
FW: Tree-cutting in Gearhart dunes

Cheryl Lund <planning@ci.gearhart.or.us>
To: Chad Sweet - City Administrator <citymgr@ci.gearhart.or.us>
Cc: Krysti Ficker <krysti@cityofgearhart.com>

Thu, Jun 13, 2019 at 11:04 AM

Forwarding.....for you to process for council
CL

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

From: Cameron La Follette <cameron@oregoncoastalliance.org>
Sent: Wednesday, June 12, 2019 7:48 PM
To: Cheryl Lund <planning@ci.gearhart.or.us>
Subject: Tree-cutting in Gearhart dunes

Dear Ms. Lund,

Attached please find a letter from Oregon Coast Alliance concerning tree-cutting and trimming in Gearhart, in the (primarily) city-owned dunes. Please give this letter and the attached photos to City Council members. ORCA is ready and willing to work with Gearhart on refining the relevant ordinance, and/or developing a Parks planning process.

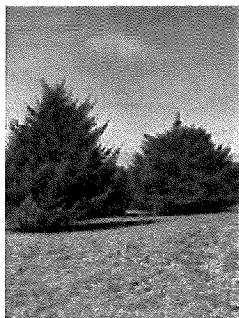
Thank you for your attention to this matter.

All best,

Cameron

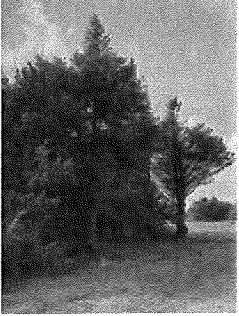
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Cameron La Follette
Executive Director
Oregon Coast Alliance
P.O. Box 857
Astoria, OR 97103
(503) 391-0210
cameron@oregoncoastalliance.org
www.oregoncoastalliance.org

4 attachments



Gearhart Normal Spruce (l) & Crown Cut Spruce (r) Apr 19.jpg
158K

Gearhart Spruce Limbed & crown-cut Apr 19.jpg
177K



Gearhart Spruces Limbed & Crowned Apr 19.jpg
120K

 **ORCA to Gearhart re Tree-Cutting June 19.pdf**
110K

Sean T. Malone

Attorney at Law

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Suite 200-C
Eugene, OR 97401

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seanmalone8@hotmail.com

June 12, 2019

Via Email

c/o Cheryl Lund
City of Gearhart, Planning Department
698 Pacific Way
PO Box 2510
Gearhart, OR 97138
(503) 738-5501
planning@cityofgearhart.com

Re: Violations of Beaches and Dunes Overlay District, Unlawful
Removal and Trimming of Trees

This office represents Oregon Coast Alliance (ORCA), and I am writing to describe several apparent violations of the beaches and dunes (BAD) Overlay District, including unlawful removal of trees west of the dune hazard line and within city-owned parkland. Because the property is city parkland, it appears as though the City was required to justify its decision and satisfy relevant criteria prior to engaging in tree removal. The BAD Overlay District contains both general (section 3.1240(1)) and specific standards (section 3.1240(2)), but there does not appear to be any record of land use decisions justifying the removal of trees.

The general standards relevant to tree removal include section 3.1240(1)(A) and (C), which provide that “[t]he use is adequately protected from any geologic hazard, wind erosion, undercutting, ocean flooding and storm waves or its of minimal value” and that “[m]ethods have been developed for protecting the surrounding area from any identified adverse effect of the development.”

The specific standards provide for the prohibition on removal of trees within the BAD Overlay District, as well as the enumerated exceptions. Trees are not permitted to be removed:

“except as reasonably necessary to accomplish the following objectives: (a) elimination of diseased or dead vegetation, (b) elimination of noxious weeds, (c) limited pruning, thinning and removal of trees for the purpose of preventing the spread of forestation beyond areas which are already heavily treed, managing views, reducing the risk of fire, and otherwise enhancing public safety, and (d) within the area lying within 100 feet of the building edge of a house, garage, or attached decking, mowing of beach grass and small shrubs and removal of trees for ornamental and fire-preservation purposes, all as more particularly described below. Therefore, all removal, destruction or uprooting of vegetation is prohibited within the BAD Overlay District, except as specifically provided herein.”

