



# CITY OF GEARHART

## Staff Report

For City Council Meeting - 8/7/2024

### **Subject - Ordinances/Resolutions - Ordinance #942 Section 6.070(8) Preservation & Removal of Trees GZO Text Amendments**

**Synopsis:** The below staff report synopsis from City Planner Garrett Phillips, and attached Ordinance #942 that would institute a tree permitting process, were both presented at the June regular Council meeting. The staff report has since been updated. After additional correspondence was received that could change the scope of the ordinance and implement restrictions - and therefore, a property owners' use of personal private property - it was suggested the item be tabled until another public hearing could occur. All old correspondence received for the June meeting pertaining to this ordinance is also attached. New correspondence received is attached and located under the designated cover sheet.

#### **Synopsis:**

##### **Staff Report**

July 30, 2024

To: Gearhart City Council

From: Garrett Phillips, AICP City Planner

City File: Gearhart Zoning Ordinance Amendments: Section 6.070(8) Preservation and Removal of Trees Amendments

#### **Attachments:** Ordinance

Draft Amendments

Written Public Comments submitted for the June 2024 City Council meeting

## Overview

The draft amendments are to Gearhart Zoning Ordinance Section 6.070(8) Preservation and Removal of Trees. City Council can direct staff to make changes to the draft amendments, or adopt the attached ordinance. A summary of the draft amendments is below.

Change definition of trees, so that tree size is measured in circumference instead of diameter.	Makes it easier for lay people to measure their own trees in relation to the ordinance without performing math.	Planning Commission, 2023
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Change definition of trees, so that when there are multiple trunks, only the largest trunk is measured when determining whether the tree is subject to permitting requirements.	Clarifies application of tree permitting requirements. Narrows the range of trees subject to tree permitting requirements.	City Council comments, 2024
Change definition of trees to exclude three invasive species, thereby exempting them from any protections or permit process.	Makes it easier for people to remove the three invasive tree and shrub species. Narrows the range of trees subject to permitting requirements.	City Council comments, 2024
Require that a minor tree removal permit be obtained for removal of up to five trees. Also requires that staff issue the permit. There are no criteria that need to be met to obtain the permit other than filling out an application form.	Improves staff's awareness of tree removal activity, and corresponding responses to inquiries from other residents interested in tree removal activities. Expands the circumstances under which a permit is required.	Planning Commission, 2023
Allows tree owners to remove hazard trees based on the recommendation of an arborist.	Makes it easier for owners to responsibly correct hazard tree situations.	City Council comments, 2024

Planning Commission proposed legislative text amendments to the Gearhart Zoning Ordinance (GZO) Section 6.070(8) Preservation and Removal of Trees. The proposed amendments were drafted, deliberated over in open Planning Commission meetings, and refined over the course of several months in 2023. City Council held a hearing in January 2024 and declined to approve the amendments and requested that Planning Commission reconsider and continue working on the amendments. In March 2024, Planning Commission considered feedback from City Council, and discussed a limited scope of issues that City Council feedback was related to, making a new recommendation to City Council.

### Planning Commission Process and Discussion

In the March 2024, the Planning Commission discussion centered around the following issues:

- **Clarifying Intent:** Clarifying the intent and rationale of Planning Commission's recommendations for City Council.
- **Process History:** Clarifying how many opportunities the public had to affect the draft ordinance.
- **More Protection for Trees:** Whether to recommend substantive changes to the draft ordinance, such as requiring more protection for trees.
- **Clarity on Tree Definitions and hazard and septic situations:** Whether to recommend changes responding to City Council feedback on multi-trunk trees, invasive species, hazard situations, and emergency septic repair situations.

#### Clarifying Intent

- The Planning Commission's intent for the draft amendments was to assist staff in keeping track of tree cutting activities, so that they can respond to inquiries from Gearhart residents about whether given instances of tree cutting are permitted. In March 2024, the Planning Commission reiterated their purpose.

#### Process History

- Planning Commission's draft amendments were drafted and deliberated over in at least seven open Planning Commission meetings, with the topic posted on the Planning Commission's agenda in public notices. City Council held a hearing on the matter, and then Planning

Commission discussed the topic in an additional public meeting in March 2024. Few members of the public have testified, attended meetings, or reached out to City staff to discuss the amendments throughout the process.

