

March 25, 2017

To: The Gearhart City Planning Commission

From: Gearhart Committee for study of Dune Mgt, (dissolved 3/23/2017)

Subject: Revised City Ordinance for consideration at 4/13/2017 Public Hearing
Beaches and Dunes Overlay Zone, Noxious Weeds

We are submitting, for your consideration, an "Alternate Draft Ordinance" to amend Article 3 Section 3.1240, Beaches and Dunes Overlay Zone,

We strongly urge you to consider this alternative ordinance for the following reasons:

1. **The draft ordinance as put forward by the City Manager is over-reaching:** The 70-80 foot allowed clearing at Neocoxie Blvd and the 70-80 foot swath suggested for the fire road, a total of 140-160 feet allowed clearing, is both destructive to existing habitat and unnecessary for fire suppression and public safety. Research into standard operating practice for WA, OR and CO indicates that recommended width for cleared firebreaks or roads is 15-30 feet. Fuel breaks, where trees are merely pruned and thinned can be 60-100 feet and is an adequate and recommended buffer zone.
2. **The above mentioned draft ordinance is ill-timed:** A city proposal exists to contract CREST to work with a citizen committee in developing a vegetation management plan and assist in developing updated language for City ordinances related to dune vegetation management. Adopting an amended ordinance prior to this work undermines the work of the citizen committee and creates a negative relationship between the City and residents.
3. **A draft ordinance should be developed as part of an overall plan.** A fire mitigation plan as related to vegetation control should be included in the context of an ecologically responsible all-encompassing Dune Management Plan.
4. **The information presented and available to the public is incomplete:** There has been a request to consider impact on wildlife in addition to the plant community; this has not yet been studied or discussed. Alternative viewpoints in the form of letters to Council and Planning have not been made available to the public on the web site, (as of 3/25/2017).
5. **Approval of the draft ordinance being considered is not urgent:** Because of constraints in the Migratory Bird Treaty Act of 1918, the working window for vegetation removal is the Fall and Winter seasons. The ecologist hired by the City prepared the "Foredune Woody Vegetation Management Report". Page 11 specifically designates the working window to be Fall and Winter. This window allows Crest and the Citizen committee time to prepare recommendations and ordinance language for dealing with dune vegetation management prior to the first available time for action. Hasty adoption is unnecessary and potentially harmful.

Thank you for your consideration,
Members of the recently dissolved Citizens Committee
Sharon Kloefer, PO Box 2512, Gearhart 97138
John Green, PO Box 2597, Gearhart 97138
Margaret Green, PO Box 2597, Gearhart 97138

summary x

Sharon Kloepfer

John + Margaret
Sun

DRAFT – ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE PRESERVATION OF DUNES AND NATIVE VEGETATION AND PROVIDING AN EMERGENCY BUFFER ZONE AND AMENDING THE CITY OF GEARHART ZONING ORDINANCE

Whereas, the City of Gearhart recognizes the importance of maintaining stabilized dunes and to protect the fragile nature of the dune and interdune areas, ~~by ensuring that noxious vegetation is allowed to be removed.~~

Whereas, the City of Gearhart finds it is in the public interest to provide a buffer zone along the fire road to aid in emergency service access and fire protection.

~~Whereas, the City of Gearhart finds it in the public interest to amend its Zoning Ordinance to allow the removal of noxious vegetation that threatens the stability, health and safety of the area of the City within the Beaches and Active Dunes Overlay District.~~

The City of Gearhart ordains that the Gearhart Zoning Code shall be modified as provided below.

Section 1. AMEND ZONING CODE ARTICLE 3 SECTION 3.1240 BEACHES AND DUNES OVERLAY ZONE SUB-SECTION D (1) AND ADDING SUBSECTIONS (5) AND (6) AS FOLLOWS (New language underlined, deleted language stricken):

D. Pruning and Trimming of Vegetation

- (1) ~~Except as allowed under subsection (5) and (6),~~ the removal, destruction or uprooting of vegetation shall be prohibited.
- (2) Trimming or pruning of vegetation shall be the minimum necessary, ~~to protect views and prevent a fire hazard~~ while maintaining the vigor of the plants to be trimmed. The amount of thinning or pruning shall not exceed 50%~~30%~~ of the plant's present growth. Thinning of trees to 10 feet between trunks will be allowed within the designated fuel break area.
- (3) Pruning and trimming shall occur only after a specific program based on sound ecological principles which specifies the vegetation to be trimmed and the extent of trimming proposed has been approved by the City.
- (4) The requirements of this sub-section (2)(D) of Section 3.1240 shall not apply to that portion of the B.A.D. Overlay District lying east of Neacoxie Blvd. and east of the building line between Pacific Way and 3rd Street.
- (5) The removal, destruction or uprooting of noxious weeds as defined by the Oregon Department of Agriculture will be allowed. Grading and herbicide use will not be permitted.

(6) The removal, destruction or uprooting of vegetation will be allowed along the Neacoxie Blvd. ROW and on both sides of the established fire road providing for a safety buffer zone not to exceed 30 feet in total width. of a inimum of 30 feet wide and/or up to 1 ½ times the height of the surrounding vegetation, will be allowed.

Passed by the City Council of the City of Gearhart this _____ day of XXX 2017

YEAS:

NAYS:

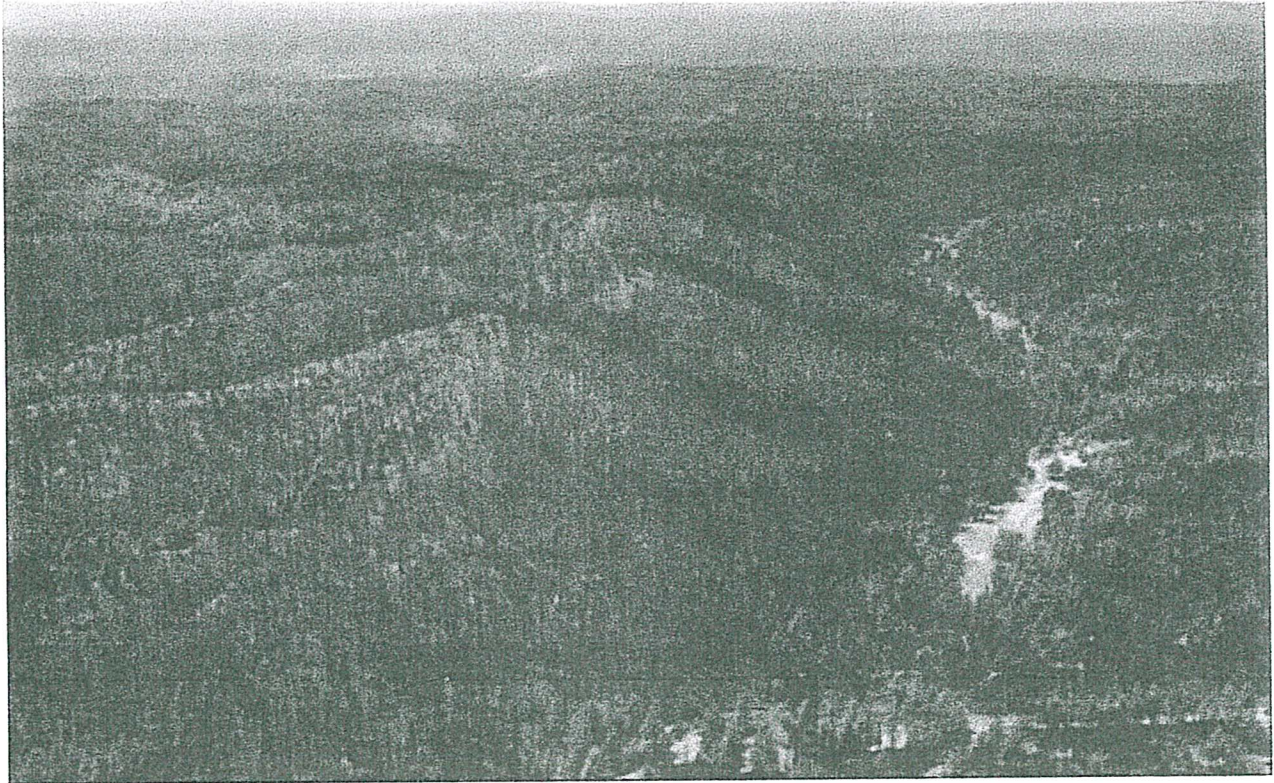
ABSENT:

ABSTAIN;

Signed and approved by the Mayor of the City of Gearhart this _____ day of XXX 2017

Matt Brown, Mayer

ATTEST: _____



Fuelbreak Guidelines for Forested Subdivisions & Communities

By

Frank C. Dennis

**Colorado
State**
FOREST
SERVICE

Knowledge to Go Places

This publication was developed for use by foresters, planners, developers, homeowners' associations and others. Implementation of these measures cannot *guarantee* safety from all wildfires, but will greatly increase the probability of containing them at more manageable levels.



Inadequate fire planning can result in loss of life or property and costly suppression activities.



Colorado's forested lands are experiencing severe impacts from continuing population increases and peoples' desire to escape urban pressures. Subdivisions and developments are opening new areas for homesite construction at an alarming rate, especially along the Front Range and around recreational areas such as Dillon, Vail, and Steamboat Springs.

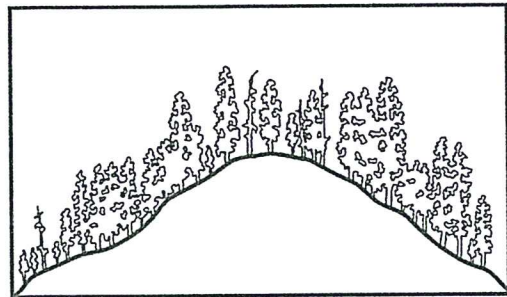
But with development inevitably comes a higher risk of wildfire as well as an ever-increasing potential for loss of life and property. Methods of fire suppression, pre-suppression needs, and homeowner and fire crew safety must all be considered in the planning and review of new developments as well as for the "retrofitting" of existing, older subdivisions.

Fuelbreaks should be considered in fire management planning for subdivisions and developments; however, the following are guidelines **only**. They should be customized to local areas by professional foresters experienced in Rocky Mountain wildfire behavior and suppression tactics.

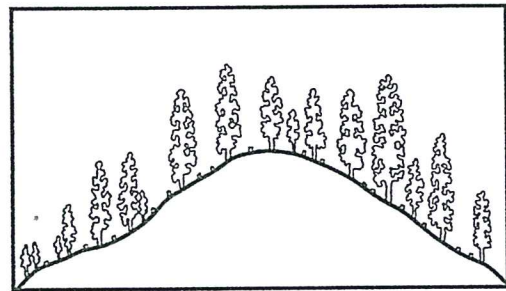
Fuelbreak vs Firebreak

Although the term fuelbreak is widely used in Colorado, it is often confused with firebreak. The two are entirely separate, and aesthetically different, forms of forest fuel modification and treatment.

- A firebreak is strip of land, 20 to 30 feet wide (or more), in which all vegetation is removed down to bare, mineral soil each year prior to fire season.



Above, cross section of mixed conifer stand before fuelbreak modification. Below, after modification.



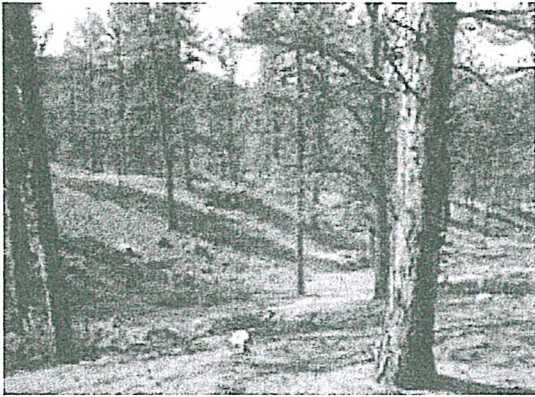
- A fuelbreak (or shaded fuelbreak) is an easily accessible strip of land of varying width (depending on fuel and terrain), in which fuel density is reduced, thus improving fire control opportunities. The stand is thinned, and remaining trees are pruned to remove ladder fuels. Brush, heavy ground fuels, snags, and dead trees are disposed of and an open, park-like appearance is established.

The following is a discussion of the uses, limitations, and specifications of fuelbreaks in wildfire control and fuels management.

Fuelbreak Limitations

Fuelbreaks provide quick access for wildfire suppression. Control activities can be conducted more safely due to low fuel volumes. Strategically located, they break up large, continuous tracts of dense timber, thus limiting uncontrolled spread of wildfire.

Fuelbreaks can aid firefighters greatly by slowing fire spread under normal burning conditions. However, under extreme conditions, even the best fuelbreaks stand little chance of arresting a large



Before and after photos of a forest stand thinned to reduce fuel loads.



Burned area near Cheesman Reservoir as a result of the Hayman Fire. Note the unburned green trees in the middle right of the photo, a treated fuelbreak.

The Need For A Fuelbreak

Several factors determine the need for fuelbreaks in forested subdivisions, including: (1) potential problem indicators; (2) wildfire hazard areas; (3) slope; (4) topography; (5) crowning potential; and (6) ignition sources.

Potential Problem Indicator

The table below explains potential problem indicators for various hazards and characteristics common to Colorado's forest types. All major forest types, except aspen, indicate a high potential for wildfire hazard.

Fuel Type	Characteristics			Hazards			
	Aesthetics	Wildlife	Soil	Wildfire	Avalanche	Flood	Climate
Aspen	2	3	3	2	4	3	2
Douglas-fir	2	2	3	5	2	2	3
Greasewood-Saltbrush	4	2	2	2	1	3	3
Limber-Bristlecone Pine	3	2	4	3	4	2	5
Lodgepole Pine	2	2	3	5	4	2	4
Meadow	5	4	4	2	3	4	3
Mixed Conifer	2	1	1	5	3	1	3
Mountain Grassland	5	3	4	3	3	2	4
Mountain Shrub	3	5	4	4	2	2	3
Piñon-Juniper	2	3	4	4	2	3	2
Ponderosa Pine	2	3	1	5	2	2	3
Sagebrush	4	4	3	3	3	2	3
Spruce-Fir	2	3	3	4	5	3	4

Legend: 5 – Problem may be crucial; 4 – Problem very likely; 3 – Exercise caution; 2 – Problem usually limited; 1 – No rating possible

fire, regardless of firefighting efforts. Such fires, in a phenomenon called "spotting," can drop firebrands 1/8-mile or more ahead of the main fire, causing very rapid fire spread. These types of large fires may continue until there is a major change in weather conditions, topography, or fuel type.

It is critical to understand: A fuelbreak is the line of defense. The area (including any homes and developments) between it and the fire may remain vulnerable.

In spite of these somewhat gloomy limitations, fuelbreaks have proven themselves effective in Colorado. During the 1980 Crystal Lakes Subdivision Fire near Fort Collins, crown fires were stopped in areas with fuelbreak thinnings, while other areas of dense lodgepole pine burned completely. A fire at O'Fallon Park in Jefferson County was successfully stopped and controlled at a fuelbreak. The Buffalo Creek Fire in Jefferson County (1996) and the High Meadow Fire in Park and Jefferson Counties (2000) slowed dramatically wherever intense forest thinnings had been completed. During the 2002 Hayman Fire, Denver Water's entire complex of offices, shops and caretakers' homes at Cheesman Reservoir were saved by a fuelbreak with no firefighting intervention by a fuelbreak.

APPENDIX H – Road and Driveway Specifications for Emergency Access

Roads serving one dwelling unit shall meet the following:

- A. Roadway shall be a total of 14' in width, including a 10' all-weather travel surface and 2' shoulders (each side). Curves and turn a rounds should have a minimum of a 30' radius at centerline.
- B. Road grade should generally not be over 7 percent. A maximum grade 10 percent to 12 percent grade would be acceptable for short distances not over 150 feet.
- C. If the driveway is less than 50' the above (A and B) do not apply.
- D. If the length of the road exceeds 150', a turnaround shall meet (template 1 or 2) standards.

Roads serving more than one dwelling shall meet the following:

- A. Roadway shall be a total of 20' in width, including a 16' all weather travel surface and 2' shoulders (template 3) to 16 units, or a total width of 14', including a 10' travel surface, with 2' shoulders on either side and pullouts at 150' intervals in accordance with (template 4).
- B. A total roadway width of 24', including an 18' paved surface and 3' shoulders in accordance with (template 3) for roads serving 16 or more dwellings, or one or more non-residential units.
- C. Grades shall be the same as for one dwelling roads/driveway identified above.
- D. If the length of the driveway is less than 50' then A and B above does not apply.
- E. If the length exceeds 150', a turnaround shall be provided in accordance with (template 1 or 2).