3.1240(2)(D). The BAD Overlay District allows for several general exceptions to its broad prohibition. However, requirements for trees within the BAD Overlay District provide as follows:

“Trees. Every public and private owner of real property within the BAD Overlay District is permitted to prune, trim, or remove from such property any tree located on the property owner’s own property which has a trunk diameter of six inches or less, with such diameter being measured at a height of four and one-half feet above ground level.

Each property owner is also permitted to prune and trim any tree located on the property owner’s own property which has a diameter exceeding six inches, measured at a height of four and one-half feet above ground level, but any such pruning or trimming of such larger trees shall be limited to allow 30% trimming or thinning of spruce and other varieties but no vertical trimming. Allow 30% of trimming/thinning of shore pines along with minimum vertical trimming of shore pines to maintain views. Trees over 6 inches in diameter may only be trimmed, thinned, or vertically trimmed once per calendar year. Vertical trimming is defined as cutting the main trunk near the top or to reduce the height of a tree.

All trimming on city property must be permitted by the City along with a plan from a tree trimmer/arborist showing how much will be trimmed and taking the aesthetics and health of the tree into account.” 3.1240(2)(D)(3).

The attached photographs show what remains of once-standing trees. The trunks would appear to be greater than six inches in diameter, though the appropriate measurement cannot be made at this time because the tree has been removed. These photos all occurred within the City’s parkland, west of the dunes hazard line. To my knowledge, there have been no land use decisions justifying the removal of trees and their removal does not appear to be permitted outright. Moreover, there is apparently no plan from a tree trimmer or arborist showing how much will be trimmed and taking the

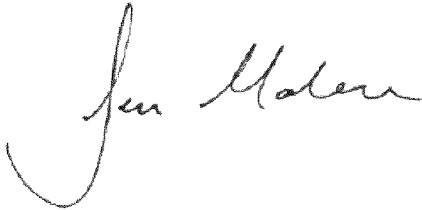
aesthetics and health of the tree into account. To the extent that the City engaged in the removal of trees on the parkland, the City's actions were contrary to its own ordinances. To the extent there is evidence or records of the City's decision-making process in carrying out trimming and removal of trees within the BAD Overlay District, please provide those to my office, so that I may verify the City's actions occurred consistently with the City's land use criteria.

ORCA also has two other recommendations for the City of Gearhart in this matter. The first is to amend the BAD overlay with respect to tree-cutting to provide clear and concise definitions of key terms, such as "pruning," "trimming," and "thinning," as well as a closely worded definition of what constitutes the "health of a tree" in the ordinance. Without adequate definitions of these terms, the way lies open for private owners and the city itself to harm the trees on city-owned property.

Second, ORCA strongly recommends Gearhart begin the process of drafting and finalizing a Master Plan for city parks. Most of the trees and forested dune habitat in Gearhart is on city-owned parkland, yet so far as ORCA is aware, the city has no Parks Master Plan. This also means that the town's residents have not had a chance to provide input and help shape the management future of lands the residents own as public property. Having a community consensus about Parks management and allowable activities would go a long ways towards resolving some of the conflicts and poor oversight identified here.