**More Tree Protections**

- Throughout 2023, the scope of the Planning Commission’s discussion included potentially requiring more substantial protections for trees in more situations, for example, lowering the size and count thresholds for when trees are permitted to be cut down, providing additional protections to very large trees, and adding more restrictive decision criteria that would need to be met to permit tree cutting. After deliberating on these issues, the Planning Commission declined to recommend that they move forward in the draft ordinance. In their March 2024 meeting, the Planning Commission also declined to reconsider these issues.

**Clarity on Tree Definitions and hazard and septic situations:**

- Staff proposed draft ordinance changes in response to January 2024 City Council feedback on the following issues: multi-trunk trees, invasive species, hazard situations, and emergency septic repair situations.
- Planning Commission discussed staff’s draft ordinance changes, making minimal changes, and recommending that the City Council consider the resulting draft amendments reflected in the exhibit.

**City Council January 2024 Discussion**

**Summary of Individual City Council Member Concerns**

Concern	
Require more protection for trees, potentially lowering the size threshold for what constitutes a tree.	The proposed amendments do not respond to this topic.
Include a purpose statement for the section	The proposed amendments do not respond to this topic.
Require consideration of methods other than whole tree removal, such as pruning or limb removal	The proposed amendments do not respond to this topic.
More public input should be obtained.	The Planning Commission held an additional public meeting with the topic announced on the agenda.
Dangerous tree mitigation should be allowed without any permit process that would slow it down. City staff should not be in the position of determining whether a tree is dangerous	The proposed amendments respond to this topic on the bottom of page 2, by allowing residents to remove a tree based on an arborist’s recommendation without first obtaining a permit. The proposed amendments also allow for staff to make a determination that a hazard tree can be removed.

The permit process will require additional unfunded staff time.	Staff estimate that upon receiving a tree removal application form, it would take approximately 15 to 30 minutes on average to review the form, request any missing information from applicants, and issue/file the permit. Staff do not have a basis for estimating the number of applications that will be submitted, because applications have not been required in the past.
The amendments give inappropriate consideration to aesthetic while ignoring homeowners' rights to make their own decisions.	The proposed amendments do not respond to this topic, however the draft amendments presented in January 2024 and presented now do not add any restrictions on tree cutting.
Clarify tree definition so that the measurement is only	The proposed amendments respond to this topic
applicable to the largest trunk/branch at breast height in cases of multi-trunk trees.	in the "Definitions" section on page 1.
Change the tree definition to exempt several invasive species.	The proposed amendments respond to this topic in the "Definitions" section on page 1.

### June 2024 City Council Meeting

In June 2024 the draft amendments were included on the City Council's agenda. City Council did not discuss the matter at length, and chose to hold a public hearing in August, 2024. Written public and City Councilor comments submitted for the June 2024 meeting are included in the record for this meeting.

#### **Council Options:**

1. Motion to approve amended draft Ordinance #942 reading once by title only;
2. Make further changes and motion to approve as amended;
3. Take other action desired by the Council.

**Recommended Motion:** Staff needs direction from Council; this is a Council decision.

**Legal Analysis:** If further edits relating to definitions and restrictions are being suggested, the ordinance would need a formal draft edit and presentation with another public hearing. If approved as is, or "as amended" with minor changes, the ordinance would return in September for a second reading, taking effect 30-days later.

**Financial Analysis:** The ordinance as written implements a permit process similar to the Beaches & Dunes area permit. Its original intention was not to focus on amending restrictions. There will be no cost for the tree permit application.

Respectfully Submitted,



Chad





**ORDINANCE NO. 942**

AN ORDINANCE AMENDING THE CITY OF GEARHART ZONING ORDINANCE SECTION 6.070(8) PRESERVATION & REMOVAL OF TREES

**WHEREAS**, the City of Gearhart wants to clarify the measurement of trees needing a permit to be removed; and

**WHEREAS**, the City wants to collect more data on the number of trees being cut.

**NOW, THEREFORE**, the City of Gearhart ordains the Zoning Ordinance to read as follows:

**Amendments**

8. PRESERVATION AND REMOVAL OF TREES

A. Purpose: The purpose of this section is to recognize that trees are a significant aesthetic and environmental resource within the City of Gearhart and to create conditions favorable to the preservation of this plant heritage for the benefit of the current and future residents of the City. The purpose is not to prohibit the removal of all trees, but to ensure that mature trees are removed only where necessary, and to permit the reasonable development and use of property.

