

Gearhart Planning Commission Minutes for October 12, 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, October 12, 2023, was called to order at 6:00 p.m. by President Virginia Dideum. *All Members and staff were present except Judy Schector, who was excused.*

On **MOTION** by Graff, 2nd by Taggard, to excuse Judy Schector from the meeting.
5 - Approved (Dideum, Taggard, Frank, Graff, Mesberg) (Cockrum had not arrived yet)

CONSENT AGENDA

On **MOTION** by Graff, 2nd by Taggard, the consent agenda was approved. Said agenda approved Minutes for September 14, 2023, with a couple name edits, financial report for September 28, 2023. Correspondence, a letter from Tom Thies having to do with the trees.
5 - Approved (Dideum, Taggard, Frank, Graff, Mesberg) (Cockrum had not arrived yet)

STAFF REPORT - None

COMMISSIONERS REPORT _ None

GOALS LIST - None

VISITORS COMMENTS

Tom Thies expressed his admiration for the efforts put into this ordinance. He was initially apprehensive because of the widespread discussions regarding the stringent Cannon Beach ordinance, which appeared nearly insurmountable, however he went on to say that this ordinance is truly remarkable. His letter's only intention is to simply bring this information to the commission's attention and encourage their consideration.

PUBLIC HEARINGS

Dideum opened the public hearing at 6:05 p.m. on File #23-04CUP Conditional Use approval request submitted by the City of Gearhart for city park property located at 321 1st Street and Pacific Way, further described as Assessors Plat 6.10.09AA, Tax Lot 05200. Said request is to repaint part of an existing tennis court area to add two pickleball courts.

Dideum read the hearing disclosure, and asked if any commissioners need to declare a conflict of interest in ex parte contact or personal bias.

Frank visited the courts.

Paulina stated that she had previously voted on this matter at a prior council meeting. She does not feel she has any bias towards the application.

Mesberg mentioned that he might possess some bias and is uncertain if this would be classified as a biased stance. The reason for his uncertainty is that he resides very close to the location in question, and the noise issue directly affects him on a personal level and questioned whether it's appropriate for him to recuse himself from the voting process or not.

Cockrum was interested in hearing how it impacts Mesberg.

Dideum suggested, "Mesberg to continue and, if he reached a point where he believed it's necessary to recuse himself, that he do so at that moment. He can take that step when it becomes relevant because he does not gain anything financially, which is often a criteria. If someone does raise any challenges, it will be left to his discretion to decide whether or not he should proceed."

Dideum visited the courts and walked around them.

Dideum asked the audience if anyone challenged the commission's ability to make an impartial decision.
No Challenges.

Phillips gave an overview of the staff report.

Graff posed a series of questions and statements during the discussion. Firstly, he questioned whether the staff report primarily relied on the park plan and comprehensive plan and whether any input from the neighborhoods or Gearhart's citizens had been considered during the planning process. Secondly, Graff raised a concern about the timing of public input, noting that all the public input mentioned in the record came in after the staff report had already been completed, suggesting a potential issue.

Additionally, Graff inquired about whether the staff report considered the potential impact on property values around the Pickleball courts. He pointed out that the staff report did not address property value impacts, whether they would increase or decrease, or by how much. To emphasize his point, Graff presented a hypothetical scenario, asking if someone would be willing to purchase a house located next to a Pickleball court with specific operating hours during the summer, implying that this could potentially affect the desirability of such properties.

Phillips expressed his consideration of a specific provision within the comprehensive plan, which encourages the city to develop park and recreation facilities that cater to both residents and visitors. He found this provision surprising, given that many other policies in the comprehensive plan typically discourage developments geared toward visitors. However, he emphasized the presence of this particular policy, which stands out as an exception and clearly promotes the development of park and recreation facilities for the benefit of both residents and visitors.