Driveway approaches and private road intersections with public roads shall meet the following:

- A. Driveway approaches and private road intersections with public roads must comply with (template 5).

4. Firebreaks and Shaded Fuelbreaks

You often hear the terms firebreak and shaded fuelbreak used interchangeably, but there is a big difference between the two (Table 4).

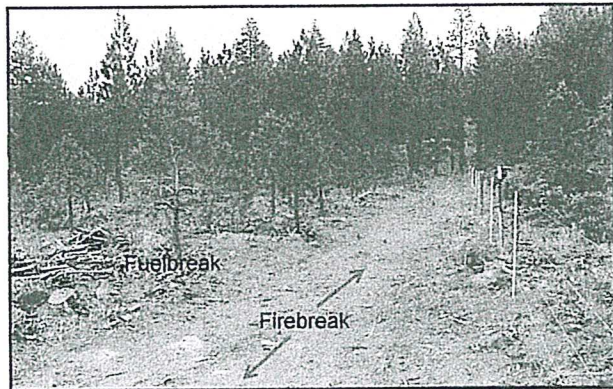
Firebreak

A firebreak is an area where all vegetation and organic matter is removed down to mineral soil, thereby removing the fuel leg of the fire triangle. The purpose of a firebreak is to deny a fire any combustible material. Firebreaks are used to prevent advancing surface flames from coming in direct contact with outbuildings or other important resources on your property. A firebreak may be 2 to 15 feet wide. A firebreak should be two to three times as wide as the height of the nearest surface vegetation (fuel), such as grass and shrubs (Figure 13a). Firebreaks may require annual maintenance (removal of invading vegetation). In addition, because mineral soil is exposed, there is a high probability of creating conditions for invasive weeds to establish.

To prevent weeds from establishing in a firebreak and to reduce future maintenance, consider using a landscape fabric in the cleared zone and placing a layer of crushed or ornamental rock on top of the fabric. This reduces the germination of invasive plants, prevents erosion, and reduces maintenance, and the rock provides a fireproof mulch that is much more attractive than mineral soil (Figure 13b). This option is particularly useful in protecting structures on your property.

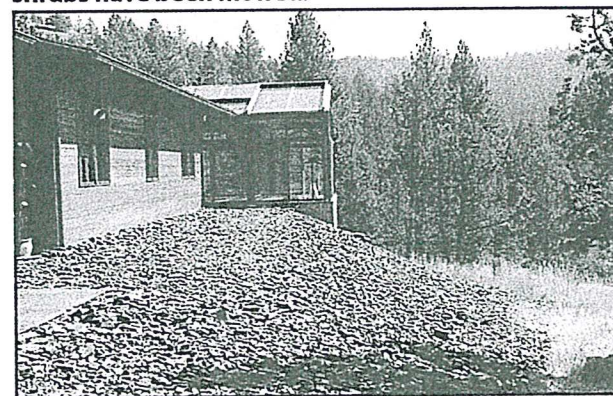
Shaded fuelbreak

A shaded fuelbreak is a strip of land where fuel (for example, living trees and brush, and dead branches,



Stephen Fitzgerald, Oregon State University.

Figure 13a. A perimeter dirt road serves as a firebreak. The area immediately to the left is a fuelbreak where young pine have been thinned and flammable shrubs have been mowed.



Stephen Fitzgerald, Oregon State University.

Figure 13b. Firebreak next to house.

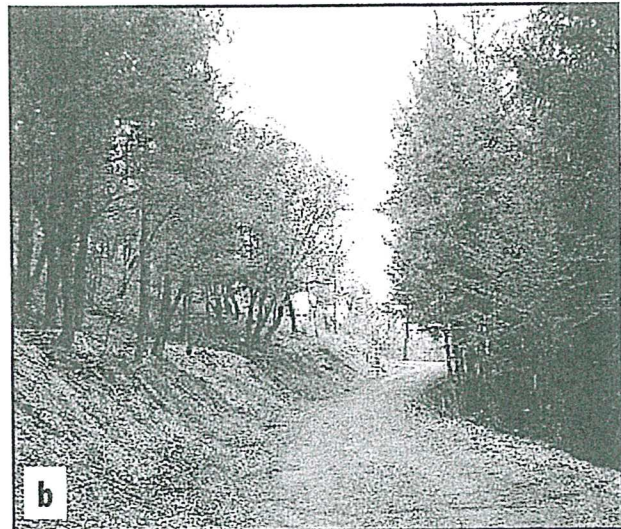
needles, or downed logs) has been modified or reduced to limit the fire's ability to spread rapidly (Figure 14a).

Table 4. Pros and cons of constructing fire- and fuelbreaks.

Firebreak	Shaded fuelbreak
<p>Pros</p> <ul style="list-style-type: none"> • Deprives the fire of fuel and reduces radiant and convective heat transfer. • Prevents flames from coming in direct contact with structures. <p>Cons</p> <ul style="list-style-type: none"> • Expensive to construct and maintain on a per area basis. • Invasive weeds may establish unless non-combustible mulch (e.g., crushed rock) or herbicide is used. • Aesthetically, they look unnatural. 	<p>Pros</p> <ul style="list-style-type: none"> • Aesthetically pleasing. • Less costly to construct on per area basis. • Sale of merchantable trees can offset costs. • Tree health and vigor are improved. <p>Cons</p> <ul style="list-style-type: none"> • Fires can burn through the fuelbreak, although at reduced intensity and rate of spread. • Effective shaded fuelbreaks need to be much wider than firebreaks. • Need to be retreated approximately every 10 years depending on site productivity.



Sandy Shaffer.



Sandy Shaffer.

Figure 17. Road (a) before and (b) after treatment. Note that slash has been chipped.

Oregon’s SB 360 requirements and the International Fire Code (Figure 16):

- Create a fuelbreak that extends 10 feet from the centerline of a roadway. Ensure the ground cover adjacent to the road is substantially reduced (Figures 17a and b).
- Provide a minimum vertical clearance of 13.5 feet in the driving area. This provides an unobstructed view for firefighters and rids the road or driveway of obstructions that might prevent access by firefighters.
- Provide a minimum horizontal clearing distance of 12 feet in the driving area.
- Thin and prune trees and shrubs adjacent to the road.
- Gravel and dirt roads need periodic grading to keep the surface in good shape, particularly when used heavily.
- Drainage structures such as water bars, ditches, and culverts should be regularly inspected to be sure they are clear of obstacles and able to function effectively. Blocked ditches and culverts can result in substantial damage to the road when water flows across it. And this isn’t just a winter weather problem. Summer thunderstorms can both cause wildfires and damage roads at the same time due to intense rains and lightning.
- Road cut-banks may need to be seeded with grass or other vegetation to stabilize the soil, prevent damage to the road from erosion, and minimize movement of sediment into nearby streams. Clear downed logs and other obstacles from the roadway and brush from the edges of the road.

6. Road maintenance. Access roads require maintenance to keep them functioning properly.

Table 6. Minimum road design standards for structural and wildlife fire-fighting vehicles.

Item	Structural fire vehicles	Wildland fire/initial attack vehicles
Road width	20–24 feet	12 feet
Road grade	< 5–10%	< 15%
Surfacing	Packed gravel or asphalt	Gravel or dirt
Turnarounds (Figure 15)	45–55 foot radius	45–55 foot radius
Bridges (weight limits)	40–70,000 lbs	40–70,000 lbs

Note: Roads and bridges must be able to support heavy equipment loads, including bulldozers carried on a truck.

5. Roads & Access Considerations

Roads provide critical access to your property so that firefighters can extinguish wildfires while they are still small and do the least damage. Fire and fuelbreaks can be more effective if anchored to a good road system. If you live on your forested property, roads also are critical for your escape and for fire trucks to get to and protect your home.

Here are some proven design criteria to consider for your road system.

1. Plan and design an access strategy for your property. Your property may already have roads on it. Do these roads provide access to all parts of your property? Are they in good enough condition that firefighting equipment can negotiate them? If not, begin developing adequate access to all areas of your property. Be sure you know your county's standards and guidelines on roads, bridges, and so on. Talk to your local fire chief to get advice on building a transportation system that meets all your needs. A good map or aerial photo of your property will help. You can draw preliminary roads on the map and check them in the field to see if the locations make sense. Because road construction is expensive, road development can be done gradually as time and money permits. Income from timber harvests can help offset the cost of constructing new roads. Check with your state forestry agency about rules regarding road construction before you begin.

2. Develop exit routes. Fires can easily make a road impassable, so make sure you have at least two good exit routes. This is especially important if you live on your forest.

3. Make it easy to find your property. A quick response from firefighters can make the difference between disaster and being safe. If firefighters can't find you, critical time will be lost. To facilitate getting

firefighters to your property in the event of a wildfire, you should do the following:

- Always check with your fire chief for local sign standards.
- Post road name or numbered nonflammable signs so they are easy to see and read. Every road intersection should be visibly signed with reflectorized signs.
- If you have a residence at the property, post your address at the beginning of your driveway or on your house if it is easily visible from the road.
- Make sure your road names are not duplicated elsewhere in the county.
- Post road restriction signs such as dead-ends and weight and height limitations.
- Gates are important for restricting unwanted visitors and reducing the potential for human-caused ignition, but be sure firefighters can get through. Provide them with a key or use a double-lock arrangement.

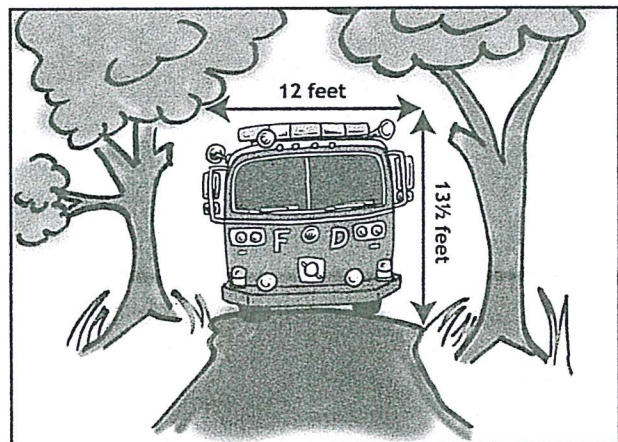
4. Design a good road system. Your road system should allow quick access for emergency vehicles to your home and all other parts of the property. Table 6 provides minimum road design standards for structural and wildlife fire-fighting vehicles. The latter are capable of traversing roads accessible by pickup trucks. For initial attack engines the primary concerns are keeping roads free of obstacles such as downed logs and heavy encroachment of brush into the roadway.

5. Treating vegetation along roads. Firefighters might not enter even a well-designed road if it is overgrown with vegetation. To create a fire-safe road or driveway that allows firefighting equipment to access the area and also helps slow the fire's spread, a landowner should consider the following guidelines from



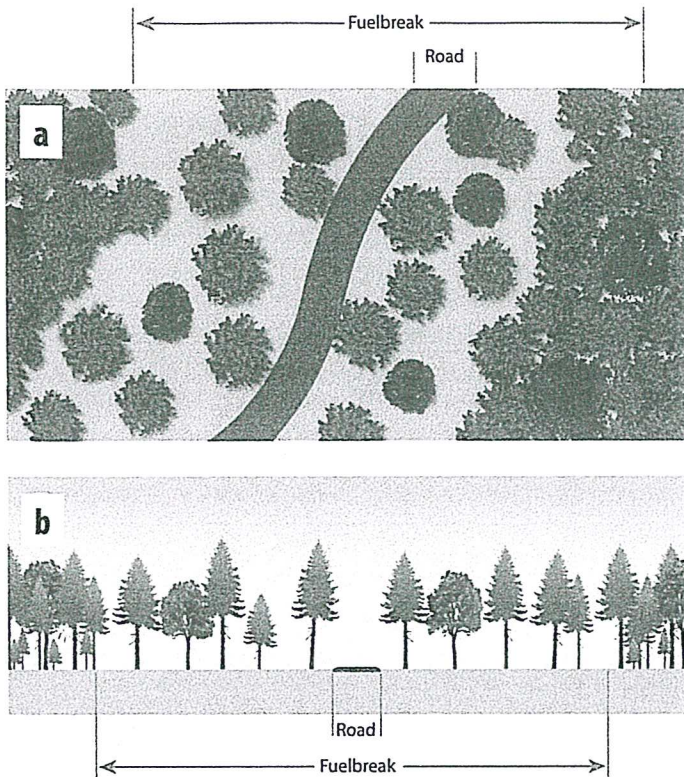
Bob Parker, Oregon State University.

Figure 15. Turnaround adequate for fire pumper.



Oregon Department of Forestry.

Figure 16. Driveway standards for SB 360.

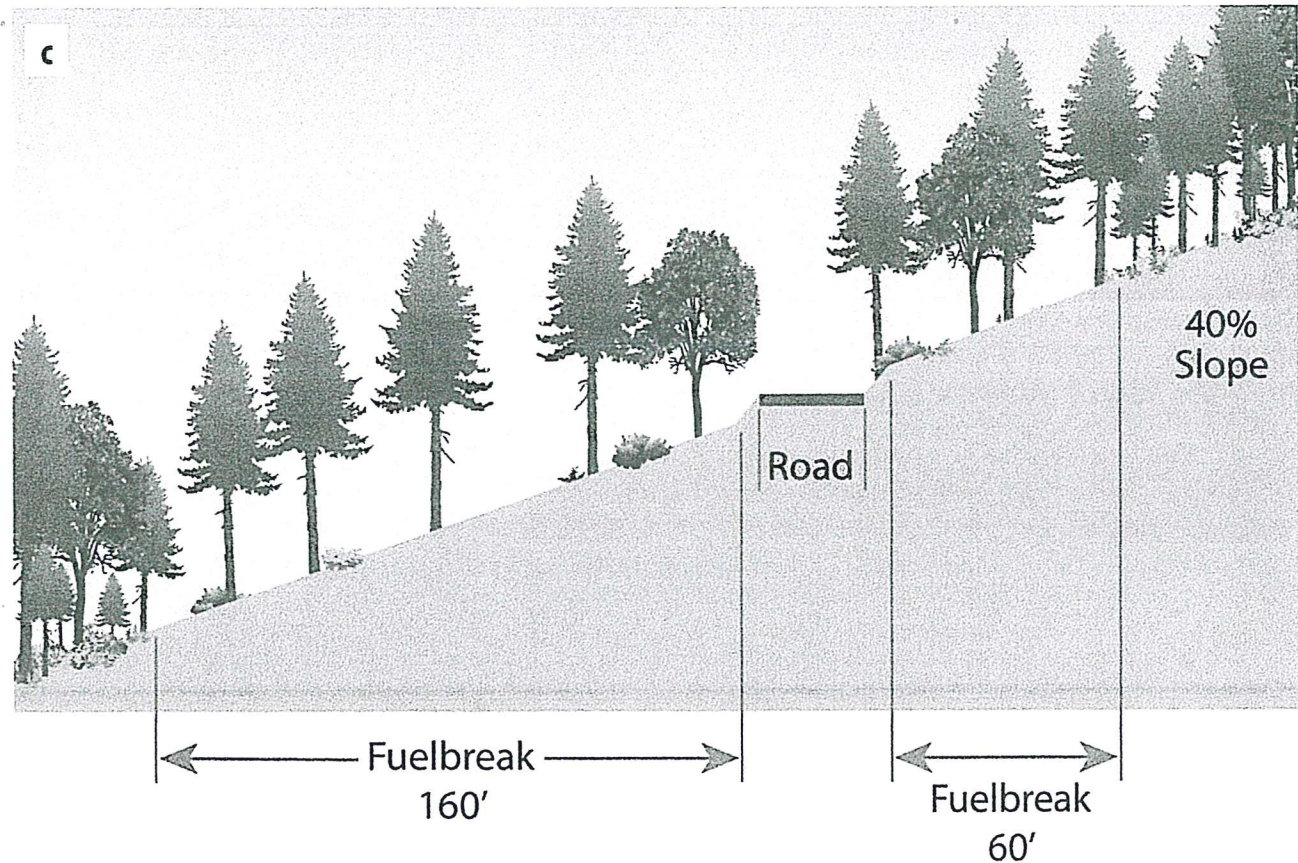


In addition, shaded fuelbreaks maintain cooler and moister understory conditions and understory vegetation remains greener longer into the growing season. This helps to reduce fire spread within the fuelbreak.