B. Definition: For the purpose of this section, “tree” is defined as follows: Any tree with a primary trunk greater than thirty-eight (38) inches in circumference as measured four and one half (4-1/2) feet above the existing grade, and excluding Common Hawthorn, English Holly, Cherry Laurel, and Tree of Heaven.

C. Applicability: This section applies to the removal of trees in the City of Gearhart, except that it does not apply to tree removal:

(1) in order to construct proposed improvements, including the placement of structures and on-site sewage disposal facilities, access ways, utilities, need to make essential grade changes, and other authorized activities.

(2) in the B.A.D. Overlay Zone the preservation and removal of trees are regulated by that zone in Section 3.12.

D. Requirements:

(1) Any person proposing to remove, cut down, or otherwise destroy a tree shall first obtain a minor or major tree removal permit from the City.

(2) One or more minor tree removal permits may be granted for the removal of up to five total trees within any twelve month period. Upon submittal of a complete application and verification by City staff that the proposed permit will not authorize the

removal of more than five trees in a 12 month period, and that the proposal is consistent with the Gearhart Zoning Ordinance, the permit shall be issued.

(3) Removal of more than five trees within any twelve month period may be permitted as a major tree removal permit. The Planning Commission may grant or deny a request for a major tree removal permit on the basis of the criteria set forth below in Section 6.070(8)(E), except as provided in Section 6.070(8)(F) below.

(4) Such conditions as are deemed necessary and appropriate to ensure the proper enforcement of this section may be made part of the major removal permit. Such conditions may involve, but are not limited to the following:

- a. The replacement of the trees proposed for removal with trees of a suitable type, size and location.
- b. A Plan for protecting trees on the project site during and after development.
- c. Restrictions on cuts, fills and grading within the vicinity of remaining trees.

(5) Tree removal that is to be undertaken in conjunction with a specific development project shall occur only after a building permit has been issued, or the Planning Commission or City Council has approved an activity requiring the removal of the trees.

(6) An approved tree removal permit shall be void after one year from its issuance unless a shorter period was specified as a condition for approval.

E. Criteria: The granting of a major tree removal permit shall be based on a finding that at least one of the following criteria is met:

- (1) Necessity to remove trees which poses a safety hazard.
- (2) Necessity to remove trees which are diseased. Evidence of disease may be provided by a qualified forester or arborist.
- (3) Solar access; and the need to remove trees which deposit needles or other debris on rooftops. The burden of proof is on the applicant to show that other design alternatives which do not require the tree removal are not practical or will create a significant economic hardship.

F. Exception:

- (1) A tree posing a safety hazard or dangerous condition may be removed without first obtaining a permit if an arborist recommends removal as the corrective action. In such cases, the condition and corrective action shall be documented in writing by an arborist, and submitted to the City with a tree removal application within 10 days after the corrective action has occurred.
- (2) The City Administrator or designee may grant the immediate removal of trees which pose a safety hazard or dangerous condition, or for a required septic system emergency repair. In such cases, the septic system permit shall be submitted to the City with a tree removal permit within 10 days after the corrective action has occurred.

G. Appeals of a decision of the City Administrator or Planning Commission shall be in accordance with Section 13.060.

H. Enforcement. Enforcement of this section shall be in accordance with Article 15 of this ordinance, or by other ordinances the City Council may adopt to implement the purpose of this section.

Passed by the City Council of Gearhart this \_\_\_\_ day of \_\_\_\_\_, 2024.

Yeas: \_\_\_\_

Nays: \_\_\_\_

Absent: \_\_\_\_

Abstain: \_\_\_\_

Approved and signed by the Mayor of Gearhart this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor Kerry Smith

ATTEST:

\_\_\_\_\_  
City Administrator, Chad Sweet



## 8. PRESERVATION AND REMOVAL OF TREES

### A. Purpose:

The purpose of this section is to recognize that trees are a significant aesthetic and environmental resource within the City of Gearhart and to create conditions favorable to the preservation of this plant heritage for the benefit of the current and future residents of the City. The purpose is not to prohibit the removal of all trees, but to ensure that mature trees are removed only where necessary, and to permit the reasonable development and use of property.

B. Definition: For the purpose of this section, “tree” is defined as follows: Any tree with a primary trunk greater than ~~twelve (12)~~thirty-eight (38) inches in diameter-circumference as measured four and one half (4-1/2) feet above the existing grade, and excluding Common Hawthorn, Cherry Laurel, and Tree of Heaven.