Dideum brought attention to a section in the Parks Master plan, highlighting the existing amenities like pickleball, basketball, and tennis courts. She pointed out a specific statement in the plan that acknowledged community demand for more courts for various sports, including tennis and basketball. The plan also mentioned the possibility of the city providing such additional courts at a new park property in the future. Dideum raised a question regarding a potential conflict, suggesting that the acknowledgement of community demand for additional courts might contradict the current proposal or decision under consideration.

Phillips shared his approach to interpreting policy language, focusing on the actual words and their meaning. He acknowledged that those with a deeper historical understanding of the policy's intent, such as those who served on the Planning Commission or City Council, might provide valuable insights. In his view, the policy under discussion did not convey a strong stance; it merely suggested that the city

might develop pickleball courts at another location in the future, a notion he found somewhat unnecessary in the plan.

He emphasized that while some might read into this as a hint against developing pickleball courts at the current site, the plan and staff report didn't explicitly state such a position. Phillips underlined his commitment to not invent interpretations or make assumptions based on the policy's wording, stating that he preferred to stick to the explicit content of the plan.

APPLICANTS TESTIMONY

Wall Hamer – 312 Spruce St, Gearhart, OR.

The applicant delivered a comprehensive testimony that reflected their deep ties to the community, spanning back to 1975. They began by highlighting their long-standing residency in Gearhart, recounting how they raised their family in the area. Having also served as schoolteachers, their dedication to promoting wellness and healthy activities was evident. This commitment led to their personal involvement in tennis from 1970 until about 1995, which decreased as their children grew older and as they themselves aged.

Notably, their love for the tennis courts in Gearhart was unwavering, and they cherished the value of this sport in the community. Their testimony touched on the history of the pickleball initiative, which began four years ago when they approached the City Council, seeking to introduce pickleball lines to the existing courts. The process involved several meetings and negotiations with tennis players who frequented the area.

A key achievement was segregating the pickleball and tennis courts to accommodate both groups. Professional line painting facilitated this harmonious coexistence. The applicant emphasized their desire to work collaboratively with the tennis community, reflecting on their own long history of playing tennis in the area. They acknowledged that pickleball's popularity was growing, especially among older individuals, primarily due to its accessibility and benefits such as mobility, social interaction, and mental agility.

Hamer also highlighted his deep involvement in the Gearhart community, where they have resided for approximately 50 years. He has actively contributed to youth sports and recreational initiatives in the region, underscoring the community's commitment to wellness. His motivation is not to divide but to encourage recreational opportunities for all age groups. This inclusive approach was exemplified by their own grandchildren, who began playing pickleball at a very young age.

Despite recognizing noise concerns, Hamer is open to resolving these issues and is willing to cooperate in implementing measures to mitigate noise levels. He stressed that a well-rounded community should embrace a variety of sounds, including those associated with outdoor activities. Their proposal aimed to add two additional pickleball courts while leaving the tennis courts untouched to accommodate the diverse recreational interests of the community.

In closing, he expressed his deep pride in the Gearhart community's spirit of cooperation and their commitment to promoting recreation for all residents, regardless of age. Their testimony underscored their dedication to the well-being of the community and their desire to facilitate an environment that encouraged inclusivity and physical activity.

Dideum inquired if any of the commissioners had questions, creating an opportunity for further discussion. In response, Cockrum asked Hamer for a more detailed explanation of sound buffering, seeking to better understand the proposed solution for noise reduction.

Hamer, in turn, provided an in-depth response, suggesting the use of slats inside the chain-link fence to effectively inhibit sound, which they had observed being successful at major tennis facilities. Additionally, he highlighted a crucial point in the proposal. Initially, the request was for the east side, but a recommendation from a professional named Alex Haven, responsible for resurfacing and line installation, indicated that the west side might be a more suitable location. This suggestion considered the east side's issue with sound echoing due to an adjacent wall, while the west side benefited from better landscaping, potentially assisting in sound buffering. Hamer concluded by emphasizing the potential benefits of implementing sound-buffering solutions.

