



Angoleana Torres <planning@cityofgearhart.com>

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**10/10/24 Planning Commission: zone change request, SCOFI Gearhart LLC.**

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**Celeste Bodner** <celestebodner@gmail.com>  
To: Angoleana Brien <Planning@cityofgearhart.com>

Tue, Oct 8, 2024 at 4:34 PM

Please accept my comment for public record for Thursday's (10/10/24) Planning Commission meeting regarding the zone change request submitted by SCOFI Gearhart LLC.

I can be reached at 503-367-8740 with any questions.

Thank you,  
Celeste Bodner

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 **SCOFI\_GearhartPlanningCommission\_Bodner.pdf**  
336K



Gearhart Planning Commission  
Gearhart City Hall  
PO Box 2510  
Gearhart OR 97138

Oct 8, 2024

Re: Application of Zoning Amendment of 1002 Pacific Way (the old Gearhart Elementary School)

Dear Planning Commission members,

I wish to address several statements that were made at the Oct 2 2024 City Council Meetings that concern the property at 1002 Pacific Way (the old Gearhart Elementary School). There were mischaracterizations about our plans and activities surrounding our attempt to purchase the property which may serve to illuminate some things for the Planning Commission:

- Mr. Morey stated, “those people showed up to that meeting, a meeting chaired by Matt Brown at that time as mayor, they showed up at that meeting knowing that they were offered by the school board ... {unintelligible on recording} .... so they knew they were offered the same price we offered for the property and they knew that when they showed up at that meeting.” ***This is not true.***
  - While we were aware the Moreys had PREVIOUSLY been interested in Gearhart School (as reported in the Seaside Signal, Jul 21, 2020), we believed that they had walked away from negotiation. See also the email chain following this letter.
  - After numerous conversations with City officials, we made an offer to SSD with an impression that Moreys had dropped their pursuit of the property and that we were the only offeror at the time.
  - We made the presentation to the City Council with NO awareness of Moreys’ NEW offer, and certainly were not aware the property was under contract. We had only heard that they had re-entered the picture immediately before our presentation to City Council. It is my understanding the Mayor at the time and other city officials were also unaware the Moreys had an accepted offer, as demonstrated by the attached document showing an email chain following being made aware of the sale.
- Contrary to Mr. Morey’s misinformed description of our proposal and process, we were highly intentional in our approach to working with the City. After consulting a land-use attorney, we were very clear about the limitations of P/SP zoning. This is why we made the decisions to negotiate with the City of Gearhart in advance of entering into a sales agreement with SSD. We spoke to SSD and understood they would not enter into a contract contingent on a conditional use approval or zone change. We were not willing to take the risk of purchasing a property without a clear path forward.
  - The Moreys, on the other hand, made an offer to SSD by indicating “we closed immediately and took on the risk and we expected these things for 2 or 3 years

with no idea what's going to happen to the property.” Mr. Morey’s lament that “we've played this game now for four years” should come to no surprise to someone with his purported high level of real estate development experience.

- Finally, we were provided a much different version of events regarding the Morey offer and subsequent acceptance by SSD by people we consider “in the know.” However, because we weren’t there and the accounts provided to me are second-hand, we feel it’s inappropriate to share this information.

I have attached an email chain that demonstrates our — and other individuals’ — understanding of the transaction as it took place in November 2020. The process, commitments, timelines and portrayals regarding this property cause us concern about representations being made for future plans.

In your consideration of the zoning change application, we urge the Planning Commission members to consider three things:

- **Conditions of “the gift.”** It may serve the City to consider the land the Morey’s have offered for fire station and/or other community need. It may indeed be a very generous offer - but to truly understand the offer there needs to be transparency. Our question: Is the Morey offer of land conditional on the property being rezoned? The City experienced a great loss when the soccer fields, baseball field, and playgrounds were gated off from the citizens. Approval of a zoning change is a thing of value, as it adds significant value to the parcel. I believe it’s sensible the community should realize some gain. Personally, I’d love to see the fields transferred to City ownership. I recall Mr. Morey characterized a previously proposed deal between the city and a developer, “It is hard to imagine a more poorly negotiated and crafted agreement.” The City and Commission ought to ensure that is not the case in this instance.
- **Existing development options under P/SP zone.** While it’s understandable the current owner would prefer to develop under more profitable Residential zoning, it is entirely possible to develop or redevelop the property under its existing P/SP zoning. The current owner could consider a community meeting space, a school, and under a CUP a similar use could be approved by the Commission. Admittedly, these options may not deliver the same level of profit, but I suggest profitability of a Developer is not the Planning Commission’s concern.
- **Irrevocability of a zoning change and future subdivision.** Once the parcel is rezoned, an important and historical property at the entrance of the city of Gearhart will become open for any outright use listed in the R1 zoning guidelines. It looks as if the Morey proposal includes a 16-year sunset on the restriction to subdivide the property. We wonder: why the need for the sunset, if the true intention for the property is one single-family residence? While the current owner may have commitments about the development of

the property, a change in ownership would likely result in a different vision for the property. Will the current and future owners have the right to partition or subdivide at will? Will there be any input by citizens or oversight by the Planning Commission once the 16-year sunset is reached?