The need for a shaded fuelbreak on your property and its width depends on the following:

- The potential or risk of ignition either from people in subdivisions, roads, railroads, and so forth, and homes below or adjacent to your property, or from lightning in your area.
- The type of forest (Douglas-fir vs. ponderosa pine), stand density, amount and arrangement of fuels.
- Slope and terrain.

Within the shaded fuelbreak, overstory trees are thinned to reduce crown-to-crown overlap, particularly between conifers. Some crown overlap may be acceptable. Thinning can be done just in the fuelbreak area or as part of a larger thinning operation in adjacent stands. In the area of the shaded fuelbreak (for example, the first 100 feet from the edge



Stephen Fitzgerald, Oregon State University.

Figure 14. Fuelbreak, (a) bird's-eye and (b) ground-level views. (c) Fuelbreak above and below a road.

of the stand), space trees (thin them) wider than the rest of the stand. In addition, within the shaded fuelbreak, understory trees and combustible shrubs (e.g., ladder fuels), heavy ground fuels, and snags should be reduced or removed. Thinning and cutting small trees and shrubs can create a lot of slash, so for an effective shaded fuelbreak, remove this fire hazard (refer to the “Fuel Reduction Methods” section).

In western Oregon and Washington, deciduous hardwood tree species such as red alder, bigleaf maple, and Oregon white oak are often present within Douglas-fir forests. These species are generally fire resistant because of high water content in their leaves. It takes a lot of heat to drive off water within a hardwood tree’s canopy, and the biomass left in shriveled leaves does not contribute much in the way of additional fuel to the fire. A hardwood canopy can absorb and deflect a lot of radiant heat and possibly reduce the potential of crown combustion of conifers, which have more flammable foliage. In western Oregon and Washington forests, consider leaving, or even planting, hardwoods in your fuelbreak. Some understory deciduous shrubs, such as vine maple, can be left for the same purpose, adding to the diversity and naturalness of your fuelbreak.

Shaded fuelbreak width depends on the type of forest, fuel loading, and terrain steepness. To improve their effectiveness and to take advantage of a noncombustible road surface, shaded fuelbreaks are usually placed above and below existing roads (Figure 14c) or in other strategic areas, such as adjacent to wet meadows, streams, and rocky outcroppings. In drier forests in parts of eastern Oregon and Washington and in Idaho, the minimum recommended width for a shaded fuelbreak is approximately 200 feet. Topography matters: On a steep slope of 40 percent, for example, a fuelbreak of 160 feet below and 60 feet above a road should be created. In flat

terrain, a shaded fuelbreak of 100 feet on both sides of a road may be sufficient. Table 5 provides recommendations for above- and below-road shaded fuelbreak widths given the percent of slope. In very steep areas with heavy fuels, consider increasing the shaded fuelbreak beyond 200 feet.

Specific shaded fuelbreak guidelines have not been developed for western Oregon and Washington. Forests in western Oregon and Washington are much taller and denser than forests in eastern Oregon, Washington and Idaho; because they are often in very steep topography, consider a shaded fuelbreak of 300 feet or more. These are only general guidelines. Consult your state stewardship forester for advice on shaded fuelbreak widths for your particular situation.

Under moderate weather conditions, shaded fuelbreaks can provide easy access and a good line of defense for firefighters. Shaded fuelbreaks under normal or moderate weather conditions can slow an advancing fire (fire spread) and reduce fire intensity. For example, in a number of recent wildfires that have burned into shaded fuelbreaks or other areas where fuels have been reduced, the fire dropped to the ground where it was more easily suppressed by firefighters. Shaded fuelbreaks also provide important areas for firefighters to attack and suppress a wildfire. For example, fire lines can be anchored or tied into your shaded fuelbreak.

Shaded fuelbreaks must be maintained periodically. How often you need to retreat your shaded fuelbreak depends on your forest’s productivity (which affects how fast fuels re-accumulate) and how open a condition you want to maintain. Maintenance of a shaded fuelbreak may include cutting, piling, burning, grazing, or herbicide treatments to reduce or prevent fuel accumulation. Develop a retreatment plan and do a little maintenance every year.

Table 5. Minimum fuelbreak distance uphill and below road depending on percent slope.¹

Percent Slope (%)	Uphill Distance (feet)	Downhill Distance (feet)	Total Fuelbreak Width (feet)
0	100	100	200
10	90	115	205
20	80	130	210
30	70	145	215
40	60	160	220
50	50	175	225
60	40	190	230

¹ Measurements are from the toe of the fill for downhill distances and above the road cut for uphill distances. All distances are measured along the slope. The minimum recommended fuelbreak is approximately 200 feet. Because fire spread and intensity increase as slope increases, however, the fuelbreak width must also increase. Adapted from “Fuelbreak Guidelines for Forested Subdivisions” (Dennis 1983).

Cheryl Lund

From: jgreen2317@aol.com
Sent: Thursday, February 09, 2017 6:25 PM
To: mayorbrown@cityofgearhart.com; councilorjesse@cityofgearhart.com;
councilorsmith@cityofgearhart.com; councilorcockrum@cityofgearhart.com;
councilorlorain@cityofgearhart.com
Cc: chadsweet@cityofgearhart.com; planning@cityofgearhart.com
Subject: Gearhart City Dune Magagement Plan

To our Honorable Mayor and Council Members,

We attended the recent town hall meeting concerning dune management for invasive and other plant species. Since April 2016, we have been fulltime Gearhart residents but have been property owners since 1989 and regular visitors since 1983. Our decision to become full time residents was inspired by our love for the natural coastal environment and the small community feel of Gearhart. We also have been avid bird watchers for 20 years and active members of Willapa Hills Audubon for 15. Though bird watching is our passion, we enjoy all wild life viewing.

We walk the dune paths from 10th to the Necanicum estuary almost daily so we are quite aware of much of the flora and fauna found there. We believe it is important the council consider more than just the plant species present when studying the issue of dune management. The current "non-plan" approach has created a habitat for many species which are now established and consider it home. These are enjoyed by many human residents who walk the paths. Changing the dynamics of the plant community on the dunes will impact these species.

Below is a list of the bird species we have been observing over the past several months (these have been recorded on the citizen science web site "EBird"). Also to be considered, but not in our area of expertise, are the mammals, reptiles, and insects, such as butterflies and native bees, that may inhabit the area. Some of those observations are included in our list. We strongly believe this fauna cannot be ignored when considering a plan. It is imperative that a baseline study of all species be done and evaluated prior to making any change to ordinances or the Comprehensive Plan.

Thank you for your consideration.

Please feel free to contact us for questions or discussion.

Best regards,
John and Margaret Green
PO Box 2597
Gearhart, OR 97138
360-430-8569

Birds Observed:

Turkey Vulture, Northern Harrier, Sharp-Shinned Hawk, Cooper's Hawk, Red-tailed Hawk, Bald Eagle, Osprey, Peregrine Falcon, Snowy Plover, Ring-necked Pheasant, Mourning Dove, Eurasian Collared Dove, Rock Pigeon, Band-tailed Pigeon, Barn Owl, Short-eared Owl, Anna's Hummingbird, Rufous Hummingbird, Northern Flicker, Stellar's Jay, Common Raven, American Crow, Northwest Crow, Marsh Wren, Bewick's Wren, Pacific Wren, Ruby-crowned Kinglet, Golden-Crowned Kinglet, Bushtit, Black-capped Chickadee, Chestnut-backed Chickadee, Western Bluebird, American Robin, European Starling, Orange-crowned Warbler, Yellow-rumped Warbler, Common Yellowthroat, Fox Sparrow, Song Sparrow, Savannah Sparrow, Lincoln Sparrow, Gold-crowned Sparrow, White Crowned Sparrow, Red-winged Blackbird, Western Meadowlark

Mammals Observed:

Elk, Deer, Coyote, Douglas Squirrel, Voles, Mice, Skunk, Bats

February 8, 2017

From Stewart T. Schultz
Department of Ecology
University of Zadar
Zadar, Croatia 23000

To the Gearhart Planning Commission
698 Pacific Way
Gearhart, OR 97138, USA

Dear Gearhart Planning Commission:

I am writing to comment on your recent review of vegetation management within the Gearhart dunes, and specifically to comment on statements regarding Scotch broom (*Cytisus scoparius*) as a noxious weed.

I am Stewart T. Schultz, professor of biology at the University of Zadar, Croatia. I have a Ph.D. in botany from the University of British Columbia (1993) and am intimately familiar with the Gearhart dunes, having spent every summer of my life in Gearhart from 1957 to 1977, and I continue to spend significant time in the city every summer, including time on the beaches and dunes. I am author of *The Northwest Coast, A Natural History*, a textbook on coastal ecology of Oregon, Washington, and northern California that I and several regional universities have used for teaching field courses in coastal ecology.

As I am not able to attend, I kindly request that this letter be printed and presented to commissioners for consideration during the meeting today at 6PM, which I understand includes a discussion on methods for removal of Scotch broom.

In this letter I will make the following major points: 1) Scotch broom is not a fire hazard and there is no urgency whatsoever in its removal from the Gearhart dunes. 2) Its removal would likely not have a net positive effect on native species. 3) The current foredune is an exotic community that did not exist in Oregon prior to the 1950s. 4) The easiest way to manage the Gearhart dunes for native species is to allow natural succession, which will eliminate Scotch broom, and replace it with a woodland or forest similar to that now present in Gearhart along Neahcoxie Creek.

I will support these statements with arguments regarding published research and personal experience with all species currently in the Gearhart dunes.

Sincerely,

Stewart T. Schultz
Ecology Department
University of Zadar
23000 Zadar, Croatia

1 Flammability of Scotch Broom

In the document *Gearhart Foredune Woody Vegetation Management* prepared by Kathleen Sayce, several errors are made. For example, she states the following (p. 6):

Broom patches do not show in this image, but reducing this shrub is particularly problematic for fire management, because it is nearly as combustible as gorse (*Ulex europeaus*), and grows in dense stands, shading out many other species and providing, in the case of wildfire, a fuel link between grasslands, homes and forest areas.

The statement that broom is combustible, in fact nearly as combustible as gorse, is very unfortunate and incorrect. The only study of the flammability of Scotch broom was published just last year (Wyse et al., 2016), and produced the result shown in Figure 1.

To measure flammability, Wyse et al. (2016) took a sample of living tissue, air dried it at room temperature for 24 hours, placed it on a grill set to 150°C, waited until the sample warmed to that temperature, then briefly ignited the tissue with a blowtorch and monitored three components of flammability: the length of time the sample burned (sustainability), the maximum temperature reached in the sample (combustibility), and the percentage of the sample that was consumed by the burn (consumability). These three measures were then converted statistically into a single index of flammability, and each of 60 species was plotted on this index in Figure 1.

As shown in the figure, Wyse et al. (2016) found that gorse has a very high flammability, in a class by itself, significantly more flammable than any of the other 59 species. Scotch broom, on the other hand, had a flammability right in the midrange, between a classification of moderate/high and moderate. This result directly contradicts the above statement of Ms. Sayce, and indicates that Scotch broom is neither “nearly as combustible” as gorse, nor is it even highly flammable.

Anybody can verify the non-flammability of broom easily on a grill or in a fireplace, by using the same methodology as Wyse et al. (2016), using a lighter or blowtorch. You will find that even dried broom does not ignite easily, and when ignited, the fire dies after a few seconds. Broom can be burned only in the presence of extra fuel with high flammability.

2 Fire hazard of Scotch broom

Is Scotch broom a fire hazard? A fire hazard is defined by two requirements: 1) a high volume of fuel, and 2) high flammability. As shown above, dried Scotch

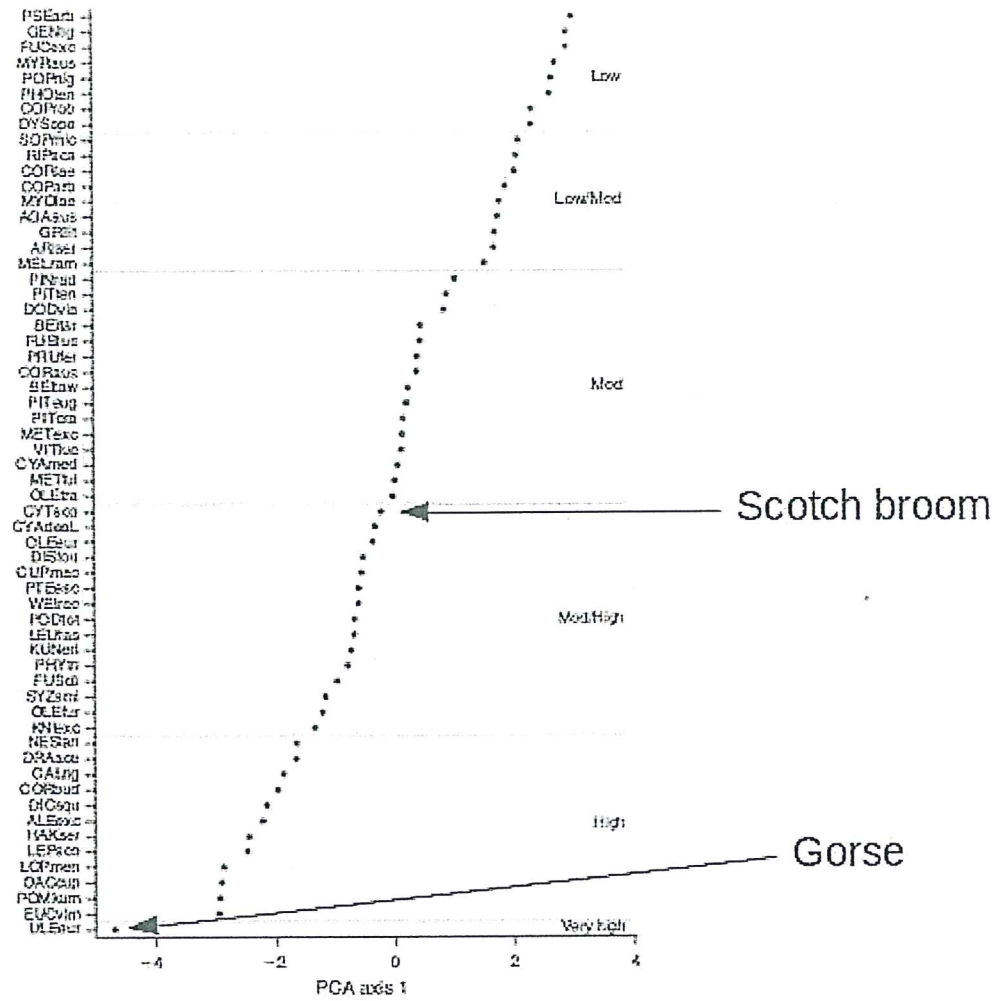


Fig. 2. Flammability rankings for the study species determined by the first axis of a principal components analysis (PCA). The PCA was computed using the flammability variables maximum temperature, burn time, burnt biomass and ignition frequency (and is shown in Fig. S3). The first PCA axis was negatively correlated with all measured flammability variables and explained 80% of the variation in the data. Flammability categories were determined using k-means clustering. See Table 1 for definitions of species codes.

Figure 1: Flammability of 60 shrub species, sorted from low to very high; this is Figure 2 taken directly from Wyse et al. (2016).

broom does not have a high flammability, and therefore, Scotch broom, by itself, is not a fire hazard. Most of the year broom is saturated with water, and even maintains high water content during the drought of late August.

Unfortunately, the falsehood that this species is a “fire hazard” or that its flammability is similar to that of gorse, has been repeated many times in the gray literature of government agency reports, without any cited evidence. The basis for this assertion appears to be simply the superficial morphological similarity between broom and gorse, creating a false equivalency which Ms. Sayce regrettably has contributed to in her report for the City of Gearhart.