C. Applicability: This section applies to the removal of trees in the City of Gearhart, except that it does not apply to tree removal:

(1) in order to construct proposed improvements, including the placement of structures and on-site sewerage disposal facilities, access ways, utilities, and essential grade changes.

C. (2) in the B.A.D. Overlay Zone the preservation and removal of trees are regulated by that zone in Section 3.12.

### D. Requirements:

(1) Any person proposing to remove, cut down, or otherwise destroy a tree shall first obtain a minor or major tree removal permit from the City.

(2) One or more minor tree removal permits may be granted for the removal of up to five total trees within any twelve month period. Upon submittal of a complete application and verification by City staff that the proposed permit will not authorize the removal of more than five trees in a 12 month period, and that the proposal is consistent with the Gearhart Zoning Ordinance, the permit shall be issued.

(3) Removal of more than five trees within any twelve month period may be permitted as a major tree removal permit. The Planning Commission may grant or deny a request for a major tree removal permit on the basis of the criteria set forth below in Section 6.070(8)(E), except as provided in Section 6.070(8)(F) below

~~(1) Any person proposing to remove, cut down, or otherwise destroy more than five trees within a twelve-month period shall first obtain a tree removal permit from the City. The Planning Commission may grant or deny a request for a tree removal permit on the basis of the criteria set forth below in Section 6.070(8)(E), except as provided in Section 6.070(8)(F) below.~~

~~(2)~~(1) Such conditions as are deemed necessary and appropriate to ensure the proper enforcement of this section may be made part of the major removal permit. Such conditions may involve, but are not limited to the following:

a. The replacement of the trees proposed for removal with trees of a suitable type, size and location.



b. A Plan for protecting trees on the project site during and after development.

c. Restrictions on cuts, fills and grading within the vicinity of remaining trees.

~~(3)~~(2) Tree removal that is to be undertaken in conjunction with a specific development project shall occur only after a building permit has been issued, or the Planning Commission or City Council has approved an activity requiring the removal of the trees.

~~(4)~~(3) An approved tree removal permit shall be void after one year from its issuance unless a shorter period was specified as a condition for approval.

E. Criteria: The granting of a major tree removal permit shall be based on a finding that at least one of the following criteria is met:

(1) Necessity to remove trees which poses a safety hazard.

(2) Necessity to remove trees which are diseased. Evidence of disease ~~shall~~may be provided by a qualified forester or arborist.

~~(3) Necessity to remove trees in order to construct proposed improvements, including the placement of structures and on-site sewerage disposal facilities, access ways, utilities, need to make essential grade changes, and other authorized activities.~~

~~(4)~~(3) Solar access; and the need to remove trees which deposit needles or other debris on rooftops. The burden of proof is on the applicant to show that other design alternatives which do not require the tree removal are not practical or will create a significant economic hardship.

F. Exception:

~~(1) A tree posing a safety hazard or dangerous condition may be removed without first obtaining a permit if an arborist recommends removal as the corrective action. In such cases, the condition and corrective action shall be documented in writing by an arborist, and submitted to the City with a tree removal application within 10 days after the corrective action has occurred.~~

~~(1)~~

~~(4) The City Administrator or designee may grant the immediate removal of trees which pose a safety hazard or dangerous condition, or for a required septic system emergency repair. In such cases, the septic system permit shall be submitted to the City with a tree removal permit within 10 days after the corrective action has occurred.~~

~~(2)~~

~~(3) The City Administrator may permit the removal of trees within the footprint of the proposed building, access, or on-site sewage treatment system upon approval of the building permit.~~

G. Appeals of a decision of the City Administrator or Planning Commission shall be in accordance with Section 13.060.

H. Enforcement. Enforcement of this section shall be in accordance with Article 15 of this ordinance, or by other ordinances the City Council may adopt to implement the purpose of this section.



City Councilor Sharon Kloefer has submitted the attached document for discussion.

## Tree ordinance inclusions:

### 1. Heritage tree protection

In order to protect our most valued trees, council consideration and approval must be given for removal of any trees that fall under the Heritage Tree definition. This would include any tree over 55 inches in circumference measured at 4.5 feet from the ground, a tree estimated to be older than 50 years, a tree with historical or unique aesthetic value, or a tree in a prominent location.