Continued conversation with questions and discussions regarding the noise generated by pickleball, particularly in comparison to other community sounds, and the potential for mitigating noise through solutions like sound buffering was raised.

Questions arose concerning the waiting times for pickleball players and how these times might be reduced, and a discussion ensued about potential additional court options. Hamer clarified that the intention was to serve the existing players rather than attract new ones from outside the community.

Further inquiries touched on costs and funding for the proposed expansion, including details about a grant received by the city for resurfacing. There were concerns about how the court layout and proximity might affect play for both tennis and pickleball players. Hamer explained that they aimed for both temporary and permanent solutions, which led to discussions about the netting.

Commissioners' questions concluded with questions and clarifications, addressing the complexities of the proposal and its implications for the community. Overall, the gathering revolved around concerns related to noise, space, and funding for the pickleball expansion project, during discussion with the applicant and the planning commission.

Proponents:

Andrew Stein, 298 W Kershul Circle - expressed the urgent need for additional pickleball courts due to the increasing popularity of the sport. He mentioned that the existing two courts often led to lengthy waiting times for players, and he highlighted the desire to create a more accommodating environment for the local pickleball community.

Virginia Hamer, 312 Spruce Ave - emphasized the importance of inclusivity in the community and encouraged the development of more pickleball facilities as a means to bring people together. She shared her joy in hearing the sounds of activity in the community and advocated for the perception of a thriving, healthy community through recreational opportunities.

Liz Carter, 4565 Drummond Ct - provided clarification regarding how players wait for their turns on the courts, ensuring fairness. She noted that demand for pickleball courts is not limited to local residents, as visitors and friends also join in. She discussed the challenges of accommodating these players, especially during the busy summer season, emphasizing the need for additional courts.

Eric Friedman, 454 W Kershul Circle - described the social and family-oriented nature of pickleball. He explained that groups of players often gather to enjoy the sport, and sometimes, there are visitors or part-time residents who wish to play as well. Eric underscored the necessity of four permanent pickleball courts for a smoother transition between tennis and pickleball use of the facilities.

Evangeline Buckley, 5363 Drummond Dr - expressed her support for expanding the pickleball courts in Gearhart, highlighting the social and recreational aspects of the sport. She also inquired whether it was feasible to have three courts if four permanent courts were not approved, to help alleviate the waiting times and accommodate more players during the busy season.

These proponents collectively voiced their support for expanding the pickleball facilities to address the growing demand and improve recreational opportunities for the community.

Opponents:

Ellen Gatsby, 873 Wellington Ave - shared her concern about noise levels generated by pickleball. She emphasized the importance of considering the impact on those who live near the courts and called for addressing the noise issue to maintain the tranquility of the area.

Connie Colbert, 323 S Marion - acknowledged the popularity of pickleball but stressed the noise disturbance it creates. She described hearing the noise even at a distance from the courts, which affected her outdoor experiences and those of her neighbors. Connie also suggested alternative measures, such as restricted hours or a sign-up system to address these concerns.

Sally Miller, 321 Pacific Way - spoke about the noise generated by pickleball, particularly in the early morning and late afternoon. She expressed her desire for maintaining the existing peaceful environment and suggested considering alternate playing hours as a way to mitigate the disturbance.

Deb Papadopoulos, 1978 N Ocean Ave - expressed concern about the proposed permanent court arrangement. She pointed out issues related to court placement, clearances, and the fence's impact on the tennis court. Deb suggested an alternate proposal, such as temporary court striping on the tennis court, as a more agreeable solution that would maintain clearances for everyone.

These opponents collectively raised concerns about the noise and potential disruptions to the local environment and community tranquility that the expansion of pickleball courts could bring. They provided alternative suggestions and advocated for the preservation of the existing peaceful atmosphere in Gearhart.