There is no published evidence anywhere that indicates Scotch broom is a fire hazard. Why, then, is this falsehood repeated in managers’ and consultants’ reports? I tracked down the very first statement in the botanical literature and it is Mobley (1954), in which a California state employee, Lowell Mobley, Agricultural Commissioner of El Dorado County, states without any evidence whatsoever, during a conference on weed management in Sacramento, California, that Scotch broom is a “fire hazard.” Every referenced statement that broom is a fire hazard can be ultimately traced back to this one informal talk in 1954. This statement has been subsequently quoted on numerous agency reports over the intervening 60 years, often exaggerated with an additional detail, again created without any evidence whatsoever, that Scotch broom has a flammability similar to that of gorse, presumably due to the superficial similarity of the species, both of which are leguminous shrubs with yellow flowers. Occasionally an additional detail is added, namely that broom and gorse contain mysterious “volatile” and “flammable oils” that have never been identified or quantified, but giving the impression that the atmosphere surrounding these plants is essentially a natural gas leak that can be ignited with a match.

The source of the “flammable oil” belief seems to be the offhand comments of vacationer D.H. Woomeer of Bandon, Oregon, as he observed the Bandon fire of 1936 (Allen, 2006), which was a forest wildfire that eventually engulfed Bandon:

That Irish hedge [gorse] was the worst thing – when the fire hit it right across from my house, the flames shot up high into the air. It was just as though there had been gasoline poured on the fire. And water was just no good against it – wouldn’t touch it! The stuff seemed just full of oil!

Woomeer is referring to gorse, not broom, but the two have become conflated due to their morphological similarity. The result is the unfortunate common belief among management interns with little or no field experience that Scotch broom is a serious fire hazard, with volatile flammable oils that will ignite into an explosive fireball if a match is held to its stem.

The reality, however, is that Scotch broom is not at all burnable, as anybody can demonstrate at home quite easily.

Probably the authoritative statement on the fire risk of *Cytisus scoparius* was that given by the U.S. Forest Service within its fire effects information system (Zouhar, 2005):

Fire hazard potential: The available literature does not provide a clear picture on the potential fire hazard of broom stands. Several reviews (e.g. [17,34,88,148,160]) indicate that dense broom stands are a fire hazard (also see Fire Ecology). [All the above references to the hazard potential of broom are traceable back to that single informal remark by Lowell Mobley (Mobley, 1954).] Furthermore, descriptions of the structure and composition of Scotch broom monocultures (see Growth form and stand structure) support the contention that dense, mature stands of broom could be highly flammable. Specifically, as Scotch broom stands age, the ratio of woody to green material also increases, and dead wood accumulates [149]. Scotch broom's frequent location on steep slopes adds to its fire hazard potential [160].

The reason the US Forest Service does not have a clear picture on the potential fire hazard of broom stands is that there is no known example anywhere the US, at any time, in which a wildfire was triggered by broom. If there were such an example, the necessary and sufficient conditions for such a hazard might be quantifiable.

Further, the above quote, from the year 2005, is negated by the more recent flammability study of Wyse et al. (2016), which shows indisputably that even dried broom material is not highly flammable. This indicates that the reason there is no known example of a wildfire triggered by broom is simply that broom is not flammable enough to trigger such a fire.

There is one convincing field demonstration of the non-flammability of broom, reported in the literature. This is Odion and Haubensak (1997), a study in which two fire specialists attempted to create a controlled burn of a dense, old stand of French broom. This experiment was conducted in plots on the eastern slope of a hill in the Marin Municipal Water District Watershed lands in Marin County, California. Here the broom stand was 15 years old, with 88 broom plants per square meter. It was an extremely dense, old broom stand with a maximum density of woody stems and potential fire fuel. Here are their results:

Results and Discussion

Burn Characteristics

Temperatures and relative humidities ranged from 25 to 28° C and 30 to 35 percent when plots were burned both years. Despite these high temperatures and low humidities, the uncut old broom stand did not burn either year, and the young uncut stand had spotty combustion. The soil surface was characterized as unburned in these plots. Under conditions where prescribed burns typically are conducted, it can be expected that combustion of live, standing broom will be difficult without artificially increasing fuels.

Thus, even under the best possible burn conditions, high temperature and low humidity, with maximum fuel density in a 15 year-old stand, a field of French broom could not be burned by controlled burn experts. If fire experts cannot

initiate a burn of a broom species under the best possible conditions, then it is safe to conclude that species is not a fire hazard.

So, to summarize, there are two indisputable facts: First, dried Scotch broom is not highly flammable, and second, a natural stand of French broom cannot sustain a burn even under optimal conditions of high temperature, low humidity, and high fuel density. Those are the only known facts relevant to the fire hazard potential of broom. Anything else is speculation and imagination. The conclusion is that Scotch broom is not a fire hazard, and any fears regarding fire and broom are completely unfounded.

3 Reasons for Scotch broom removal

3.1 Native species

It follows, then, that there is no urgency whatsoever to the removal of Scotch broom from the Gearhart dunes, as it is not a threat to any human property. This species has been present in the dunes from Gearhart to Hammond for nearly 80 years, since the Clatsop Plains were stabilized by plantations of beachgrass, broom, shorepine, and Monterey pine. At no time during those 80 years has anybody suggested that there is an urgent need for broom removal anywhere in the Clatsop Plains, and at no time has there been a fire documented to have been triggered by broom. The current climate of urgency of broom removal to eliminate any risk to the human population at Gearhart has absolutely no basis whatsoever in historical fact or scientific evidence.

Is there any remaining reason for the removal of broom from the Gearhart dunes? There is plenty of published evidence documenting the negative effects of broom on native plant populations in the Pacific northwest. Briefly, broom is a nitrogen-fixer that permanently alters soil chemistry and physics in a way that facilitates the invasion of exotic species and suppresses the coexistence of native species (Slesak et al., 2016; Shaben and Myers, 2010; Caldwell, 2006; Rodriguez-Echeverria et al., 2012; Dukes and Mooney, 2004). These studies, however, have all been conducted in non-dune environments, typically on well-developed soils of the coast ranges of California, Oregon, Washington, and British Columbia. There is no published study demonstrating that removal of Scotch broom from an Oregon dune site causes an increase in the population of any native species.

Is there any reason to believe that removal of Scotch broom will benefit native plants in the Gearhart dunes? The Gearhart dunes are already a community completely dominated by two exotic beachgrass species, *Ammophila breviligulata* and *A. arenaria*, respectively American and European beachgrass, which are competitively dominant nitrogen-fixers in the foredune, and very effectively reduce the populations of native dune plants and insects (David et al., 2016, 2015; Zarnetske et al., 2015; Mitchell et al., 2006; Wiedemann and Pickart, 1996).

If Scotch broom is eliminated in any area of the dunes, space will be opened for colonization by surrounding species, and the most abundant surrounding

species on the Gearhart dunes are the two beachgrasses. The likeliest outcome of broom removal is replacement of the broom by beachgrass, and reversion to the exotic beachgrass community that the broom supplanted in the first place. The beachgrasses would continue to exclude native species as before, with the net effect being the replacement of one exotic nitrogen-fixing shrub with two exotic, nitrogen-fixing grasses, without any net benefit to native plants.

While the negative effects of broom on native plants receive most attention, the positive effects of broom on native and introduced bees (such as honeybees) is usually ignored (Johnson et al., 2006; Mayer et al., 2012). Flowers of Scotch broom produce abundant pollen, which is sought after by many Hymenopterans, whose populations can benefit by the presence of the broom, and who have a positive role in helping to pollinate native plant species of the dunes. So the impact of broom on native species is not entirely negative.

To summarize the facts, there are no published studies documenting the net effect of Scotch broom removal on the population dynamics of native plants or animals within the dune community of the Northwest coast. However, it is clear that many species of native bees forage on the abundant pollen produced by Scotch broom flowers. We do not know how broom removal would impact native dune species, but the likeliest scenario is that the broom would simply be replaced by exotic beachgrasses that would continue to exclude native plants, while eliminating an abundant food source for native bees and honeybees.

3.2 Aesthetic

Many people have a negative aesthetic reaction to any exotic species, and that certainly includes Scotch broom, despite its production of dense displays of bright yellow flowers during the spring. Elimination of broom will satisfy this aesthetic preference. However, it is worth remembering that the foredune environment itself is a wholly exotic environment, and the beachgrasses that are a defining feature of the foredune are exotics that were never a part of the Oregon coast prior to the 1930s. It is not clear what is aesthetically preferable: an exotic shrub with a bright floral display, or a pair of exotic grasses with no floral display. It seems that there is really no obvious aesthetic benefit to either of these two alternatives.

4 How should the Gearhart dunes be managed?

The overall management of the dunes is a larger question than I cannot fully address here, but I would like to point out some biological considerations that have not been clearly appreciated in the recent workshop.

First, it is not true that a natural “prairie” can be maintained anywhere in the Clatsop Plains by regular burns of the forest, and there is no evidence that the Clatsop Indian population used fire to maintain forage for deer and elk. According to pollen stratigraphy on Taylor Lake in the Clatsop Plains (Long and Whitlock, 2002), a major fire occurred in this area on average every

240 years from 2700 years ago to the present. Thus the natural vegetation community on the eastern margin of the Clatsop Plains sand dunes was not grassland but a patchwork of forest including mature, old growth Sitka spruce and western hemlock, interspersed with lakes and ponds in the swales, where western redcedar occurred. Major canopy-destroying burns on a dune substrate will not create a grassland, rather they will more likely reactivate the sand, creating active, blowing sand dunes (Wiedemann and Pickart, 1996) that might remain active for several decades before being replaced by a forest by natural succession beginning in stable swales close to the water table. Such succession is occurring at present within the Oregon Dunes National Recreation area, in the deflation plains to the east of the foredune, as can be seen clearly on aerial or satellite photos of the area.

Second, when the first pioneers arrived at Clatsop Plains, they burned the area in order to remove the forest with the intent of creating grasslands for sheep farming. This failed miserably, as the burns simply reactivated the underlying dunes, creating a broad expanse of active, blowing sand that was impossible to farm and prevented development of the area.

Third, this active dune was the reason that the US Soil Conservation Service began dune stabilization efforts in the 1930s, planting the Clatsop Plains dunes with exotic beachgrass. These efforts were successful in completely stabilizing the Clatsop Plains from Hammond to Gearhart by the end of the 1950s, converting the active sand to beachgrass, which then succeeded to upland grasses and forbs which could be permanently maintained as pasture by grazing cattle. In some areas Scotch broom and shorepine were also planted, and these became pine woodlands, as at the town of Surf Pines, and ultimately natural succession has proceeded from pine to mature spruce and hemlock forests in many areas, with trees as old as 80 years in places. This natural spruce and hemlock forest was the original community from the Ridge Path eastward in Gearhart, which is itself a former foredune that was formed about 450 years ago, but gradually succeeded to a forest as the beach was pushed further westward by Columbia River sediment. The beachgrass and Scotch broom, however, remain in the open areas receiving active sand close to the beach in Gearhart and throughout the Clatsop Plains.

Fourth, the natural dune environment of the Clatsop Plains is unique in the world due to Columbia River deposition. This is a naturally prograding shoreline (with progradation greatly accelerated by the south jetty), in which new parallel dune ridges form as the beach is pushed westward. The result is a west-east successional chronosequence of vegetation communities from open sand and sparse pioneers at the foredune, to dune meadows, pine woodland, and mature spruce forest a few hundred meters inland, on a landscape of parallel ridges in which lakes, (seasonal) ponds, and creeks are common in the swales. This was the original condition of Gearhart prior to settlement, with the mature spruce forest developing eastward of what is now Cottage Avenue and continuing past Neahcoxie Creek to the mountain front. Active foredune sand buried beachfront houses every winter well into the 1950s. Gearhart (and the Clatsop Plains) has always been a patchwork of forest and woodland inland, and open

rolling dune meadows close to the ocean. This is the natural condition of this prograding area. The Gin Ridge houses are now as far from the ocean as the Gearhart Post Office was when the town was founded, and the current Gearhart dunes have grown wider than the golf course. Progradation will continue as it has in the past, and if left alone the dune meadow will always exist, just move ever more westward as it follows the retreating beach and active sand, and the forest will follow the meadow on the east.

Fifth, the meadow portion of the Gearhart dunes is not a natural environment, it is dominated by exotic eco-engineering species that have shaped the dunes and eliminated native plants and animals. It is possible to eliminate the beachgrass within the meadow without chemicals or machinery, as has been done at the Lanphere Dunes at Humboldt National Wildlife Refuge (Pickart, 1997). This project however, is labor intensive, costs approximately \$30,000 per acre, which comes to over \$3 million total for the Gearhart dunes. Mechanical and chemical methods are certainly cheaper, but if this is done for the benefit of native species, then mechanical/chemical methods are completely inappropriate as they will kill native plants and animals indiscriminately. Absent beachgrass, the foredune would then revert to an area of active, blowing sand with sparse cover by native dunegrass and sand verbena. The foredune is now over 350 meters from the oceanfront houses and so likely no longer represents a burial threat to any developments in Gearhart. Reclamation of native dune species, however, is necessary only in the open meadow areas near the foredune, because more eastern areas will always succeed naturally to upland native forest as they have been doing in the Clatsop Plains for at least the last 5000 years.

Given the above context, it would seem that the easiest way to manage the Scotch broom and the Gearhart dunes in the eastern margins near the developments would be to allow it to succeed naturally to the pine – spruce – hemlock woodlands that are the natural vegetation community of the Clatsop Plains. Such succession will eliminate both the exotic beachgrass, and the exotic broom, replacing it with native forest vegetation and understory, including what all Gearhart residents are familiar with along the Ridge Path, e.g. red huckleberry, twinberry, salmonberry, evergreen huckleberry, salal, may lily, etc. interspersed with spruce and hemlock trees. This however will allow exotics to remain in the meadows close to the ocean, absent the labor above.

And as far as fire risk is concerned, such a community is no more a fire hazard than the current forest community along the Neahcoxie Creek, which surrounds hundreds of houses from Little Beach to the Highlands. If Gearhart is not concerned about the fire risk of its existing forest within the residential developments (and it should not be) then certainly it should not be concerned about any fire risk within the current Gearhart dunes, where the fuel load is less than 1/20th that of the Neahcoxie forest and does not surround houses.

So in summary, my opinion on the Scotch broom/Gearhart dunes management issue is the following:

1. Essentially the dunes can be managed to minimize fire risk, to maximize native species, or minimize camping/crime. The last I consider a non-issue.
2. Scotch broom is absolutely not a fire hazard in the Gearhart dunes, and there is no urgency whatsoever in removing this species.
3. Removing this species will likely have little or no positive effect on native species or aesthetics, because it will simply be replaced by exotic, competitively dominant beachgrasses.
4. Managing the dune meadow for native species is an enormous and expensive project that encompasses far more than management of Scotch broom.
5. Scotch broom and inland beachgrass will naturally disappear if left alone, as they will be shaded out by trees that will colonize during the natural course of succession (except where sand is active on and near the foredune).
6. If Gearhart is not prepared to transform the dunes to a community of native species, but still desires to reduce Scotch broom, then the simplest management plan is to allow natural succession to occur, which will eliminate the broom and beachgrass, and convert the eastern margin of the dunes to a woodland similar to those currently existing along the northern upper bank of Little Beach and along the Ridge Path.
7. Such a woodland would be no more fire hazard than the currently existing woodlands along the Neahcoxie and along the northern margin of Little Beach, and indeed the dense spruce forests throughout the Clatsop Plains, as in Warrenton and Hammond.

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Marcia McCleary

to me

↕

10:43 AM

⋮

Dear Mr. Sweet,

Most of our neighbors have been allowed to remove all of the trees, scotch broom, and blackberries from their property, including very recently. That leaves our property as one of the very few remaining thickets of these plants for individuals to occupy who want to do illegal activities such as drug use and have public sex. They could use flames to ignite drugs or cigarettes and to start a campfire that could spread all over while being invisible to us. We are installing a modern sewerage system and have planned to use this opportunity to also remove the before mentioned plants. We have been informed by the City that we will not be allowed to do what most of our neighbors have been allowed to do. We feel that just because we waited to do the brush removal at the same time as the sewerage modernization we are being penalized and worse yet put in a dangerous situation. The City regularly sends out notice to property owners they are required to remove the scotch broom and other invasive species growing on their property and now suddenly just the opposite is true.

I say dangerous to us, our visitors and our homes for several reasons. First the scotch broom and dead pine debris are very prone to intense and rapidly spreading fires during the dry season. A wind blown fire in the thicket on our property could be easily spread to nearby homes including our home of sixty seven years. who would be liable for the damage done? the City? We are not being allowed to limit our liability for a fire started on our property by people who have not been given permission to be on our property.