Thanks to the Planning Commission for the work it does to ensure growth in Gearhart is well-planned and diligently deliberated.

Sincerely,



Celeste Bodner  
Former student of Gearhart Elementary School  
cell: 503-367-8740  
Email: celestebodner@gmail.com



Jeff Bodner  
cell: 503-502-8351  
Email: jbodner68@gmail.com

Property owner: 567 N Cottage, Gearhart, OR 97138  
Residence: 145 N Wahanna Rd., Seaside OR 97138

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**Re: Acquisition of the Gearhart Elementary School**

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Celeste Bodner <celestebodner@gmail.com>  
To: Celeste Bodner <celeste@fosterclub.com>

Thu, Oct 3, 2024 at 3:29 PM

----- Forwarded message -----

From: **Matt J. Brown** <mayorbrown@cityofgearhart.com>

Date: Tue, Nov 17, 2020 at 4:07 PM

Subject: Re: Acquisition of the Gearhart Elementary School

To: <scofinz@aol.com>

Cc: [SRoley@seaside.k12.or.us](mailto:SRoley@seaside.k12.or.us) <SRoley@seaside.k12.or.us>, [Sen.BetsyJohnson@oregonlegislature.gov](mailto:Sen.BetsyJohnson@oregonlegislature.gov) <Sen.BetsyJohnson@oregonlegislature.gov>, [chadsweet@cityofgearhart.com](mailto:chadsweet@cityofgearhart.com) <chadsweet@cityofgearhart.com>, [connellpc@comcast.net](mailto:connellpc@comcast.net) <connellpc@comcast.net>, [councilorcockrum@cityofgearhart.com](mailto:councilorcockrum@cityofgearhart.com) <councilorcockrum@cityofgearhart.com>, [councilorjesse@cityofgearhart.com](mailto:councilorjesse@cityofgearhart.com) <councilorjesse@cityofgearhart.com>, [councilorsmith@cityofgearhart.com](mailto:councilorsmith@cityofgearhart.com) <councilorsmith@cityofgearhart.com>, [drdougougherty@gmail.com](mailto:drdougougherty@gmail.com) <drdougougherty@gmail.com>, [peter@peterowattspc.com](mailto:peter@peterowattspc.com) <peter@peterowattspc.com>, [rmarx@seasidesignal.com](mailto:rmarx@seasidesignal.com) <rmarx@seasidesignal.com>, [seasidekidsinc@gmail.com](mailto:seasidekidsinc@gmail.com) <seasidekidsinc@gmail.com>, [spenrod@seaside.k12.or.us](mailto:spenrod@seaside.k12.or.us) <spenrod@seaside.k12.or.us>

If what Mr. Morey says is true then why would there be a need to close the public access and the ball fields to local youth? He already had discussions with the city which offered the possibility of maintaining the fields and insuring the property for public access. This would cost the city very little and be a huge boost for our community. I believe this is the right thing to do especially during a pandemic.

Mr. Morey reached out to us this summer to say he was no longer interested in the property after getting his offer rejected and he also knew very well that the city was not in a position to purchase the property as any purchase over \$100,000 would have to go to a public vote, which would be next May at the earliest. He also knew that a new fire station was the major priority for the city. Then another offer was made by Celeste and Jeff Bodner who said publicly they would consider donating the open space portion of the property to the city to keep open for youth sports. All of a sudden a deal was made behind the scenes with no public transparency with Mr. Morey and no notice was given to the Bodners. I find that a little odd.

Fencing the property off to those who need it most has blindsided the city, our residents, and Seaside Kids, Inc. Because of the lack of transparency in his second offer there was no heads up to our city and it will cost our community dearly. Many citizens have already reached out and are very angry at this turn of events.

It's unfortunate that Mr. Morey chose to be secretive with his new offer and not consult with the families of our community, the city, and Seaside Kids before making the decision to fence off the open space. My guess is he has no intention of allowing public access in the future, I really hope I'm wrong but I see no evidence of good faith collaboration from his previous track record. I'm definitely at a loss.

Best,

Mayor Brown

On Tue, Nov 17, 2020 at 2:03 PM <scofinz@aol.com> wrote:

Mayor-elect Cockrum,

Below at the end of this chain is the e-mail I sent to give Gearhart's leaders advance notice of our intentions. Our commitment to work with the community is unchanged.