### 2. Root zone protection

Any tree that is deemed to fall under the Heritage tree definition will also have its root zone protected from disruption. The root zone is the diameter of the trunk at 4.5 feet above the ground times 12 inches in any direction from the trunk.

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## Ord 942 Gearhart

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Robert Stineman <yrrhost@gmail.com>  
To: info@cityofgearhart.com

Wed, Jun 5, 2024 at 3:24 PM

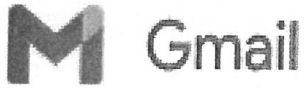
After review of the proposed ordinance, my recommendation is that the city not proceed until we gather expert advice. I have personally reached out to four other contractors, two are tree specialists, certified arborist. I've been an arborists for over 22 years here in Clatsop county in business over 35 years. I do see some problems in this ordinance as it reads I'm going to recommend the city not pass, but allow us to input expert advice specifically in this field. I believe we could modify this ordinance to meet everyone's needs. Our goal is for contractors and tree arborists working together with city council members to formulate a simple plan for beautiful healthy Trees.

Sincerely, Robert & Rachel Stineman  
Young's River Tree Service LLC



503-325-5564 Astoria Office  
503-861-8618 Warrenton/Seaside Office  
Yrrhost@gmail.com  
Tree Service Website





Krysti Ficker <krysti@cityofgearhart.com>

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## Tree ordinance

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**jason bigby** <bigbytree2@gmail.com>  
To: info@cityofgearhart.com

Wed, Jun 5, 2024 at 10:01 AM

As a tree service owner I have been working in the city of gearhart for the past 20 years. Working for the city and for the home owners. I've been a part of construction clearing, view maintenance, planting new trees, mitigating fire fuel by removing and chipping trees to make for a safe environment. At no time have we ever been a part of over cutting. There is always a purpose in what we do. I believe that extremism in any form is a negative thing. There has to be balance. Having some control measures is fine. Drawing a hard and fast line is not. The reality is that no one has the time or resources to take something that is currently working and turn it into a very complicated and costly process. Home owners should be able to make there own decisions regarding their property including how and what they do with their trees. If you look at the greater gearhart area you will clearly see that people care about trees. We have been pruning hundreds of them over the years. The homes that all of you live in most likely were at one time a site that was changed from a natural area to a homesite. I would urge the community to keep the controls as they are. It's functional and it works.

Jason Bigby  
Arborist and owner of Bigbys Tree Service  
Sent from my iPhone

June 1, 2024

Robert E. Lee  
627 8th. Street  
Gearhart, Oregon 97138  
roberteleeoregon@icloud.com

Councilor Dana Gould  
Mayor and Council Members  
City of Gearhart, Oregon

Subject: Opposition to Proposed Tree Ordinance

I am writing to express my strong opposition to the proposed tree ordinance that is under consideration by the City of Gearhart. As a concerned citizen, who has grown up here, and been a property owner in Gearhart for almost fifty years, I believe this ordinance would have unintended consequences that would negatively impact our community.

Specifically, I am concerned about the potential costs associated, for the homeowner in complying with the ordinance, as well as the impact it would have on my property rights. Also not to mention the cost the city would incur. I understand the importance of trees in our community, but I believe there are effective and less intrusive ways to achieve the city's goals.

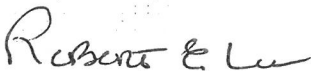
One only has to walk through this small community to see the pride and personalities of the homeowners, the care given to the houses, lawns, shrubs, flowers, and of course trees. Some trees need to come down, some age, some are rotten, are too close to the house, causing roof damage, or to get light in the house. Lots where new houses are to be built may need to cut a tree to place the building where the homeowner wants it.

Gearhart does not have a sewer system. Lots in Gearhart are small and the average cost of a septic system is \$20,000, trees will need to be cut back or taken down because roots invade the drain field.

I urge the city to consider keeping the tree ordinance as it is, and consider a solution that balances the needs of all property owners, not just a few, with the need to protect our urban forest. I would be happy to discuss this further with you and explore options that work for everyone in Gearhart.

Thank you for your time and consideration.

Respectfully,



Robert E. Lee



NEW Correspondence pertaining to the proposed tree ordinance is below this sheet.



Krysti Ficker <krysti@cityofgearhart.com>

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## Fwd: Comment Letter - Section 6.070. - Trees

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Angoleana Torres <planning@cityofgearhart.com>

Wed, Jul 31, 2024 at 8:27 AM

To: Krysti Ficker <krysti@cityofgearhart.com>

Cc: Garrett Phillips <gphillips@columbiaestuary.org>, Peter Watts <peter@peterowattspc.com>, Chad Sweet <chadsweet@cityofgearhart.com>

Please see the below correspondence.

