

jgreen2317 to mayorbrown, councilorcockrum, councilorjesse, councilorsmith, reitalea, citymgr, planning

8:37 AM

May 31, 2018

Comments to Council

Margaret Green, PO Box 2597, Gearhart

Subject: Ordinance #910 - Dune Vegetation Management in the BAD overlay zone

While serving on the Gearhart Citizens' Dune Vegetation Committee, I witnessed a vast accumulation of additional research to expand our resources and information, building on that already collected from local sources. I also observed much compromise to incorporate community-voiced concerns. I believe the committee recommendations were thoroughly discussed and well-crafted. Though I don't agree with some of the changes made by council, in general, I support this ordinance. The one exception I have is the decision to deviate from the words "managing views" in the original recommendations (3Dc) with "maintaining ocean views" (3D3) of the new ordinance.

There were many discussions during committee meetings regarding views, resulting in the discovery, that within even that small group, the views valued varied by the individual. This is why the committee's document did not refer to "ocean" views. Protecting diverse views was a goal.

I would like to call attention to the Footnotes dated July 7, 2017, and approved by the committee for submittal to council. These were submitted on July 7, July 28, and October 2 of 2017 and again just prior to the April 11 hearing. The intent of the Footnotes document was to explain some of the thought processes supporting the recommendations. The specific note I would like to highlight is an example of compromise while incorporating citizens' concerns; it reads:

3D: It is recognized that the concept of view varies within the community and is a community value, not that of just a few property owners. The majority opinion of the committee was that protecting existing forested areas for wildlife habitat and recreational enjoyment in the public Parkland is in the interest of Gearhart citizens, but that maintaining the existing forest footprint and preventing its spread serves concerns for views as well as those of public safety. Removal of trees less than 6" in diameter and limbing up would open sightlines and windows for ocean/forest views as well as reduce forest density.

My husband and I were out of town at the time of the ordinance hearing in April and the May first reading for council. I have only now had an opportunity to study the documents in depth and I feel compelled to point out this problem in the ordinance language. Revising the original phrase "managing views" to "maintaining ocean views" is not only confusing for implementation and impossible to uphold while avoiding litigation (it is unlikely future councils can guaranty the costly maintenance of ocean views for ever and ever), it is unnecessary.

The allowed practices as outlined in the committee's recommendations and written into the ordinance do not need the qualifier "to protect ocean views". A practice is either allowed or not allowed. If the allowed practice actually creates better "ocean views", then that would merely be the result of following the allowed practice.

Much as I would like to see this ordinance on the books, I believe we would be negligent if we fail to strike the words "to maintain ocean views" from Page 3, #3. I encourage you make that happen.

Respectfully submitted,

Margaret Green



FEMA

MAY 16 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Matt J. Brown
Mayor, City of Gearhart
City Hall
Post Office Box 2510
Gearhart, Oregon 97138-2510

Dear Mayor Brown:

I am writing this letter as an official reminder that the City of Gearhart, Oregon, has until June 20, 2018, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(e) of the National Flood Insurance Program (NFIP) regulations.

The City of Gearhart must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by June 20, 2018, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in Special Flood Hazard Areas (SFHAs). This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.

Your NFIP State Coordinator and FEMA would like to assist the City of Gearhart to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the City of Gearhart is encountering difficulties in enacting its measures.

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The Honorable Matt J. Brown

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I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Oregon Department of Land Conservation and Development. Christine Shirley, CFM, the NFIP State Coordinator, is accessible by telephone at (503) 373-0050, in writing at 635 Capitol Street, Northeast, Suite 150, Salem, Oregon 97301-2540, or by electronic mail at christine.shirley@state.or.us.

The FEMA Regional staff in Bothell, Washington, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (425) 487-4600 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region X, at 130 – 228th Street, Southwest, Bothell, Washington 98021-8627.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,



Rachel Sears, Director
Floodplain Management Director
Mitigation Directorate | FEMA

Enclosure

cc: Mike O'Hare, Regional Administrator, FEMA Region X
Christine Shirley, CFM, NFIP State Coordinator, Oregon Department of Land Conservation
and Development
Chad Sweet, City Administrator and Floodplain Administrator, City of Gearhart

Gearhart City Council

May 29, 2018

NEW PROTECTING OCEAN VIEW VERBIAGE

The new "PROTECTING OCEAN VIEWS" verbiage (instead of "protecting views" that is currently in our Ordinance & Comprehensive Plan) was recently inserted into the Dune Vegetation Document that was voted on at the last City Council Meeting without the knowledge or discussion from all of the city councilors or the community. When I inquired on how that wording got in there I was told that they did not know how it got there. So it was possible it was a mistake by our city planner in the paperwork.

Changing our document to "Protecting Ocean Views" has far reaching consequences and a decision this big needs serious discussion with all city councilors present and the community. To pass a change this big should include more than 1 yes vote and the mayor voting yes. It should have been put on hold until it had gone through the proper channels. It needs to be deleted.