As part of the sale, the Seaside School District is relocating the newest playground equipment to the new elementary school.

Unfortunately, the fencing will remain while we work to determine the best use of our property for the future.

Mayor Brown's e-mail is inaccurate. A short response to it will be copied to you.

I am happy to talk with you at anytime regarding the future of our property.

Kind regards,

Bob Morey

-----Original Message-----

From: Paulina Cockrum <[councilposition3@cityofgearhart.com](mailto:councilposition3@cityofgearhart.com)>

To: Reita Fackerell <[councilorfackerell@cityofgearhart.com](mailto:councilorfackerell@cityofgearhart.com)>

Cc: mayorbrown@cityofgearhart.com <[mayorbrown@cityofgearhart.com](mailto:mayorbrown@cityofgearhart.com)>; Carole Connell <[connellpc@comcast.net](mailto:connellpc@comcast.net)>; Peter Watts <[peter@peterowattspc.com](mailto:peter@peterowattspc.com)>; R.J. Marx <[rmarx@seasidesignal.com](mailto:rmarx@seasidesignal.com)>; SRoley@seaside.k12.or.us <[SRoley@seaside.k12.or.us](mailto:SRoley@seaside.k12.or.us)>; Susan Penrod <[spenrod@seaside.k12.or.us](mailto:spenrod@seaside.k12.or.us)>; Chad Sweet <[chadsweet@cityofgearhart.com](mailto:chadsweet@cityofgearhart.com)>; councilorsmith@cityofgearhart.com <[councilorsmith@cityofgearhart.com](mailto:councilorsmith@cityofgearhart.com)>; scofinz@aol.com <[scofinz@aol.com](mailto:scofinz@aol.com)>; seasidekidsinc@gmail.com <[seasidekidsinc@gmail.com](mailto:seasidekidsinc@gmail.com)>; Sen Johnson <[Sen.BetsyJohnson@oregonlegislature.gov](mailto:Sen.BetsyJohnson@oregonlegislature.gov)>; councilorcockrum@cityofgearhart.com <[councilorcockrum@cityofgearhart.com](mailto:councilorcockrum@cityofgearhart.com)>; councilorjesse@cityofgearhart.com <[councilorjesse@cityofgearhart.com](mailto:councilorjesse@cityofgearhart.com)>; drdougougherty@gmail.com <[drdougougherty@gmail.com](mailto:drdougougherty@gmail.com)>

Sent: Mon, Nov 16, 2020 12:30 pm

Subject: Re: Acquisition of the Gearhart Elementary School

Mr. Morey,

I too am shocked by your intentions to close off the school yard open space with fences and intentionally limit residents from walking and playing in the long standing recreational space. Although it has been reported at the Parks Committee that the newest playground equipment would be moved to the new school, I have also recently had a former city official tell me that the citizens of Gearhart actually purchased the equipment.

I hope that a satisfactory solution to the property can be worked out in the future.

Mayor Elect.

Paulina Cockrum

On Mon, Nov 16, 2020 at 11:20 AM Reita Fackerell <[councilorfackerell@cityofgearhart.com](mailto:councilorfackerell@cityofgearhart.com)> wrote:

Thank you, Mayor Brown.

I also was upset when I read that the school property would be fenced off and that all playground equipment would be removed. I believe that the citizens of Gearhart will be angry as well.

My hope is that we can work together to continue to provide park and recreational space for our community with no impediments whatsoever.

Councilor Fackerell

On November 16, 2020, at 10:36 AM, "Matt J. Brown" <[mayorbrown@cityofgearhart.com](mailto:mayorbrown@cityofgearhart.com)> wrote:

Dear Mr. Morey,

It's unfortunate that you have decided to take a secretive and adversarial tone in your new acquisition of the Gearhart school property and close important and vital access to the property to our community and youth sports. Especially since you claimed you were open to allowing such access in your previous discussions with the city and officials...

"My personal preference is for the entire site to be turned into public purpose--parks and/or community meeting center and/or a Chautauqua type center. As was highlighted in the Parks Master Plan meeting this evening, there is no other asset in the city that can provide playing field and family oriented park space." - August 19, 2020

As a resident of Gearhart for 45 years and a public servant for over 12 years I am deeply concerned about the lack of transparency during your new acquisition process and what you truly envision for the location, as you know we gave all parties interested in the property a chance to publicly speak at our last city council meeting on 11/4/20 and you decided not to inform the public on your vision, plan, or intention.

The city and staff over the last year has gone out of their way to have open and honest discussions with you and your "team" and supply any needed public information to you as you considered a purchase. You wrote in your recent email on 11/15/20...

"All of the playground equipment will be removed. Most of the equipment will be relocated to the new elementary school site. All sports field equipment will also be removed.