During Hamer's rebuttal, he emphasized his commitment to addressing concerns and working with the community. He acknowledged the noise issues raised by opponents and expressed their willingness to find solutions. He also indicated flexibility regarding the number of permanent pickleball courts, stating that they were open to options that worked best for everyone, whether that meant two courts, four temporary courts, or four permanent courts. Hamer expressed a willingness to cooperate in managing noise levels and potentially restricting playing hours to accommodate the needs and preferences of both the local pickleball community and the broader community and conveyed his intention to collaborate rather than oppose the concerns of residents and visitors regarding the noise and usage of the courts. Additionally, he acknowledged the challenge of dealing with non-local visitors and noted that they would need to follow any posted signage and adhere to court rules, with the issue of enforcement being a valid concern.

Commission discussion:

Various members of the planning commission suggested to address the noise and operational issues associated with the pickleball courts. One suggestion was made to potentially withdraw the current application and come back with a revised proposal after addressing the noise concerns. This suggestion was based on the idea that the grant money obtained for court improvements could be used for resurfacing and aligning two existing pickleball courts, maintaining the status quo, and avoiding the need for a conditional use permit. Another planning commissioner recommended conducting an acoustic study to establish a baseline for measuring and addressing noise issues systematically. The discussion also touched upon the importance of signage to communicate etiquette and rules for court usage. At that time Hamer requested a brief break to discuss their decision and potential course of action with his group.

The planning commission reconvened after a brief break, during which the applicant, Hamer, discussed the situation with his group. Mr. Hamer shared that they have decided to withdraw their application to address the

noise and operational issues related to the pickleball courts. Hamer mentioned their intention to work on mitigating the problems and mediating the concerns raised and expressed hope for productive collaboration in the future. The withdrawal of the application was accepted, and the public hearing was closed at 7:58 p.m.

UNFINISHED BUSINESS

Discussion on Landscaping, Vegetation & Revegetation, and Tree Preservation ordinance, focusing on the permitting process for tree removal:

The commission reviewed proposed changes to the Landscaping, Vegetation & Revegetation, and Tree Preservation ordinance, focusing on the permitting process for tree removal. The primary change pertains to the permitting process, specifying minor and major tree removal permits. A minor permit allows for the removal of up to five trees within a twelve-month period, while a major permit covers the removal of more than five trees. It was suggested that definitions for "minor" and "major" permits be added for clarity, and that the ordinance should cross-reference other restrictions such as riparian or aquatic zones.

It was emphasized in the meeting the importance of cross-referencing to ensure that all applicable permit requirements are met, especially in areas like riparian zones. They discussed that the proposed change aligns with current practices and will require permits for tree removal in all zones, including riparian areas that are already required. It was clarified that tree removal in a riparian zone is subject to more restrictive regulations than what was outlined in the ordinance and noted that the city staff always check thoroughly for all restrictions that may apply to all applications submitted to the city.

The commission also discussed that the Planning Commission already reviews requests for major tree removal permits, and there was no change in this regard. They expressed support for the proposed changes and agreed to move the process forward.

A motion was made to accept the draft, and it was seconded. The commission voted in favor, and a public hearing on the proposed ordinance is scheduled for November.

On **MOTION** by Graff, 2nd by Frank to accept the draft as presented.

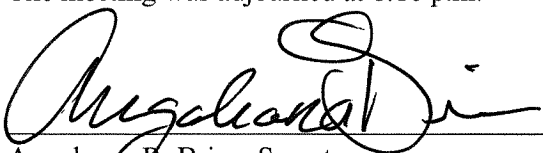
- **Outcome:** The motion passed with all members in favor.
6 in Favor - Frank, Taggard, Cockrum, Mesberg, Dideum, Graff.
0 – Opposed

NEW BUSINESS – None

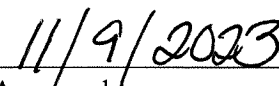
CONCERNS OF THE COMMISSION - None

QUESTIONS FOR LAND USE ATTORNEY - None

The meeting was adjourned at 8:10 p.m.



Angoleana R. Brien, Secretary,



Approved