Similarly by not allowing the removal of brush on private land the City is creating the possibility of outlaws using the brush as cover to harass or attack us as we walk on our property to access the beach. We know the City is aware of criminal activities that occur within the brush covered areas of the dunes. We are a multi-generational family with older women and young children who enjoy walking and playing on our property. With the City's recent decision to ban removal of brush we won't feel safe when using our many decades old path to the beach or even to maintain it. We are helpless against any outlaw who wants to commit his crimes upon us or in front of us while we are on our own family property. It is simply not fair for the City to suddenly now decide that those that property owners who have not yet removed the brush are forever doomed to be the keepers of the "bad lands" for the benefit of the criminals intent on doing us and the general public harm.

In a similar but substantially different vein, the brush would also allow the elk herd now living in Gearhart to hide within the now limited brush areas. These are very large animals who can be very aggressive during the summer months when the calves are young. It is very dangerous to walk close to these animals during this time of mother calf dependency. Once surprised by the sudden appearance of a person there is no telling what physical and mental damage these large wild animals might inflict upon our family's older women and young children. With the brush removed the animals are more visible to us and we are more visible to them which eliminates the surprise

factor which often causes them to attack people. This is a very real threat to life and limb that the City is now exposing us to every time we use our property.

It is our very strong belief that the City should rethink their thoughts on what is important to protect our residents in the best way possible.

Marcia McCleary
Trustee

Melody Hatch
Co-Owner

From: Nancie Clark

To: Chad Sweet and Planning Commissioners

Date: 11/06/16

Subject: Dune Vegetation Management

This letter is regarding the Proposed "Dune Vegetation Management". Our predecessors put in place an ordinance to protect the dunes from human destruction from cutting and clearing. Now, we are dealing with the threat they were concerned about. So far the current ordinance has accomplished that. We have all been enjoying the benefits from this. But now the threat is looming.

The current proposal brought forth to the City Council was from a small group of homeowners, represented by Craig Weston with the intent to cut trees for a view. When they realized that the view cutting might not gain traction with the Council it changed to "Dune Vegetation Management" with obviously the same results intended-cutting trees for a view. They needed to lay the ground work. Instilling fear into the community has taken several avenues now.

1. Fear of Bears and Cougars in wooded areas
2. Vagrants living there
3. Danger for the Elderly
4. Danger for Women and Children (what about men?)
5. Fire (what about better firework management, other treed areas of Gearhart could have fire danger besides the dunes)
6. Sentimental memories of 50+ years ago of what it used to look like. Hey folks, it's called global warming and change. It affects all areas of the planet not just here. Accept it and get used to it. A riverbed created the Grand Canyon and Mt St. Helens was a beautiful round top mountain. Locally here, look at Cannon Beach. I lived in a house on the ocean front that had 3 flights of stairs to the beach. Now there is nothing. Almost flat out to the beach with little or no protection from the wind/surf.
7. Scotch Broom/Invasive plants-very expensive to remove. Must be done pulling out by the roots. No Herbicide or pesticides can be used because our drinking water, air, birds, soil and more could become toxic and polluted. An excellent and affordable solution is Volunteer Work Parties that are organized and used extensively in the Northwest. We have a lot of wonderful people who might be interested in helping on this.

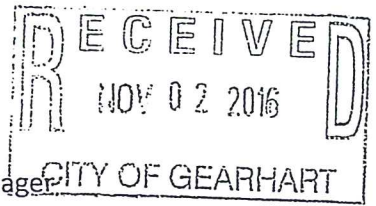
These are all the various avenues we have gone down for "Dune Management/View Management". As far as the wildlife affected from cutting and mowing, there is a long list which is more than just the "Snowy Plover".

The trees offer a protective buffer from powerful storms that could seriously damage homes and totally erode the dune area. If trees are removed the sand will start to blow and accumulate

against homes on the outer edge and will present an entirely new problem that no one has talked about. Walk into the estuary on the South end of the beach and look at the hillside and how it is now eroding at a rapid pace. Taking out those trees will only escalate that threat. Human intervention in environmental change does not always work without negative consequences. Do we want to take that chance? There is a saying in Real Estate "If you want a view, you have to own the view" and not try to control others.

If there is a town hall meeting I strongly advise getting non biased opinions from professionals who are not paid by or associated with certain property owners. Keep in mind those are only opinions. If regulations are not properly kept in place think what a nightmare it will turn into for the city to manage-the constant agenda of people always wanting to cut or clear in the dunes. Also think about all the people who vacation here regularly who enjoy walks in the dunes on the trails among the trees and wildlife. How are they going to react? Maybe they won't enjoy their stay here as much anymore and will go elsewhere. Our responsibility is to protect this very special area where we live for future generations to come, and not to destroy it for our own self interests. We have a legacy to pass on. Let's not be misled by the politically correct terminology "Dune Vegetation Management" which in this case is view cutting in disguise. Hopefully the City and Planning Commission will take all of this under consideration and not be pressured into a bad decision that could have serious lasting consequences for generations to come.

Respectively,
Nancie Clark
PO Box 2132
Gearhart, OR 97138



Truman Seely, Manager

Keeler Home LLC

1020 Fairway Drive

Aberdeen, WA 98520

October 29, 2016

Mr. Chad Sweet

Gearhart City Manager

P O Box 2510

Gearhart, OR 97138

Dear Mr. Sweet:

We understand that Gearhart is working on an ordinance to permit vegetation control, especially trees on the dunes adjacent the ocean beach and the estuary. Our LLC supports this effort.

My first encounters with the dunes date from the mid 1950's when my aunt and uncle built a home at 833 S. Marion. This home now belongs to our family's LLC.

In the 1950's vegetation was sparse on the dunes, trees were essentially nonexistent and even beach grass did not extend as far as it does now. The view from our property was unrestricted by trees, brush and scotch broom. While deer occasionally wandered thru, elk were not present. The vegetation was not dense enough to present much of a fire hazard.

Today's situation is different and concerning. Without intervention the trees and brush will continue to grow, choking out the beach grass, obstructing views, encouraging the elk which have become a nuisance in recent years, restricting potential plover habitat and creating significantly increased fire danger.

Managing the habitat to maintain a beach grass environment with relatively few trees or bushes would be a sensible approach. We support and encourage your efforts.

Thank you.

Yours truly

A handwritten signature in cursive script that reads "Truman Seely".

Truman Seely

Cheryl Lund

From: jgreen2317@aol.com
Sent: Monday, April 10, 2017 6:50 AM
To: planning@cityofgearhart.com; planning@ci.gearhart.or.us
Subject: 1 of 2 Planning Commission Hearing April 13, 2017

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Cheryl,

I am submitting this testimony for the Planning Commission hearing on April 13 for the record. It is possible this may be read on my behalf, but would like a copy presented to the Commission members in case that doesn't happen. Please confirm receipt. (sent to both addresses to insure its arrival. Sorry for double post.)

Thank you.

Planning Commission Hearing
April, 13, 2017
John Green
PO Box 2597
Gearhart, OR

For better or worse, we have created a habitat in the dunes to which a myriad of animal life including mammals, birds and insects have adapted. These include elk, coyote, deer, owls, hawks, many songbirds, bees, and butterflies. The City is hiring CREST in conjunction with volunteer Gearhart citizens to evaluate this habitat and make recommendations for a Dune Management Policy which would include Ordinance language. It makes no sense to me to remove an unknown amount of vegetation up to 90 feet wide swaths along the Neocoxie ROW and fireroad, taken together to be as much as 180 feet. If these numbers are wrong, I have misunderstood and the language is too vague. It seems much more appropriate to define the allowed amount of removal by specifying the MAXIMUM amount allowed for removal. The same result could be achieved by thinning the pine and spruce in the dunes and limbing up to 8 feet from the ground level to remove the fuel burden. This would protect the habitat for wildlife and give sightlines for security and fire prevention. The homes west of Ocean Avenue and east of Neocoxie ROW already have an effective fire barrier in the form of extensive green lawns, many of which exceed the 90 foot requested barrier. Proper yard maintenance of this barrier as recommended on many government web sites, will offer the home owners protection.

The City is concerned about snowy plover habitat which does not occur in the area being discussed for vegetation removal. They are ignoring 45 other bird species which live and breed in the effected areas. No mention is made of other wildlife species such as elk, deer, coyote. The bird species include ground nesters such as Northern Harrier pairs observed nesting in the past and continue to hunt in the dune area. These birds as well as the two owl species observed benefit the citizens of Gearhart by controlling rodent populations through their feeding habits. Some species of song birds are also ground nesters and others use shrubs and trees for nesting.

Lastly, again, we should allow the citizens committee and CREST to develop a Dune Management Plan which could also cover 6 other items on the Planning Commissions Action List. It seems that a comprehensive plan would be of more benefit to people and wildlife than one that is piece-mealed. All these items are related and can be treated as one all-encompassing plan.

Cheryl Lund

From: jgreen2317@aol.com
Sent: Monday, April 10, 2017 6:57 AM
To: planning@cityofgearhart.com; planning@ci.gearhart.or.us
Subject: 2 of 2, April 13, 2017 Planning Commission Hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Cheryl,

I am sending this written testimony for the Planning Commission to consider for the hearing on Thursday, April 13, 2017 and for the record. There may be someone available to read this at the hearing, but wanted to send this in case that doesn't happen and for you to have a copy. Please let me know that this has arrived. (sent to both addresses to insure that it is received.)

Thanks,

Planning Commission Meeting, April 13, 2017
Ordinance Revision for Dune Vegetation - Hearing
To be read on behalf of:
Margaret Green
PO Box 2597
Gearhart, OR

I am one of the Gearhart residents who enjoys walking the dunes and observing the wildlife that resides there. I also forage for mushrooms beneath the pine trees in the overlay zone where vegetation removal is being considered. I realize that we must be cognizant of citizens' concerns for safety but also must consider Gearhart residents' quality of life issues such as enjoyment of wildlife and walking paths. At the January 5, town hall, I heard many other residents express their enjoyment for walking and concern for the wildlife that lives in the dune area.

The amount of allowed clearing being proposed, a minimum of 80 plus feet on both the Neocoxie ROW and the fire road will alter the habitat to the detriment of the wildlife utilizing the vegetation for foraging and breeding and therefore reduce viewing opportunities. This is not a small amount of clearing. These animals will need to move elsewhere to meet their needs. The Birdy Beach Path, named by local school children, will no longer live up to its name. Rather than furthering recreation opportunities for residents and visitors, (Goal 8), we are reducing them. This reduces our enjoyment of the "Gearhart experience".

The city has hired CREST to form a volunteer citizen's committee to develop a dune management plan including dealing with vegetation issues. This committee has not yet met for the first time. It does not make sense to finalize a revised ordinance before this committee is allowed to study the issue. In fact it has the potential to be demoralizing to citizens who care deeply about the issue and Gearhart. I am sure a way can be found to incorporate residents' safety concerns as well as protect the non-human inhabitants of the dunes. Rushing the process has the potential for damaging results.

Cheryl Lund

From: Margaret Marino
Sent: Tuesday, April 11, 2017 9:51 AM
To: planning@cityofgearhart.com; chadsweet@cityofgearhart.com; Carole Connell
Subject: Public Hearing April 13, 2017 Proposed Zone Code Text Amendment - File #17-005ZTA

Please consider amending the proposed zoning change to incorporate the existing provision and code that currently exists for removal of noxious weeds.

The Gearhart City code has a Nuisance Ordinance for removal of noxious weeds. The City of Gearhart Zoning Ordinance for Riparian Vegetation also adheres to the City's nuisance ordinance for removal. For consistency and clarity, application of this same ordinance provision that already exists should be considered.

Following reference from City documents published on www.cityofgearhart.com :

1. The City of Gearhart: Zoning Ordinance with amendments through October 2016
2. City of Gearhart, Oregon Code of Ordinances 2009 S-1

The City of Gearhart: Zoning Ordinance

Article 6 Supplementary Provisions

Section 6.175 Riparian Vegetation

Riparian vegetation adjacent to streams and lakes in Gearhart shall be protected

3. For area described in (1) above all vegetation shall be retained within the areas listed with the following exceptions:

D. The removal of noxious weeds as defined by the City's nuisance ordinance.

Gearhart City Code

City of Gearhart, Oregon

Code of Ordinances

CHAPTER 92: NUISANCES; WEEDS

92.32 Noxious growths prohibited

(A) *Noxious growths*. No owner or person in charge of real property shall allow noxious growth on the property. Noxious growths are hereby declared a nuisance.

(B) *Abatement*. It shall be the duty of any owner or person in charge of real property to abate noxious growths from property.

Sincerely,

Richard and Margaret Marino
202 G Street
Gearhart, Oregon 97138

PO Box 2353
Gearhart OR
97138

Cheryl Lund

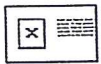
From: Robin Cavendish
Sent: Wednesday, April 12, 2017 6:52 PM
To: planning@cityofgearhart.com
Subject: Letter in Opposition to Zone Code Text Amendment

The big question is "Why is an amendment required to the existing Gearhart Zoning Ordinance". The City has apparently decided that after over 100 years of non-incidents, they must bull doze all "noxious weeds" and create roads that were never before needed and/or wanted. In an effort to appear democratic, they pulled together a panel of so-called experts (where Neal Maine was actually the only expert in the room), to push through this ill-advised and poorly supported ruling. Even Neal Maine was not in support of bull-dozing the dunes down. If you cared anything about Gearhart, why would you be in favor of bull-dozing the dunes?

The City has always had the ability, the access rights, and the wherewithal to clean up those areas they needed to. They just never did. Why do they need a zone change now? Just take a crew down and selectively clean up the area. No zone change is needed.

The City administration is acting like a malignant iceberg, pushing forward slowly but surely, to the death of that Gearhart way of life that so many have treasured. Why the subterfuge? Why the urgency? Why the rash decisions? Just running around like Chicken Little, doesn't mean the sky is really falling. Why is the City trying so very hard to make the citizens of Gearhart think that it is?

Robin Buzzard Cavendish



Virus-free. www.avast.com

PO Box 597
Banks OR 97106

Tara L. Sinclair
90181 Lake Shore Ct Warrenton, OR 97146

13 April, 2017

City of Gearhart Planning Commission
PO Box 2510
Gearhart, OR 97138

Re: Zone Code Text Amendment-File #17-005ZTA

Dear Planning Commission:

I would like to share my concerns with the proposed Code Text Amendments. The trees and Scotch Broom did not grow up overnight. Why has this "problem" become such an immediate concern?

The firebreak is to go along the existing fire road. This is not to include private property, but the fire road was put into existence on private property and without any notice to my mother who owns a house with the fire road now dissecting her path.

I see that the plan is to begin replanting immediately as allowed with native species. How will those introductions fare with the existing foliage that will remain?

The dunes are fragile. A 60' razing to the ground seems extreme and precarious to the areas affected.

I would like to reiterate my objections to this decision and the haste in which the decision was reached. I would like to suggest further discussion before permanent actions are taken and cannot be reversed.

Gearhart is unique; it requires effort on the part of everyone to keep it that way.

Sincerely,
Tara Sinclair

Cheryl Lund

From: trumanseely@comcast.net
Sent: Thursday, April 13, 2017 8:16 AM
To: planning@cityofgearhart.com
Subject: Support for proposed amendment to Article 3 Section 3.1240 (D)

The Keeler Home LLC owns the property at 833 S Marion in Gearhart. The members of the LLC unanimously support the proposed amendment.

1020 Farway Drive
Aurora WA 98520

Cheryl Lund

From: Robert
Sent: Thursday, April 13, 2017 11:20 AM
To: planning@cityofgearhart.com
Subject: Beach road submission for tonight's meeting

To Whom it May Concern,

My family's home of 4 generations could be impacted by this decision and as such I would like to list a few salient points as well as my complete disapproval.

First I would like to state that the methods being deployed in this and similar recent situations seems to be endemic of a much larger, and unrelated, problem. There is a strong impression of sneaking in votes for "fait accompli" without giving enough time or consideration to all those potentially impacted by these decisions. That coupled with the very one-sided mock science and partisan terminology reeks of backroom deals benefiting the few without consideration to the whole community. This has been quite evident since much of this has come to light and observation of public opinion in the media, and needs to change.