By the year end, the site will be fenced and closed to public access."

As you have mentioned many times you are an accomplished "developer" working on major projects all over the world including New Zealand and you have recently decided to spend more time at your property here in Gearhart. I hope you understand the residential nature of our community and the importance of open space to our residents and youth. I also hope you understand that any planned "development" of the property would need to go through the public re-zoning process and that no new commercial zoning can be created under our Comprehensive Plan.

I truly hope that you decide to include the whole community in your planning process especially our working families who have relied on those ball fields for their child's sports for many years and put transparency and the intentions of our Comprehensive Plan at the forefront of any decision you make. As a citizen, public official, and former student of Gearhart Elementary I believe our youth and community needs should be put first and foremost ahead of profits.

Sincerely,

Mayor Brown

Gearhart Eagle 

On Sun, Nov 15, 2020 at 6:14 PM <[scofinz@aol.com](mailto:scofinz@aol.com)> wrote:

Good Evening Everyone,

SCOFI GEARHART, an Oregon LLC will be closing on the purchase of the Gearhart Elementary School property tomorrow, Monday, November 16th. The managing member of the LLC is Robert S. "Bob" Morey. The other member is Timi Morey. We are Gearhart residents.

All of the playground equipment will be removed. Most of the equipment will be relocated to the new elementary school site. All sports field equipment will also be removed.

By the year end, the site will be fenced and closed to public access.

We will be collaborating with the entire community of Gearhart as we determine the best long term uses of the former elementary school property. This will not be a rushed process.

Creating something welcoming and visually interesting when entering the city is the goal. We look forward to working cooperatively with the council, staff, and the community to achieve something special.



Bob Morey

--

Matt J. Brown | Mayor  
City of Gearhart  
[698 Pacific Way](#) | PO Box 2510  
Gearhart, Oregon 97138  
Office: (503) 738-5501 | Fax: (503) 738-9385  
Twitter: @mayormattybrown  
[Facebook.com/mayormattybrown](#)  
#WhyWeLoveGearhart

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Paulina Cockrum | City Councilor  
City of Gearhart  
[698 Pacific Way](#) | Gearhart, Oregon 97138  
Office: (503) 738-5501 | Fax: (505) 738-9385  
[councilorcockrum@cityofgearhart.com](mailto:councilorcockrum@cityofgearhart.com)

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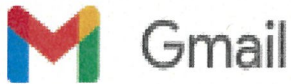
Reply Reply to all Forward

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Matt J. Brown | Mayor  
City of Gearhart  
[698 Pacific Way](#) | PO Box 2510  
Gearhart, Oregon 97138  
Office: (503) 738-5501 | Fax: (503) 738-9385  
Twitter: @mayormattybrown  
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Angoleana Torres &lt;planning@cityofgearhart.com&gt;

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## Please deny zone change request for the former Gearhart Elementary School

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greg@thewavescannonbeach.com <greg@thewavescannonbeach.com>  
To: planning@cityofgearhart.com

Tue, Oct 8, 2024 at 4:26 PM

Dear Planning Commission members,

I am writing as a property owner of [94 South Cottage](#) in Gearhart, with regards to the proposed rezoning on the property located at [1002 Pacific Way](#), commonly referred to and known as the site of the old Gearhart Elementary School.

I see that the property owner has applied for a zone change request which would change the zone from Public and Semi-Public P/SP to Low Density Residential R-1.

I would ask that the Planning Commission deny this request. I do not believe that this change meets a land use need, and I further believe that the change in zoning enriches only the current owner of the property and provides limited to no value to the community while doing so.

Thank you for the work that you are doing in order to ensure that public interests are heard and prioritized in this discussion.

Greg Swedenborg

PO Box 1145

Cannon Beach, OR 97110





Angoleana Torres <planning@cityofgearhart.com>

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## Comments for rezoning application presented by SCOFI Gearhart LLC

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**Nissa Roberts** <nissa.m.roberts@gmail.com>  
To: Angoleana Brien <planning@cityofgearhart.com>

Tue, Oct 8, 2024 at 4:10 PM

Dear Planning Commission members,

I am writing as a citizen and property owner in Gearhart in regards to the proposed rezoning on the property located at **1002 Pacific Way**, commonly referred to and known as the site of the old Gearhart Elementary School.

I see that the property owner has applied for a zone change request which would change the zone from Public and Semi-Public P/SP to Low Density Residential R-1.

I would ask that the Planning Commission deny this request. I do not believe that this change meets a land use need, and I further believe that the change in zoning enriches only the current owner of the property and provides limited to no value to the community while doing so.

Thank you for the work that you are doing in order to ensure that public interests are heard and prioritized in this discussion.

Sincerely,

Nissa M. Roberts  
PO Box 2390  
Gearhart, OR 97138