For some people trees and the associated wildlife and trails are part of the view that they want to preserve. Our Comprehensive Plan does not state that the city officially prioritizes views of the ocean over and above views of all scenery. It is a public park and natural area owned by the state and the city. In a park "no single person or group of people" can decide for all its citizens what the appropriate view should contain and the city cannot make an executive decision (with only 2 votes !!) that one person or group's view preferences supersedes that of all other citizens.

To insert "protect ocean views" you are bringing our dune areas into danger. Our beautiful dune area needs to be in a Master Park Plan and view management decisions need to be based on the needs of all citizens. We need to protect our parkland and its Dunes for future generations to come.

This mistake needs to be corrected. We do not want our city government run like this.

Sincerely,

Thad Clark

PO Box 2132

Gearhart, Ore

From: jgreen2317 <jgreen2317@aol.com>

To: mayorbrown <mayorbrown@cityofgearhart.com>; councilorcockrum <councilorcockrum@cityofgearhart.com>; councilorjesse <councilorjesse@cityofgearhart.com>; councilorsmith <councilorsmith@cityofgearhart.com>; reitalea <reitalea@gmail.com>; citymgr <citymgr@ci.gearhart.or.us>; planning <planning@ci.gearhart.or.us>

Subject: Ordinance #910 - Dune Vegetation Management in BAD overlay zone

Date: Thu, May 31, 2018 12:59 pm

May 30, 2018

Comments to Council

John Green, PO Box 2597, Gearhart

Subject: Ordinance #910 - Dune Vegetation Management in the BAD overlay zone

I would like to speak to the proposed ordinance 910 regarding Dune Vegetation Management in the BAD overlay zone. I was out of town for the April Hearing and the May first reading.

My greatest concern is that much of the BAD overlay is zoned as City Parkland. As such, it belongs to all the residents of Gearhart for their enjoyment. The full diversity of the citizenry including those who want views of trees and the associated wildlife should be considered.

Section 3D3 of the proposed ordinance mentions maintaining "ocean views". It would be a mistake for the City of Gearhart to narrow its scope of views to "ocean" views and exclude Gearhart citizens who like to view wildlife, trees and dunes. Should our building ordinances also mention ocean views? Does this mean that permitting for a large home (similar to 762 S Ocean) or a tall chimney could be challenged because it obstructs ocean views?

Ordinances should follow the Comprehensive Plan not vice versa. The planners' connection of ocean views to Goal #5 (staff findings page 5) is not supported in the Comp Plan language of Goal 5, which actually talks about protecting trees rather than removing them. Nowhere in Goal 5 are views mentioned. On page 6 of the findings, scenic views are mentioned as supporting Goal 9 and 13, goals that do not include that language. Again on pages 11/12, the planner has described scenic views as one of the public needs, another extrapolation from non-existent Comp Plan language.

Finally, the city has yet to draft a Master Parks plan as required by the Comprehensive Plan dated February 2, 1994 under Recreation LCDG Goal 8 section 4. Until this master plan has been adopted by the City of Gearhart, no tree cutting, pruning, thinning, or topping should be allowed on Parkland.

I believe the view language should be struck from this otherwise sound and well researched Ordinance.

John Green

To: Gearhart City Councilors, Mayor Matt Brown, City Manager Chad Sweet, Citizens of Gearhart

Regarding: Dune Vegetation Management Ordinance

There is no precedent in the Gearhart Comprehensive Plan or the LCDC Goals that would suggest the city protect ocean views. There are numerous references to protecting vegetation and wildlife habitat. The Dune Advisory Committee, in keeping with this vision, made suggestions that would do the least amount of damage and open up sight lines for a few select homeowners. Insertion of "topping" allowance and managing for "ocean" views is in direct opposition of the Committee's, Comp Plan and LCDC's recommendations and mandates.

The shore pines in the south dune area far outnumber the spruce trees. Topping the pines at 1/3 per year will result in no pines in 4 years. This creates a monoculture of spruce which will be unprotected from storm damage and uprooting. Meanwhile, topping the trees creates a dense canopy which is a greater fire hazard, and weaker limbs that can fall on walkers – a personal hazard. Tree topping goes against all arborist recommendations and is a give-away to the desires of a few select homeowners.

To state in any way that the City of Gearhart will protect "ocean views" is irresponsible, as it will set a parameter that is ill-defined and often contested. Why would we want to create a future situation that will be perilous? Where are these ocean views from- a backyard, a driveway, the lowest floor, the homeowners' bed, east Gearhart? What constitutes an ocean view- distant ocean or the waves breaking on the

shore? "Ocean views" is an extremely vague concept, which will be open to many interpretations.

I urge the Councilors and Mayor to adopt an ordinance which will take into account all citizen values, be in alignment with the vision of the Comp Plan and LCDC goals, and protect the City from future strife/lawsuits.

Sharon Kloepfer PO Box 2512 Gearhart