As to the details of this motion. As of yet I have not really heard of any real issues from the fire department requesting these changes or why there seems to be such urgency attached. I actually have some firefighting background from my military time and can't imagine this being a particularly well thought out solution or something that needs to be decided without much more input and consideration. Instead it sounds like a premise to encroach into this beach front for other, future commercial, reasons. In addition, the vaguely threatening tone of the motion seems to belie its actual intent – that of the benefit of the few versus the community.

I truly hope public scrutiny can nip these sorts of shenanigans in the bud, this time and into the future. Gearhart is a wonderful community in its own right and, for many of us, a legacy for our future generations.

I thank you for your time,
Robert D Buzzard III

PO Box 2174
Gearhart OR
97138

April 13, 2017

From Stewart T. Schultz
Department of Ecology
University of Zadar
Zadar, Croatia 23000

To the Gearhart Planning Commission
698 Pacific Way
Gearhart, OR 97138, USA

Dear Gearhart Planning Commission:

I am writing to comment on the proposed amendment to the zoning ordinance Article 3 Section 3.1240(D).

My major comment is that no changes should be made to the zoning ordinance whatsoever until a formal Master Plan is prepared and publicized for the management of the Gearhart Dunes in perpetuity, and approved by all citizens who have a right to the use and enjoyment of this public land. This Master Plan must also pass review in scientific rigor by independent experts in dune geology, in fire prevention and ecology, and in plant ecology. All stakeholders and their interests need to be represented in this Master Plan, transparently, and the goals need to be publicized and evaluated in terms of their impacts on all stakeholder groups. This needs to be done before any changes are made to the zoning ordinance.

Following are my more detailed reasons for the above conclusion, and comments on the staff report of 4.7.2017 prepared by Ms. Carole Connell.

1. There is no urgent fire hazard presented by any plant species in the Gearhart Dunes. A fire hazard requires three components: 1) large fuel accumulation, 2) high flammability, and 3) proximity to human development (Hardy, 2005). None of these three are met in the Gearhart Dunes. The highest biomass species, shorepine, *Pinus contorta* ssp. *contorta* var. *contorta* is a taprooted species, with deep taproot directly submerged in the permanent water table that lies at sea level (COUTTS and NICOLL, 1991). Every shorepine tree in the Gearhart dunes is fully saturated with water 365 days of the year regardless of the length of any summer drought, otherwise they would not survive in the dunes. These trees have negligible flammability when in contact with the water table.

The only shrub in the dunes with substantial biomass accumulation is Scotch broom, *Cytisus scoparius*. This species is not highly flammable, and also is nearly impossible to burn even under conditions of low humidity and high temperature (Zouhar, 2005; Wyse et al., 2016). As I detailed in my last letter to the Planning Commission, controlled burn experts are unable to maintain a burn in a related broom plant with a blow torch under hot and dry conditions in California. If control burn experts cannot

sustain a fire of a broom stand with a blow torch, then this plant cannot be a fire hazard.

Finally, beachgrass *Ammophila breviligulata* though easily burnable when it is dried out, has trivial aboveground biomass, and does not burn hot enough or long enough to cause any hazard, especially when the neighboring trees are saturated with water every day of the year. There is no known instance in the 100-year history of the state of Oregon in which *Ammophila* has caused a forest or woodland fire; indeed there is no evidence as far as I can find that it has done so anywhere in the world.

2. There is no logical rationale provided for the need of a cleared fire road in the Gearhart Dunes. If a fire is so hot that a 20-foot wide road is not passable, then no volunteer Gearhart fireman should be anywhere near that fire or trying to drive anything through that soft sand in the middle of that burn. In the case of a serious fire in the dunes all assembly should be on Ocean Avenue, between the houses and the fire. The idea that fire crews should be in the middle of the dunes, mired in dry sand, looking back at the houses, with the fire able to move at anytime on either side of the crew, seems absurd. The purpose of that fire road is to deal with occasional beachgrass flareups and patrol for illegal activity, and it is more than sufficient for this purpose.
3. The proposed text is too vague to inform the public how many trees are to be removed, where they are to be removed, what acreage will be converted from woodland to grassland, from invasive to native species, or how much bare sand will be exposed and the extent of resulting sand stabilization programs. Are all the trees to the east of Neahcoxe Blvd. and the fire road to be clearcut? Anywhere from a third to a half of all trees in the Gearhart Dunes could be clearcut depending on the interpretation of the meaning of that text.
4. Maintaining those dunes in a permanently landscaped early successional state would be extremely costly for Gearhart, and if this is being done to placate a few property owners who want a view, then this purpose needs to be acknowledged and made transparent to the community so that they know exactly what they are paying for and who it is benefiting and why, and decide whether this purpose justifies the expense.
5. For the above reasons, citizens and stakeholders cannot make an informed decision about the logical rationale, or ecological and recreational impact of the proposed tree removal and permanent tree management and its cost to the city of Gearhart.

In conclusion, the Gearhart Dunes are an incomparable value to the citizens of this city. They deserve a careful Master Plan that is transparent, responsive to and approved by all people who value and enjoy this open natural space by the ocean.

Sincerely,

Stewart T. Schultz
Ecology Department
University of Zadar
23000 Zadar, Croatia

140 NW 20th Avenue
Rockaway Beach OR

References

- COUTTS, M. P., and B. C. NICOLL. 1991. Orientation of the lateral roots of trees .1. upward growth of surface roots and deflection near the soil surface. *New Phytologist* 119:227–234. doi:10.1111/j.1469-8137.1991.tb01025.x.
- Hardy, C. C. 2005. Wildland fire hazard and risk: Problems, definitions, and context. *Forest Ecology and Management* 211:73–82. doi: 10.1016/j.foreco.2005.01.029.
- Wyse, S. V., G. L. W. Perry, D. M. O'Connell, P. S. Holland, M. J. Wright, C. L. Hosted, S. L. Whitelock, I. J. Geary, K. J. L. Maurin, and T. J. Curran. 2016. A quantitative assessment of shoot flammability for 60 tree and shrub species supports rankings based on expert opinion. *International Journal of Wildland Fire* 25:466–477. doi:10.1071/WF15047.
- Zouhar, K. 2005. *Cytisus scoparius*, *C. striatus*. in: Fire effects information system, [online]. Technical report, U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer), <http://www.fs.fed.us/database/feis/> Accessed Feb. 8 2017.

To: Gearhart Planning Commissioners
From: Sharon Kloepfer PO BOX 2512 Gearhart
Date: 4/13/17
Re: City Revised Ordinance Proposal

Adoption of the draft ordinance under consideration will result in the removal of 50% of the trees in the dune area from E street south to the Estuary. Besides important habitat destruction, other complications will be produced including opening up more acreage conducive to scotch broom growth, altering air flow patterns which, as per the Gearhart Comprehensive Plan, affect dune stability, and diversion of monies toward creation and maintenance of this clear cut area, which would be better spent on the new fire house and refurbishment of city hall.

Undertaking such an extensive project and exacting such a significant change over many acres of dunes should only be entered into after careful thought and study. Any action taken in the dune area needs to be part of a comprehensive dune management plan that takes into account long range ecological and monetary impacts. I ask that the Citizens Committee under the guidance of CREST personnel be allowed to do it's job.

Planning Commission Meeting April 13, 2017

Ordinance Revision for Dune Vegetation-Hearing

Nancie Clark, PO box 2132, Gearhart

My husband and I and our blue heeler walk daily in the dunes and have done so for years. She loves that area so much she fights us to go on the beach. Have you ever heard of that?

After going over Margaret Green's letter because I was going to read it tonight I also saw the letter they submitted on February 9th 2017. Wow, talk about amazing people-they walk daily in the dunes also and they put together a list of bird species they have observed out there and recorded it on "EBird". I counted 45, and this was just birds. There are mammals, reptiles, insects butterflies and bees out there too. If you don't spend time in the dune area you probably don't realize how much wildlife is out there and this has become their home. We need to do a baseline study of all species and evaluate it prior to making any ordinance changes. We strongly disapprove of the City's proposed legislative amendment Zoning Ordinance for Beaches and Active dunes Overlay regarding Noxious Weed Removal and safety buffer along Neacoxie Blvd.

You know our society has come a long way. The new generation cherishes a lot more than in the past generations. They embrace areas like Gearhart that goes way beyond just "playing on the beach." They now call it "The Gearhart Experience" and this directly relates to dune walks on all the paths with people enjoying watching and viewing all the wild life, educating children about everything that exists out there from hawks and eagles that dive before their eyes to the elk grazing. This experience is the first time in their life for many that don't live around anything like this. It is very special.

The new society that has emerged would probably build on this whole experience and do fund raisers for a small wildlife center in town where volunteers would have flyers and materials for visitors and school fieldtrips for the children. That's

the new thinking. Why should the City's decision be to destroy this? Lets work as hard as we can to keep "The Gearhart Experience " going full force for everyone to enjoy for generations to come.

Planning Commission Meeting, April 13, 2017
Ordinance Revision for Dune Vegetation–Hearing
Thad Clark
PO Box 2132, Gearhart , Ore.

The letter I am submitting today regarding the Revised Ordinance for Dune Vegetation is a request for the planning commission to do further research beyond what is summarized in the Staff Report of April 7, 2017. This is a very important decision with far reaching consequences. There is a lot of information missing or being ignored that contains important and pertinent data in that Staff Report. The missing data I am referring to is the “Stewart Schultz” letter dated 2/8/17 and his 12 page report. In the city’s Staff Report, under # IV. “Agency & Citizen Comments”, it is missing. In that section there is also the Data Sources that have been used to draw up this ordinance and his information is not there either (page 3). Additionally, in the Data source there is a reference to a “vegetation inventor”—What is that? Yet Stewart Schultz who is a University Professor with a PHD in botany from the University of British Columbia, a well known, respected author of “The Northwest Coast”, a text book on coastal ecology of Oregon, Washington and Northern California that several regional universities have used for teaching field courses in coastal ecology, is being ignored and or is omitted for what I believe are obvious reasons. Just because he attached a letter with his 12 pages of information should not be a reason to discredit it as data and categorize it as just a letter. And yet it is still not even included as a letter or Citizen Comments on the City staff report. You can only find his information on the city website under correspondence. There is no acknowledgement or reference to any of the credible, documented evidence that he has provided us for dune management. So, I am going to acknowledge it here. I am only going to briefly summarize because it is a very lengthy 12 page report. I encourage everyone here if you have not done so go on the website under correspondence and get this report. (I have a copy here if someone would like to pick one up.) All of the information that he put together on dune management is backed up by credible references.

So to start with, he reveals several errors in Kathleen Sayce’s report on Vegetation Management. First topic is Scotch Broom. Scotch Broom is not highly

flammable (she states that it is). There is no published evidence it is a fire hazard (details in report)

Second, Fire Risk in Dune–The dune area is no more of a fire hazard than the current forest communities along Neacoxie Creek to the Highlands. If Gearhart isn't concerned about risk of fire in its existing forest within residential development (and it should not be) then it should not be concerned about any fire risk within the current Gearhart dunes (where the fuel load is 1/20th of the Neacoxie forest and DOES NOT SURROUND HOUSES. (details in report)

I have only touched on a small amount of the credible information and statements he provided, all which is backed with published research and personal experience with all species currently in the Gearhart dunes.

After reviewing all the data that has been available to me my conclusion is that the fire danger is being overstated significantly and the proposed clearing that has now grown to a huge swath of a total of 140–160 ft. is excessive, destructive and unnecessary for fire suppression. But it does make sense as an avenue for “view cutting” by individuals that have gone down several other avenues and have not got any traction. What also makes this evident is that we recently volunteered to be on the Crest Citizens Committee to help develop a dune management plan. (This group has not even met yet). So what would be the purpose of this committee if the city quickly circumvents their efforts to work on dune management with an over aggressive clearing plan that is extremely detrimental to the wildlife and their habitat? It would be a waste of time and effort.

A final thought, with the city needing a new fire house so urgently isn't this draft ordinance with this destructive and excessive clearing in a beloved walking trail area ill timed? It could be very controversial and not supported. Tax payers may not want their tax dollars spent on this. Then at the same time you are also asking them for support and tax dollars for a new fire house. It might be too much for voters to support all of this at once. Placing the burden of this ordinance on the back of the fire department could cost them a “yes” vote for their new fire house.

Cheryl Lund

From: WillCorti@aol.com
Sent: Wednesday, April 26, 2017 10:56 AM
To: chadsweet@cityofgearhart.com; mayorbrown@cityofgearhart.com;
councilorsmith@cityofgearhart.com; planning@cityofgearhart.com
Subject: Written testimony for Proposed Zone Code Text Amendment---File #17-005ZTA

April 25, 2017

RE: Public Hearing May 3, 20187 Proposed Zone Code Text Amendment---File #17-005ZTA

I am submitting this written testimony to the city council for the public hearing on May 3, 2017.

To: Chad Sweet, city manager

Matt Brown, mayor

Kerry Smith, councilman

Cheryl Lund, planning commissioner

I am one of the owners of 815 S. Ocean Ave. in Gearhart. The property has been in my family since 1935. I have been coming to the property throughout my life (60 years). I support the code amendment providing for better fire safety in the dunes along the fire road and the Neacoxie Road ROW. However I ask the city council to consider amending the proposed code change to include the removal of trees in Section A.D.(6). To create a safety buffer zone along the fire road and Neacoxie Road ROW in front of my property, trees will need to be removed. Under the Gearhart Zoning Ordinance, Section 6.195, a tree is defined as "any tree greater than twelve (12) inches in diameter as measured four and one half (4 1/2) feet above the existing grade." Trees larger than a foot wide will need to be removed along the fire road and the Neacoxie Road ROW in front of my property to create a safety buffer zone of 60 feet in width. Section A.D.(6) should include "the removal, destruction or uprooting of vegetation and **trees**..."

The dunes throughout my area have changed considerably in the last 20 years. The vegetation and trees will continue to grown in size and volume, creating a greater fire danger. I support the amendment to remove the noxious weeds including scotch broom throughout the dunes. Now is the time to take control of the vegetation and trees in a proper and planned manner to provide for better safety for the public and property owners for the years ahead.

Bill Corti
3963 SE Lake Rd.
Milwaukie, Oregon 97222

Cheryl Lund

From: wayne meucci
Sent: Wednesday, April 26, 2017 8:52 AM
To: planning@cityofgearhart.com; chadsweet@cityofgearhart.com;
mayorbrown@cityofgearhart.com; councilorsmith@cityofgearhart.com
Subject: Current Proposal for Invasion Plant Control in Dune Area

To the Gearhart City Council:

As non-resident tax paying property owners in Gearhart, (Surfside condo unit 201) we are in strong support of the current proposal to control the unchecked growth of invasive plants in the dunes. Our HOA (Surfside Condominiums) has long abided by the prescription of chapter 92 of the City of Gearhart code of Ordinances which assigns responsibility for eradication of noxious growth to owners or persons in charge of real property. ("Ordinance #92.32 NOXIOUS GROWTHS PROHIBITED. (A) Noxious Growths. No owner or person in charge of real property shall allow noxious growth on the property. Noxious growths are hereby declared a nuisance.") Failure to abide by this ordinance subjects neighboring properties to seeds and starts that continue the cycle of invasion.

Our HOA's property is a perfect example of this noted nuisance. Another condo association with property directly adjacent to ours has allowed scotch broom, blackberries and a stand of invasive trees to flourish. In addition to fostering new growth requiring abatement on our property, this has created a protected area for elk and beach campers as well as "bathroom seekers".

We favor enforcement of the existing ordinance and action on the advice of Gearhart's emergency professionals (police and fire) to clear the safety lane for responding vehicles.

Thank you for your consideration of our input.

Regards,

Wayne Meucci & Jane Schott
Surfside Condominiums
1250 No. Ocean Dr. #201
Gearhart, Or. 97138
P.O. Box 2189
Gearhart, Or. 97138

11405 S.E. 65th St.
Bellevue, Wa. 98006

Cheryl Lund

From: lh email
Sent: Wednesday, April 26, 2017 7:13 AM
To: planning@cityofgearhart.com; chadsweet@cityofgearhart.com;
mayorbrown@cityofgearhart.com; councilorsmith@cityofgearhart.com
Subject: Support for Proposed Zone Code Text Amendment File #17-005ZTA.

To Whom it May Concern, including Gearhart city leaders:
Mayor Brown, Chad Sweet, Councilor Smith and Kerry Smith:

I am writing to express my support for the Proposed Zone Code Text Amendment File #17-005ZTA.