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

From: Daniel O'Neil <dvo@danielvoneil.com>

Date: Tue, Jul 30, 2024 at 5:25 PM

Subject: Comment Letter - Section 6.070. - Trees

To: [planning@cityofgearhart.com](mailto:planning@cityofgearhart.com) <[planning@cityofgearhart.com](mailto:planning@cityofgearhart.com)>

Hello,

Please find attached my letter regarding the trees ordinance. I've also pasted it below.

Thanks,  
Daniel

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To whom it may concern,

Gearhart claims to be proud of its "semi-rural" character, which is one reason I choose to live here. Our coastline is naturally forested, so rural here and elsewhere in Clatsop County suggests stands of mature trees. While Seaside presents an urban appearance, Gearhart still maintains a more wooded look, especially where I live, near Woodland Ave. But over the last few years I've watched Gearhart lose many tall trees, only a few of which were replanted.

I support any tightening of the city's rules to protect trees in Gearhart. It takes an hour to remove a 30-foot spruce or pine, but it takes decades to grow such a tree. If we don't protect them now, what will this town look like in ten years? (Like the industrial forestlands to our east?)

I worry about concessions for "solar access" and pine needles, which seem to allow for indiscriminate removal, considering how little sun we get, and how much visitors (non-full time residents) value sunshine while "at the beach." If someone in Gearhart wants more sunlight, shouldn't they find it instead in a sunny climate or in a geography naturally devoid of trees, e.g. Bend?

I'd like to suggest replanting requirements for tree removals. It will take decades for a 6-foot tree to become dangerous or block out the sun again. Meanwhile, that tree would provide habitat for birds and other animals and would enrich the soil. It would also maintain the desired "semi-rural" aesthetic Gearhart wishes to promote.

Beyond the removal of trees for danger or "solar access," I've noticed several wooded lots developed with little regard for the trees onsite, (e.g. North Marion, between 7th and 8th). I've also seen massive homes replace mature spruce forest (e.g. Ridge Path, between D and E). I see other lots currently for sale, and considering the size of homes being built in Gearhart today, I know many of the tall trees on those lots will soon fall to make room for another likely mostly-vacant second home. More protections here will be needed to keep a few wooded lots left in Gearhart, to the benefit of people, animals, and plants – our entire ecosystem.

Finally, I have to say that the review process for this was rather complicated. What exactly is the law, and what are the suggested changes? A simple document answering these two questions would save a lot of time and trouble, instead of links to a range of documents. This might also increase public involvement.

What's at risk if we continue to remove Gearhart's trees? From semi-rural to semi-urban. Maintaining semi-rural begins with protecting Gearhart's trees.



Cordially,

Daniel and Lori O'Neil

828 D St.  
Gearhart

7/30/24



**O'Neil - Gearhart Trees.pdf**  
35K

To whom it may concern,

Gearhart claims to be proud of its “semi-rural” character, which is one reason I choose to live here. Our coastline is naturally forested, so rural here and elsewhere in Clatsop County suggests stands of mature trees. While Seaside presents an urban appearance, Gearhart still maintains a more wooded look, especially where I live, near Woodland Ave. But over the last few years I’ve watched Gearhart lose many tall trees, only a few of which were replanted.

I support any tightening of the city’s rules to protect trees in Gearhart. It takes an hour to remove a 30-foot spruce or pine, but it takes decades to grow such a tree. If we don’t protect them now, what will this town look like in ten years? (Like the industrial forestlands to our east?)

I worry about concessions for “solar access” and pine needles, which seem to allow for indiscriminate removal, considering how little sun we get, and how much visitors (non-full time residents) value sunshine while “at the beach.” If someone in Gearhart wants more sunlight, shouldn’t they find it instead in a sunny climate or in a geography naturally devoid of trees, e.g. Bend?

I’d like to suggest replanting requirements for tree removals. It will take decades for a 6-foot tree to become dangerous or block out the sun again. Meanwhile, that tree would provide habitat for birds and other animals and would enrich the soil. It would also maintain the desired “semi-rural” aesthetic Gearhart wishes to promote.

