balance between addressing concerns about tree removal data and avoiding the immediate revision of the ordinance, which would necessitate an extensive public hearing process.

On **MOTION** by Graff, 2nd by Frank to propose that the ordinance should not be altered at this time, but the city should develop an administrative procedure to track the trees that are cut.

- **Outcome:** The motion did not pass with a majority of members opposed. Those in favor included Graff and Frank. Those opposed included Taggard, Schector, Cockrum, Mesberg, and Dideum.

Following this decision, another motion was initiated, proposing the refinement of language within the ordinance related to the permitting process. Importantly, this motion reinforced the limit of five trees for removal. The intent behind this motion was to incorporate language into the ordinance that explicitly required a permitting process for the removal of any trees but keeping the allowance of removing up to five trees a year with automatic approval during the permitting process. The motion was passed, motioning a collective intent to present the revised language at the upcoming meeting and subsequently hold a public hearing to engage interested parties and gather feedback.

On **MOTION** by Mesberg, 2nd by Cockrum to authorize Chad to add the words or rewrite the words in the ordinance that would require a permitting process for removal of any trees.

- **Outcome:** The motion passed with a majority of members in favor. Those in favor included Frank, Taggard, Schector, Cockrum, Mesber, Dideum. Those opposed included Graff.

Additionally, the meeting included administrative matters regarding the expiration of planning commission members' terms. A discussion about the reappointment or appointment of new members, considering the upcoming expiration of several commissioners' terms. The process for reappointment or appointment was outlined, involving applications and potential decisions to be made in December.

In summary, this meeting was marked by in-depth deliberations regarding tree removal regulations and administrative procedures. Decisions were reached to preserve the current ordinance while enhancing the permitting process to be added to the ordinance. Furthermore, addressing planning commission member appointments in the near future, providing the information for proceedings to be posted soon.

NEW BUSINESS - None

CONCERNS OF THE COMMISSION - None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 7:20 p.m.

A handwritten signature in cursive script, appearing to read "Angoleana R. Brien", written over a horizontal line.

Angoleana R. Brien, Secretary,

A handwritten date "10/16/2023" written in cursive script, positioned above a horizontal line.

Approved