My family owns property at 815 S. Ocean Avenue in Gearhart, Oregon. We are concerned about the risk of fire from the vegetation to the nearby homes, as well as the increased use the woods for illegal camping. We are also concerned for the safety of opel walking by these woods and coming upon elk.

Sincerely,

Linda Hoard
13095 Princeton Ct
Lake Oswego, OR 97035
hoardl@comcast.net

April 24, 2017

From Stewart T. Schultz
Department of Ecology
University of Zadar
Zadar, Croatia 23000

To the Gearhart City Council
698 Pacific Way
Gearhart, OR 97138, USA

Dear Gearhart City Council:

On April 13, 2017, the Gearhart Planning Commission approved changes to the Gearhart zoning ordinance that regulates vegetation removal from the Gearhart Dunes, despite overwhelming opposition expressed in citizen testimony.

I am urging the Council to respect this opposition and its expert reasoning by reversing this vote. Following are my reasons.

1. The proposed text is too vague and broad. The original purpose of the revision was to allow removal of Scotch broom along the fire road in the south dunes. However, the text was not written carefully enough to restrict vegetation removal to Scotch broom. Instead, it is so broadly worded that it technically allows clearcutting of approximately a third to one-half of all the native trees in the south dunes.
2. The proposed text mistakenly allows vegetation removal on two separate and parallel swaths: the fire road, which exists as a jeep trail, and the Neahcoxie Blvd. right of way, which exists in the south dunes only as a paper map segment. There is no logical rationale to any clearings along this abstract map segment and none has ever been provided let alone debated.
3. The vote was premature. The city hired an independent entity, CREST, to create a Gearhart Dune Advisory Committee, consisting of citizens and stakeholders. The purpose of the DAC is to work with the city to formulate a plan for vegetation management, and to assist in revising the city ordinance as necessary to implement the plan. However, the Gearhart Planning Commission voted on the proposed ordinance revision eleven days before the first meeting of the DAC. Why this vote was allowed 11 days before the first meeting of the group charged to advise the city on the very text being voted on, has yet to be explained.
4. There is no urgency to any vegetation removal in the Gearhart Dunes. There are two reasons for this. First, fire danger in the dunes is minimal. This is because the only appreciable plant biomass accumulation occurs in the swales within a few feet of the underlying dune aquifer. As Marshall

Kinney pointed out in his first advertisement for Gearhart Park in 1890, “there is abundant fresh drinking water just below the ground surface”. This vegetation is therefore water saturated throughout the year. The species with highest biomass, shore pine, is taprooted, in contact with the aquifer 365 days of the year, and mostly absent near any developed property. Controlled burn experts have difficulty maintaining a fire in this environment under any conditions, and have not been able to induce an unassisted burn in old broom populations with a blow torch. Second, no vegetation removal should occur during spring and summer when wildlife populations are nesting and foraging and native plants are flowering and fruiting. The vegetation report contracted by the city specifies that any vegetation removal occur in fall and winter.

5. This absence of any urgency leaves plenty of time for the city to work with all interested citizens to develop an acceptable master plan. Given the time, a plan can be developed that is transparent, scientifically informed, and balances all concerns, including recreation, wildlife, and the risk of fire and reactivation of sand.

I urge the City Commission to vote against the original proposed changes to the ordinance text, so that these revisions can be postponed until an acceptable master plan is approved by the DAC and the city.

In case any text is approved at this meeting, I have enclosed a sample of draft revisions that incorporate my points above.

Sincerely,

Stewart T. Schultz
Ecology Department
University of Zadar
23000 Zadar, Croatia

140 NW 20th Avenue
Rockaway Beach OR

AN ORDINANCE RELATING TO THE PRESERVATION OF DUNES AND NATIVE VEGETATION AND PROVIDING AN EMERGENCY BUFFER ZONE AND AMENDING THE CITY OF GEARHART ZONING ORDINANCE

Whereas, the City of Gearhart recognizes the importance of maintaining stabilized dunes and to protect the fragile nature of the dune and interdune areas. ~~by ensuring that noxious vegetation is allowed to be removed.~~

Whereas, the City of Gearhart finds it is in the public interest to provide a buffer zone along the fire road to aid in emergency service access and fire protection.

~~**Whereas**, the City of Gearhart finds it in the public interest to amend its Zoning Ordinance to allow the removal of noxious vegetation that threatens the stability, health and safety of the area of the City within the Beaches and Active Dunes Overlay District.~~

The City of Gearhart ordains that the Gearhart Zoning Code shall be modified as provided below.

Section 1. AMEND ZONING CODE ARTICLE 3 SECTION 3.1240 BEACHES AND DUNES OVERLAY ZONE SUB-SECTION D (1) AND ADDING SUBSECTIONS (5) AND (6) AS FOLLOWS (New language underlined, deleted language stricken):

D. Pruning and Trimming of Vegetation

- (1) Except as allowed under subsection (5) and (6), the complete removal, ~~destruction or uprooting~~ of vegetation shall be prohibited.
- (2) Trimming or pruning of trees shall be the minimum necessary, ~~to protect views and prevent a fire hazard~~ while maintaining the vigor of the trees to be trimmed. The amount of thinning or pruning shall not exceed ~~50%~~20% of the tree's present growth.
- (3) Pruning and trimming shall occur only after a specific program based on sound ecological principles which specifies the vegetation to be trimmed and the extent of trimming proposed has been approved by the City. The proposed and approved program shall occur only in Fall and Winter.
- (4) The requirements of this sub-section (2)(D) of Section 3.1240 shall not apply to that portion of the B.A.D. Overlay District lying east of Neacoxie Blvd. and east of the building line between Pacific Way and 3rd Street.
- (5) The removal, destruction or uprooting of noxious weeds as defined by the Oregon Department of Agriculture will be allowed. Grading, earthworks, and herbicide use will not be permitted.

- (6) The removal, destruction or uprooting of noxious weeds will be allowed along the Neacoxie Blvd. ROW and on both sides of the established fire road providing for a safety buffer zone not to exceed 20 feet in total width. ~~of a minimum of 30 feet wide and/or up to 1 1/2 times the height of the surrounding vegetation, will be allowed.~~
- (7) The existing fire road needs to be defined by a certified survey. Boundary points must be delineated and recorded for future reference.

Passed by the City Council of the City of Gearhart this _____ day of _____ 2017

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Signed and approved by the Mayor of the City of Gearhart this _____ day of _____ 2017

Cheryl Lund

From: jgreen2317@aol.com
Sent: Sunday, April 23, 2017 3:36 PM
To: planning@cityofgearhart.com; mayorbrown@cityofgearhart.com;
councilorjesse@cityofgearhart.com; councilorsmith@cityofgearhart.com;
councilorcockrum@cityofgearhart.com; councilorlorain@cityofgearhart.com
Subject: Gearhart City Council Hearing May 3, 2017 - written comment/testimony

Please find below, my comments for:
Gearhart City Council Hearing
May 3, 2017, Revised Ordinance Beaches and Dunes Overlay Zone
John Green
PO Box 2597
Gearhart, OR

For better or worse, we have created a habitat in the dunes to which a myriad of animal life including mammals, birds and insects have adapted. These include elk, coyote, deer, owls, hawks, many songbirds, bees, and butterflies. The City has hired CREST in conjunction with volunteer Gearhart citizens to evaluate this habitat and make recommendations for a Dune Management Policy which would include Ordinance language. It makes no sense to me to remove an unknown amount of vegetation up to 60 feet wide swaths along the Neocoxie ROW and the fire road, taken together to be as much as 120 feet. Also, the ordinance language is vague about actions being allowed. The same result could be achieved by thinning the pine and spruce in the dunes and limbing up to 8 feet from the ground level to remove the fuel burden. This would protect the habitat for wildlife and give sightlines for security and fire prevention. The homes west of Ocean Avenue and east of Neocoxie ROW already have an effective fire barrier in the form of extensive green lawns, many of which exceed the 60 foot requested barrier. Proper yard maintenance of this barrier as recommended on many government web sites, will offer the home owners protection.

The City is concerned about snowy plover habitat which does not occur in the area being discussed for vegetation removal. They are ignoring 45 other bird species which live and breed in the effected areas. No mention is made of other wildlife species such as elk, deer, and coyote. The bird species include ground nesters such as Northern Harrier pairs observed nesting in the past and continue to hunt in the dune area. These birds as well as the two owl species observed benefit the citizens of Gearhart by controlling rodent populations through their feeding habits. Some species of song birds are also ground nesters and others use shrubs and trees for nesting.

Lastly and again, we should allow the citizens committee and CREST to develop a Dune Management Plan which could also cover 6 other items on the Planning Commission's Action List. It seems that a comprehensive plan would be of more benefit to people and wildlife than one that is piece-milled. All these items are related and can be treated as one all-encompassing plan. Please allow CREST and the citizens' committee to finish their work and present additional information and recommendations.

Bill Berg

TESTIMONY TO GEARHART CITY COUNCIL ON PROPOSED ZONE AMENDMENT
REGARDING DUNE VEGETATION MAY 3, 2017

The Planning Commission approval on April 13, 2017 of the Zoning Ordinance amendment regarding dune preservation came as a surprise to most citizens. Since then, more and more of us have come to realize what is at stake if that amendment is finalized by the City Council. I therefore urge you to consider the following facts:

- 1) The amendment was passed by the Planning Commission before the proper citizens' body (the Gearhart Dune Advisory Committee newly appointed by the city) had had their first meeting on April 24. We don't understand why that Committee was not allowed a chance to offer the advisory input that is the basis for its existence.
- 2) The written expert testimony submitted by Prof. Stewart Schultz (author of *The Northwest Coast: A Natural History*), including the many authorities he cites, was evidently ignored by the Planning Commission, which apparently accepted the erroneous testimony of a privately hired consultant who confused the low flammability of Scotch Broom with the high flammability of its look-alike, Gorse, and neglected to mention that the shore pines of Clatsop Plains have tap roots in constant contact with the water table, even in the driest season (which is one reason why there has never been a forest fire in Clatsop Plains, even under Japanese fire-bombing during World War II); and, finally, that allowing those trees to mature will lead to the natural die-out of Scotch Broom.
- 3) The area most likely to be impacted by the ordinance changes (the south end of the fire road through the dunes) is one of the most attractive recreational areas in the city. The terms "enchanted" and "inspirational" are not adequate to describe the experience of walking along that path, rain or shine. Allowing two maximum 60-foot-wide clearcuts to exterminate forest and wildlife habitat there ought to be unthinkable. The amendment, as currently written, makes such an atrocity thinkable.

The fears of many citizens can be relieved through the following changes to the zone amendment. I urge you to make them:

- If the point of the amendment is to allow for more thorough eradication of Scotch Broom (as it should), then the term "Scotch Broom" should be substituted for the more vague and inclusive term "vegetation" in new

sections (6) and (7) of the amendment. The only noxious plant in that area is, and always has been, Scotch Broom.

- In new section (6) of the amendment, the phrase "— along the Neacoxie Blvd. R[ight] O[f] W[ay] and" should be deleted. What is the point of having two parallel fire roads, allowing for the possibility of two 60-foot-wide areas cleared of habitat? For over 100 years, "Neacoxie Boulevard" has been only a broken line on paper, an imaginary "street." Clearing it in reality could help define it as a real street, making it (as some of the public fear) a twinkle in the eye of some real estate speculator.

The above-mentioned changes to the proposed amendment would alleviate fears that the city is willing to accommodate its laws to the attempts of private parties to change natural landscapes located beyond their own properties, to the detriment of the public interest, in order to suit their own personal interests. The suggested changes would also help to insure that members of our heroic Volunteer Fire Department, who advocate the amendment because of a genuine concern for public safety, are not seen as complicit in supporting those private interests. The GVFD, especially in view of its current need of new facilities, deserves as much community support as possible.

Respectfully submitted,

Bill Berg
698 2nd Street
Gearhart

Tel.: 503-738-6144

Submitted * 04/21/17
Margaret Marino

Staff Report Findings: The City finds the code amendment supports the goal to conserve, preserve and protect open space and natural resources, enhancing native species growth, while also improving emergency access and fire protection in the dunes. The amendments are limited to clarifying existing language so the 1) noxious weeds can be removed, destroyed or uprooted and 2) removal, destruction or uprooting of vegetation will be allowed along the Neacoxie Road right-of-way fire road, and on both sides of the road a minimum of 30 feet and/or up to 1 ½ times the height of the surrounding vegetation.

PROPOSED AMENDMENT TEXT updated from Public Meeting April 13th

A. GZO Article 3 B.A.D. Section 3.1240 (D) (new language is underlined)

D. Pruning and Trimming of Vegetation

(1) Except as allowed under subsection (5) and (6) and (7), ~~the~~ removal, destruction or uprooting of vegetation shall be prohibited

(2) Trimming or pruning of vegetation shall be the minimum necessary to protect views and prevent a fire hazard while maintaining the vigor of the plants to be trimmed. The amount of thinning or pruning shall not exceed 50% of the plants present growth.

(3) Pruning and trimming shall occur only after a specific program which specifies the vegetation to be trimmed and the extent of trimming proposed has been approved by the City.

(4) The requirements of the sub-section (2) (D) of Section 3.1240 shall not apply to that portion of the B.A.D. Overlay District lying east of Neacoxie Blvd. and east of the building line between Pacific Way and 3rd Street.

(5) The removal, destruction or uprooting of noxious weeds as defined by the Oregon Department of Agriculture is permitted. Removal activities shall not lower the elevation of the foredune.

(6) The removal, destruction or uprooting of vegetation will be allowed along the Neacoxie Blvd. ROW and on both sides of the established fire road providing for a safety buffer zone of not to exceed a maximum of 60 feet.

(7) If the removal of noxious weeds in any location encompasses contiguous area of more than 2,000 square feet, any resulting open areas shall be stabilized. Revegetation shall consist of planting of native or non-native beach grasses or other native vegetation appropriate to the site, including but not limited to kinnikinnick, Pacific rhododendron, wax myrtle and coast strawberry.

Cheryl Lund

From: CJS
Sent: Thursday, April 20, 2017 3:56 PM
To: mayorbrown@cityofgearhart.com; chadsweet@cityofgearhart;
councilorsmith@cityofgearhart.com; planning@cityofgearhart.com
Subject: Legislative Zone Code Text Amendment regarding Noxious Weed Removal in B.A.D.
Zone, City File #17-005ZTA

Dear Mayor Brown, City Administrator Sweet, Dune Management council representative Smith, and Planning Commission:

We are definitely in favor of the proposed zone change approve by the City of Gearhart Planning Commission to legislate an amendment to the Zoning Ordinance Article 3 Section 3.1240(D) Beaches and Active Dunes Overlay District in order to allow for limited removal of noxious weeds and create a safety buffer along the Neacoxie Blvd. right-of-way and fire road. We would be happy to see the noxious, non-native growth removed and replaced with native or non-native vegetation as proposed. Scotch Broom in particular is a blight on the dunes and surrounding areas and we would like to see it all go away. Having a comprehensive plan for maintaining the dunes and other areas of the city is the only way to keep native plants and wildlife, as well as residents, safe and thriving in our own surroundings.

Very sincerely,

Charles J. Swindells
Caroline H. Swindells

372 South Ocean Avenue
Gearhart, Oregon 97138

Mailing address:
25 NW 23RD PL STE 6, PMB 481
PORTLAND OR 97210-5580

Cheryl Lund

From: Joanne Conway Personal
Sent: Wednesday, April 19, 2017 1:38 PM
To: planning@cityofgearhart.com; chadsweet@cityofgearhart.com;
mayorbrown@cityofgearhart.com; councilorsmith@cityofgearhart.com
Cc: Morrie Conway ICE
Subject: Support for Public Hearing May 3rd - Proposed Zone Code Text change

Dear Chad,

I am sending this written testimony, for the record, to the Planning Commission to be considered at the public hearing council meeting on Wednesday May 3, 2017.

Proposed Zone Code Text Amendment File #17-005ZTA

I am writing to support the zone change ordinance for tree removal in the Dunes.