Beyond the removal of trees for danger or “solar access,” I’ve noticed several wooded lots developed with little regard for the trees onsite, (e.g. North Marion, between 7th and 8th). I’ve also seen massive homes replace mature spruce forest (e.g. Ridge Path, between D and E). I see other lots currently for sale, and considering the size of homes being built in Gearhart today, I know many of the tall trees on those lots will soon fall to make room for another likely mostly-vacant second home. More protections here will be needed to keep a few wooded lots left in Gearhart, to the benefit of people, animals, and plants – our entire ecosystem.

Finally, I have to say that the review process for this was rather complicated. What exactly is the law, and what are the suggested changes? A simple document answering these two questions would save a lot of time and trouble, instead of links to a range of documents. This might also increase public involvement.

What’s at risk if we continue to remove Gearhart’s trees? From semi-rural to semi-urban. Maintaining semi-rural begins with protecting Gearhart’s trees.

Cordially,

Daniel and Lori O’Neil

828 D St.  
Gearhart

7/30/24

July 3rd, 2024

To the Gearhart Mayor, City Manager, Council members & Planning Committee members,

As a citizen of Gearhart, 33 year resident of Clatsop County, avid gardener and steward of green spaces, I would like to address the decision makers of Gearhart to mindfully consider the following:

- Creating better, more effective guidelines for stewardship of our riparian zone on the Necoxie creek and estuary. They are part of the Gearhart history and our heritage.
- Monitor and enforce the 50 ft. riparian zone and protect and care for ALL the trees along the Necoxie.
- Preserve the trees along the Ridge Path and continue to advocate for native plant species to thrive there.
- Address the knotweed and other invasive species along the Necoxie Creek and the Ridge path with an active plan to remove them.
- Encourage residents to plant native species and award Pollinator Friendly Garden status placards to those who participate.
- Make Gearhart a Pollinator Friendly City and discourage the use of harmful pesticides that can end up in our creeks and waterways.

We have a very unique community and ecosystem here in Gearhart. Something we should all take time to see the wonder in. SO many here take it for granted. But its future lies in your hands. This delicate balance of people and nature, that both should be one in the same. I look forward to seeing the progress you make in addressing these concerns and considerations.

Respectfully,

*Angela Sidlo*

Angela Sidlo  
516 Summit Avenue  
Gearhart, OR 97138



Chad Sweet <chadsweet@cityofgearhart.com>

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## **Fw: Gearhart Zoning Ordinance Section 6.070, tree ordinance, public hearing**

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Deanna Mancill <dmancill@msn.com>

Sun, Jul 14, 2024 at 2:37 PM

To: "councilorsharon@cityofgearhart.com" <councilorsharon@cityofgearhart.com>, "councilorgould@cityofgearhart.com" <councilorgould@cityofgearhart.com>, "chadsweet@cityofgearhart.com" <chadsweet@cityofgearhart.com>, "councilorfackerell@cityofgearhart.com" <councilorfackerell@cityofgearhart.com>, "councilordevereaux@cityofgearhart.com" <councilordevereaux@cityofgearhart.com>, "mayorsmith@cityofgearhart.com" <mayorsmith@cityofgearhart.com>

Dear City Council:

Please find the correspondence sent to the Gearhart Planning Commission. I misread the public notice I received.

Please enter this letter into the public record for the public hearing.

Sincerely,

Deanna Mancill  
2945 Hwy 101 North  
Gearhart, Oregon 97138

[dmancill@msn.com](mailto:dmancill@msn.com)

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**From:** Deanna Mancill <dmancill@msn.com>

**Sent:** Sunday, July 14, 2024 1:35 PM

**To:** Angoleana Torres <building@cityofgearhart.com>; [planning@cityofgearhart.com](mailto:planning@cityofgearhart.com)  
<[planning@cityofgearhart.com](mailto:planning@cityofgearhart.com)>

**Subject:** Gearhart Zoning Ordinance Section 6.070, tree ordinance, public hearing

Dear Gearhart Planning Commission and Angoleana Torres:

I have reviewed the proposed changes to the tree ordinance and have noted glaring omissions to what we are trying to accomplish other than trying to protect private property rights.

I have been researching the Gearhart Comprehensive Plan from the 1980's, which references "Significant Shoreland and Wetland Habitats in the Clatsop Plains", 1983, Duncan Thomas report commissioned by Clatsop County. Neacoxie Creek has the Goal 17 Coastal Shorelands designations, and a 50' setback from Neacoxie Creek.