I am an owner of a home located at 815 South Ocean Avenue in Gearhart. My grandfather bought this home in the 1930's. Last summer I presented to the City Council pictures from our family photo albums showing how the dunes have accreted and changed over the decades. This historical perspective is for those who say they want to preserve the native state of the dunes and the wildlife therein. The south jetty was completed in 1913. Accretion of the dunes has occurred over the decades since then. Oregon State University has done studies on this subject. The pictures that i showed the council showed that there were no dunes in the 30's or 40's. The ocean waves used to be near the house and are now about a quarter mile away. As the dunes accreted beach grasses grew. The dunes continued to accrete and even as recently as the 1990's there are photos showing very little vegetation in the dunes aside from beach grass. The tall trees have grown since then. So, one could argue that the dunes were caused by a manmade jetty and the subsequent flora and fauna in the dunes are not native and are a result of manmade activities.

Having read the letters from concerned citizens i can understand all points of view and propose an action that might be a compromise for all to accept. Let's create a park with several groves of existing tall growth fir trees in the open swale where the elk, plovers, mushrooms, etc. can flourish. In between the groves can be open spaces of beach grasses that are clear of pine trees, scotch broom, blackberries, etc. People can safely walk to the beach without fear of startling a herd of elk or people camping illegally. It also controls fire from spreading into the nearby homes. This solution should keep everyone happy. It also means less maintenance costs for the city to preserve the park long term as there is less open space to maintain. This home has been part of our family history for about 90 years. As i look forward to the next 50 years I wonder if the dunes will continue to accrete or if there will be the major tsunami and how that all will affect the long term management plan for the Council's consideration.

Thank you for providing a forum for open dialogue.

Best regards,

Morrie Conway III
18508 East Agua Verde Drive
Rio Verde, AZ 85263
503-502-2055 Cell

Cheryl Lund

From: Chad Sweet
Sent: Wednesday, April 19, 2017 8:00 AM
To: Cheryl Lund
Subject: Fwd: Support Zone Change Ordinance for Tree Removal

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

From: annagaffney@msn.com <annagaffney@msn.com>
Date: Wed, Apr 19, 2017, 7:03 AM
Subject: Support Zone Change Ordinance for Tree Removal
To: chadsweet@cityofgearhart.com <chadsweet@cityofgearhart.com>

Dear Chad:

I am writing to support the zone change ordinance for tree removal in the Dunes. I am an owner of 815 S. Ocean Ave. in Gearhart. I have grown up playing in the Dunes as a child and the entire ecosystem there has fundamentally changed. It is no longer a place of rolling dunes and tall grass, but rather a harsh environment for blackberries, scotch broom, and tall trees. I have witnessed an overnight camp with a couch and garbage nestled among the trees. I have come across Elk who have charged at children and elderly walkers. Common sense would dictate that a fire or other catastrophe would overwhelm the local resources of Gearhart. That is why I commend you and the City of Gearhart for addressing these concerns and working proactively

to remove the threats that face the residents of Gearhart.

Sincerely,

Chris Conway

15020 SW Scarlett DR

Tigard, OR 97224

--
Chad Sweet | City Administrator
City of Gearhart
698 Pacific Way | Gearhart, Oregon 97138
Office: (503) 738-5501 | Fax: (503) 738-9385
chadsweet@cityofgearhart.com

CONFIDENTIALITY NOTICE: Please do not read, copy, or disseminate this communication unless you are the intended addressee. This e-mail may contain confidential and/or privileged information intended only for the addressee. If you have received this in error, please notify me via return e-mail.

Cheryl Lund

From: Mark Gregoire
Sent: Wednesday, April 19, 2017 6:19 AM
To: planning@cityofgearhart.com; chadsweet@cityofgearhart.com;
mayorbrown@cityofgearhart.com; councilorsmith@cityofgearhart.com
Subject: Support for Public Hearing May 3rd - Proposed Zone Code Text change

Dear Chad,

I am sending this written testimony, for the record, to the Planning Commission to be considered at the public hearing council meeting on Wednesday May 3, 2017.

Proposed Zone Code Text Amendment File #17-005ZTA

My name is Mark Gregoire. My Grandfather, Morrison Conway, purchased our house at 815 Ocean Ave in the 1930's and since then, five generations of our family have enjoyed the peace and beauty of Gearhart. I support the proposed Zone Code Text Amendment File #17-005ZTA because I feel that the threat of fire fueled by the trees in the Dunes is a real one. I have seen evidence of illegal camping and cooking fires in these trees in the past and I am afraid we are one careless camper away from a very destructive fire.

Thank you for providing a forum for me to share my views.

Best regards,

Mark Gregoire
7 Rockywood Dr.
Sandy Hook, CT 06482

Susan Workman
2351 NW Westover Rd., Unit 801
Portland, OR 97210

041717

Chad Sweet,
Gearhart City Manager
PO Box 2510
Gearhart, Oregon 97138

Re: Proposed Zone Code Text Amendment File #17-005ZTA

To: Members of the Gearhart City Council, the Gearhart Planning Commission, Mayor of Gearhart, City Administrator, and Dune Management Council Representative

It is my understanding members of the Gearhart City Council will be voting on the above Zone Code Amendment after the Public Hearing on May 3rd. If my health allows, I will attend the meeting and offer my comments. If I am unable to attend, I ask that this letter be read at the meeting and included in the minutes.

I live in Gearhart approximately four months of the year. My home is located on the east side of S. Ocean Ave, 671 S. Ocean Avenue. My late husband and I bought our home in 2003, and we spent three years restoring it. It is my favorite place on earth. My husband was killed in March of 2007 when a drunk driver hit us as we were driving from Gearhart to Portland. I sustained permanent injuries. Since I have been widowed, I no longer walk to the beach from my home when I am alone. I have seen, experienced, and heard directly of things that make this no longer safe. Walking to the beach is one of my favorite things to do; yet I can no longer do this alone. I understand some community residents believe this to be unwarranted, but I speak for myself and other members of my family from direct experience.

My brother owns a small home on D. Street. My 82-year-old mother and my 61-year-old sister spend a lot of time there separately. I estimate the house is used about 6 months of the year. My 82-year-old mother walks five miles a day when she is in Gearhart, rain or shine. She no longer includes the beach on her daily walks because of safety concerns. My sister has reluctantly come to the same conclusion.

It is my understanding the Chief of Police, as well as the Fire Chief both support this proposal. There has been testimony and professional research by a respected local ecologist, Oregon Parks wildlife staff, and Clatsop County Weed control, who all support this effort. My concerns include noxious weeds, and invasive species, but my primary concern is safety. The limited view from my home will not be improved. Given the recommendations of the Police and Fire Chiefs, I ask the City Council for complete support of this amendment. I hope the City Council members truly believe the amendment as written will increase the personal safety of the town residents and that of my family members. I do. When something happens, be it, God forbid, a fire or a criminal act, the city council may or may not be held legally responsible. It is my understanding they may be held civilly responsible. I will hold them responsible in my heart.

Sincerely,

Susan R. Workman 

Susan R. Workman

FAX

**To: Cheryl Lund
City of Gearhart**

**From: Susan Workman
(503) 593-3533
susanrw60@gmail.com**

(503) 738-9385

2 pages including cover

Cheryl Lund

From: Susan Schnitzer
Sent: Sunday, April 16, 2017 8:05 PM
To: planning@cityofgearhart.com; chadsweet@cityofgearhart.com;
mayorbrown@cityofgearhart.com; councilorsmith@cityofgearhart.com
Subject: proposed zoning change approved

We are in favor of the proposed zoning change approved by the Planning Commission for the B.A.D. Section 3.1240 (d). The noxious weeds in the dunes will continue to grow and take over a large mass of the dunes. Removing and replacing, if necessary, with native plant material will encourage wild life and leave open shore lines appropriate for the Oregon Coast. Removing or thinning the pines will allow visibility of the ever increasing number of elk, and will keep the walking paths throughout the dunes safe. Many times there are elk in the pines, and it is dangerous to walk up to these animals unknowingly. Remnants from the homeless have been seen as well. The scotch broom is extremely hard on those with allergies and lung issues, and spreads continuously along the dunes. Regular maintenance of this noxious plant is a healthy exercise.

The dunes have been changing rapidly over the years, both size and plant material. Trying to update Gearhart's master plan of maintenance is needed as it is in any other city. Change happens and needs to be addressed. By maintaining the area thoughtfully both native animals and residents can be happy.

Thank you,
Greg Goodman and Susan Schnitzer

345 NW Hilltop Road
Portland, OR 97210

Cheryl Lund

From: Alix Meier Goodman
Sent: Monday, April 17, 2017 2:23 PM
To: planning@cityofgearhart.com; chadsweet@cityofgearhart.com;
mayorbrown@cityofgearhart.com; councilorsmith@cityofgearhart.com
Subject: Gearhart Proposed Zone Code text change

To the Gearhart Mayor, Commissioners and City Administrator -

Our family supports the proposed Zone Code Text Amendment, File #17-005ZTA, regarding Noxious Weed Removal.

Many neighboring and beautiful areas like the Columbia River Gorge and Skamania County in Washington already include similar language which specifically controls noxious plant material and weeds such as Scotch Broom and many others.

Previous letter writers and speakers note that change occurs naturally. Doing nothing, however, and letting invasives spread does not seem the ideal way to maintain Gearhart's beauty. This revision allows a modicum of control so native and desirable vegetation can flourish.

Our family has owned various homes in Gearhart for over 50 years and we appreciate the time and effort all are giving to maintain and preserve Oregon's coastal habitat in the best way possible.

Thank you. Tom & Alix Meier Goodman and Laura Meier

Local Property: 22 South Ocean Ave Gearhart, OR 97138

Mailing address: 1910 SW Montgomery Dr Portland, OR 97201

alix meier goodman | amg@easystreet.net

To: Mayor Brown, and City Councilors Jesse, Lorain, Cockrum and Smith
From: Dianne Widdop
Re: Gearhart Dunes

April 26, 2017

Attachment: Photos of the homeless camp and the forrest in the dunes taken in August 2016.

Thank you very much for all the hours of work you have put into studying and discussing the solution to the overgrown dune grass, noxious weeds and firetrap forrest in the dunes. This situation has been getting worse every year and will continue to do so until either something is done or there is the threat of a tragedy that is started by a camp fire set either in the dunes or in a homeless camp in the forrest.

There has been a citizen advisory group formed that is comprised of mainly biased individuals, three of which don't even live in Gearhart and members who are under the impression that they will be the ones setting policy for the dunes.

As with other controversial issues over the past several years, there is no shortage of lies, rumors and innuendos concerning the dunes. There is NO conspiracy among homeowners or other concerned residents to build a development in the dunes. In fact, it wouldn't even be legal. There is no evidence provided of overwhelming public opinion against getting rid of noxious vegetation in the dunes. It is illegal in other neighborhoods in Gearhart not to get rid of it. A "small" blackberry patch on the dunes consisted of 7 acres in 2016 and who knows how far it will spread if not gotten rid of this year.

The fire road is so overgrown that in the event of an emergency situation being either an accident or camp fire out of control, currently there is no means of dealing with the situation short of involving a Coast Guard helicopter if one is available. The fire road will not be macadam but it needs to be wide enough to have a fire break so that in the event of a fire, the homes on South Ocean Ave. will be protected and that the fire trucks will be able to access and put out the fire before it becomes totally out of control.

If you want to see what happens when noxious weeds are allowed to take over a property, just look at the property on either side of the Reed ranch on 101 that was not cleared by the North Coast Land Conservancy and ask yourself if this is what you want in Gearhart.

Dianne Widdop
1236 Fifer Heights
Gearhart, OR.



April 23, 2017

To: The Gearhart City Council & Mayor

From: Gearhart Committee for study of Dune Mgt,

Subject: Revised City Ordinance for consideration at 5/3/2017 Public Hearing
Beaches and Dunes Overlay Zone, Noxious Weeds

We are submitting, for your consideration, an example of an "Alternate Draft Ordinance" to amend Article 3 Section 3.1240, Beaches and Dunes Overlay Zone,

We strongly urge you to consider this alternative ordinance for the following reasons:

1. **The draft ordinance as put forward by the City Manager is over-reaching:** The 60 foot allowed clearing at Neocoxie Blvd and the 60 foot swath suggested for the fire road, a total of 120 feet allowed clearing, is both destructive to existing habitat and unnecessary for fire suppression and public safety. Research into standard operating practice for WA, OR and CO indicates that recommended width for cleared firebreaks or roads is 15-20 feet. Fuel breaks, where trees are merely pruned and thinned, can be an adequate buffer zone.
2. **The above mentioned draft ordinance is ill-timed:** A city proposal exists to contract CREST to work with a citizen committee in developing a vegetation management plan and assist in developing updated language for City ordinances related to dune vegetation management. Adopting an amended ordinance prior to this work undermines the work of the citizen committee and creates a negative relationship between the City and residents.
3. **A draft ordinance should be developed as part of an overall plan.** A fire mitigation plan as related to vegetation control should be included in the context of an ecologically responsible all-encompassing Dune Management Plan.
4. **There has been a request to consider impact on wildlife in addition to the plant community; this has not yet been studied or discussed.**
5. **Approval of the draft ordinance being considered is not urgent:** Because of constraints in the Migratory Bird Treaty Act of 1918, the working window for vegetation removal is the Fall and Winter seasons. The ecologist hired by the City prepared the "Foredune Woody Vegetation Management Report". Page 11 specifically designates the working window to be Fall and Winter. This window allows Crest and the Citizen committee time to prepare recommendations and ordinance language for dealing with dune vegetation management prior to the first available time for action. Hasty adoption is unnecessary and potentially harmful.

Thank you for your consideration,
Members of the recently dissolved Citizens Committee
Sharon Kloepfer, PO Box 2512, Gearhart 97138
John Green, PO Box 2597, Gearhart 97138
Margaret Green, PO Box 2597, Gearhart 97138
Thad Clark, PO Box 2132, Gearhart 97138
Nancie Clark, PO Box 2132, Gearhart 97138

DRAFT – ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE PRESERVATION OF DUNES AND NATIVE VEGETATION AND PROVIDING AN EMERGENCY BUFFER ZONE AND AMENDING THE CITY OF GEARHART ZONING ORDINANCE

Whereas, the City of Gearhart recognizes the importance of maintaining stabilized dunes and to protect the fragile nature of the dune and interdune areas. ~~by ensuring that noxious vegetation is allowed to be removed.~~

Whereas, the City of Gearhart finds it is in the public interest to provide a buffer zone along the fire road to aid in emergency service access and fire protection.

~~**Whereas**, the City of Gearhart finds it in the public interest to amend its Zoning Ordinance to allow the removal of noxious vegetation that threatens the stability, health and safety of the area of the City within the Beaches and Active Dunes Overlay District.~~

The City of Gearhart ordains that the Gearhart Zoning Code shall be modified as provided below.

Section 1. AMEND ZONING CODE ARTICLE 3 SECTION 3.1240 BEACHES AND DUNES OVERLAY ZONE SUB-SECTION D (1) AND ADDING SUBSECTIONS (5) AND (6) AS FOLLOWS (New language underlined, deleted language stricken):

D. Pruning and Trimming of Vegetation

- (1) Except as allowed under subsection (5) and (6), the complete removal, ~~destruction or uprooting~~ of vegetation shall be prohibited.
- (2) Trimming or pruning of trees shall be the minimum necessary, ~~to protect views and prevent a fire hazard~~ while maintaining the vigor of the trees to be trimmed. The amount of thinning or pruning shall not exceed ~~50%~~20% of the tree's present growth.
- (3) Pruning and trimming shall occur only after a specific program based on sound ecological principles which specifies the vegetation to be trimmed and the extent of trimming proposed has been approved by the City. The proposed and approved program shall occur only in Fall and Winter.
- (4) The requirements of this sub-section (2)(D) of Section 3.1240 shall not apply to that portion of the B.A.D. Overlay District lying east of Neacoxie Blvd. and east of the building line between Pacific Way and 3rd Street.
- (5) The removal, destruction or uprooting of noxious weeds as defined by the Oregon Department of Agriculture will be allowed. Grading, earthworks, and herbicide use will not be permitted.

- (6) The removal, destruction or uprooting of noxious weeds will be allowed along the Neacoxie Blvd. ROW and on both sides of the established fire road providing for a safety buffer zone not to exceed 20 feet in total width. of a minimum of 30 feet wide and/or up to 1 1/2 times the height of the surrounding vegetation, will be allowed.
- (7) The existing fire road needs to be defined by a certified survey. Boundary points must be delineated and recorded for future reference.

Passed by the City Council of the City of Gearhart this _____ day of _____ 2017

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Signed and approved by the Mayor of the City of Gearhart this _____ day of _____ 2017