The Necanicum Estuary Inventory Plan was adopted in 1984 by the Board of County Commissioners with Seaside and Gearhart as partners. Anything the City of Gearhart approves within the Coastal Shoreland boundary affects the Necanicum Estuary and affects Seaside and Clatsop County. Not only does the Oregon Department of Fish and Wildlife need to be consulted, but Seaside and Clatsop County. Tree and vegetation removal within this boundary needs to be carefully reviewed and the ecological values need to be maintained.

In 2002, the City of Gearhart Planning Commission adopted the Neacoxie Watershed Stewardship Policy, with the assistance of Neal Maine, Phil and Deanna Mancill, Sarah Nebeker and Bill Berg. Our watershed



commission focused on education and restoration of Neacoxie Creek.

One item from the tree ordinance that was not addressed were the invasive trees in the city. In the 1930's, the Civilian Conservation Corps planted Chinese Elm trees along Neacoxie Creek as part of restoration and erosion control. They are not native and are very invasive! One mother tree sent hundreds of runners along the creek, including busting through a house foundation wall!

The Invasive Species list on the Gearhart zoning ordinance relies on information from the Oregon Department of Agriculture, which does not identify the trees that are a nuisance and are a threat to septic systems. Oregon State University extension service has elm, birch, poplar, and weeping willow among the offending trees. OSU recommends at least 25' or more for a setback from septic systems, including sewer pipe.

I had to sign an Oregon DEQ Easement Agreement that had covenants and restrictions that required me to not do anything detrimental to the entire septic system, like planting trees next to the sewer pipe or drainfield. I had two tax lots for the septic tank and drainfield. My neighbor had a similar agreement with the DEQ, but the Tax Assessor's office allowed them to combine the two lots into one. Somehow the County Health Department thought it invalidated the DEQ Easement Agreement.

The neighbor planted a weeping willow in 2010 on top of their sewer pipe. The tree is over thirty feet tall and the tree roots can extend over 90 feet. My sewer pipe is 25' feet away, well within my property line 10' setback.

The City of Gearhart building official refused to do anything about the safety and health hazard it presents to a functioning septic system. I was forced to get additional insurance on that sewer pipe, because regular Homeowners insurance doesn't cover this.

I do agree with the provision: (1) The City Administrator or designee may grant the immediate removal of trees which pose a safety hazard or dangerous condition, but add this to provision: public health hazard to septic systems.

My tax lot is very small and I used to have large birch trees and douglas fir trees on my property. There was no area in the yard that could safely accomodate large trees. The Great Coastal Gale of 2007 took all the trees down. Lucky they did not land on the house!

The trees that are really vital are the "heritage trees" along Neacoxie Creek. They are over 200 years old and within the Goal 17 Coastal Shorelands exception.

The ordinance obviously needs a great deal of work as currently written. In some ways, it is too restrictive and in other ways does not address the invasive trees within our city. It falls far short of what needs to be done.

Please enter this into the public record. Thank you.

Sincerely,

Deanna Mancill  
2945 Hwy 101 North  
Gearhart, Oregon 97138

[dmancill@msn.com](mailto:dmancill@msn.com)

City Council  
City of Gearhart  
698 Pacific Way  
Gearhart, OR 97138

Re: #23-05ZTA

Dear Gearhart City Council,

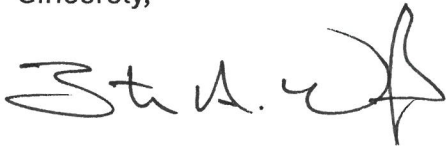
I have great concern for the provision about 'needles' and 'solar access' in the proposed zoning ordinance.

It is excessively vague. Could one neighbor require the trees on an adjacent site which are not 'danger trees' be cut so the house would shed no needles or be cut to accommodate solar access? Whom will determine the amount of 'needle mitigation' or 'solar access?'

It has been my experience that zone changes in Gearhart are usually more detrimental to the ownership rights of most homeowners. In the past, Sound and Vacation Rental Ordinances included carve out exceptions that benefit a few and are unfavorable to most homeowners in Gearhart.

I think a significant amount of specific detail is necessary in this ordinance or it should be tabled. It should not be left to be determined at the administrative level.

Sincerely,



Steven Weed  
647 N Marion Ave  
PO Box 2304  
Gearhart, OR 97138

RECEIVED  
JUL 18 2024  
BY: 