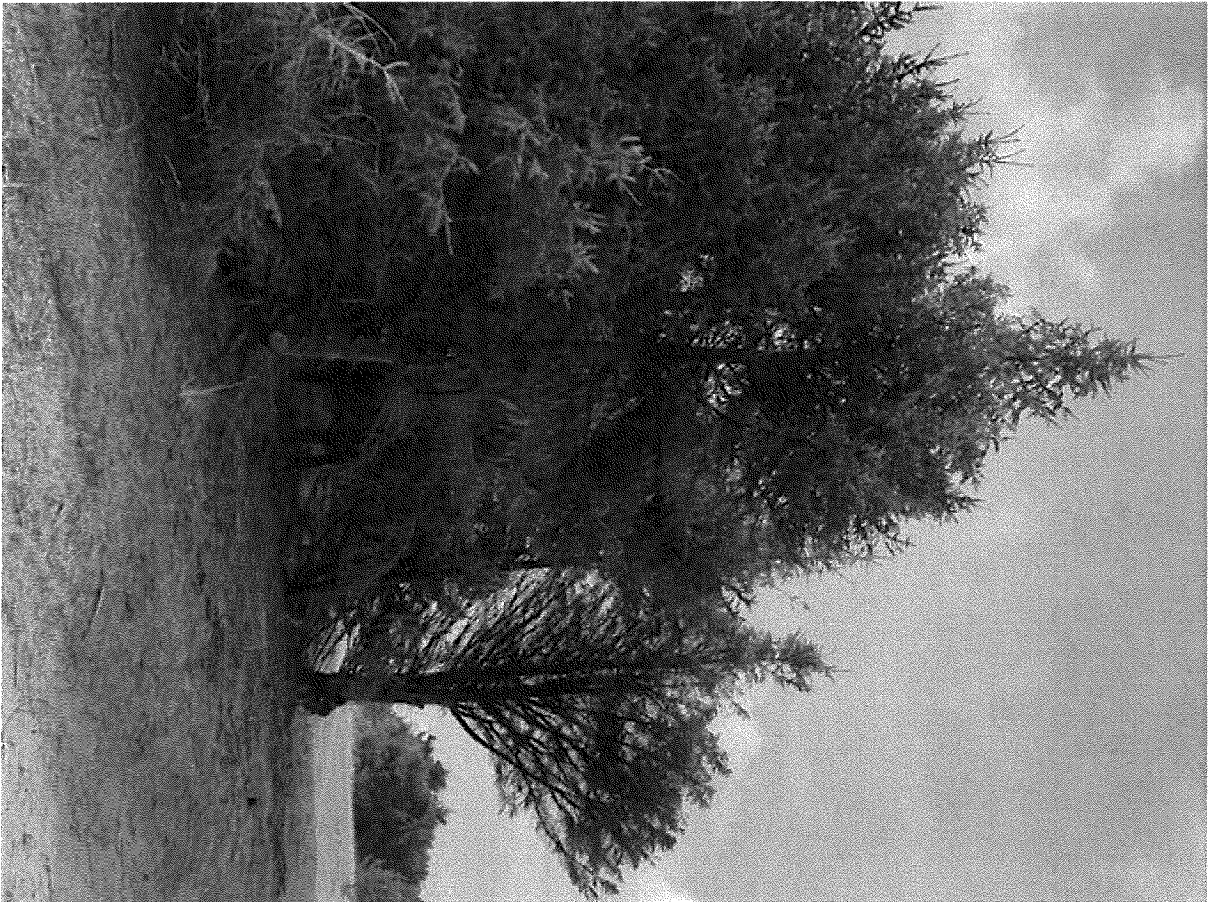
Thank you for your time and consideration, and I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Sean T. Malone". The signature is written in black ink and is positioned above the printed name.

Sean T. Malone

Cc:
Client









Krysti Ficker <krysti@cityofgearhart.com>

Form submission from: Contact Us

1 message

City of Gearhart Oregon via City of Gearhart Oregon <info@ci.gearhart.or.us>

Fri, Jun 28, 2019 at 11:54 AM

Reply-To: City of Gearhart Oregon <info@cityofgearhart.com>

To: krysti@cityofgearhart.com

Submitted on Friday, June 28, 2019 - 11:54am

Submitted by anonymous user: 47.7.10.185

Submitted values are:

First Name: Chris

Last Name: Gluck

Email: chrisgluck303@gmail.com

Question/Comment:

Hi,

I've spoken with Chad and the Mayor about the 'public footpath' that isn't a public footpath that runs through our property at 1068 Summit Ave. Since speaking with the Mayor I have yet to hear back on the status of what steps the City is going to take in regards to the safety issues of walkers and the regularly occurring 'dog leavings'. As we've indicated in the past we are not opposed to people using a small (narrow) portion of our property to walk through between Fifer and Summit but the area needs to be cleared properly to mitigate potential safety issues. Thanks in advance for your patience.

The results of this submission may be viewed at:

<https://www.cityofgearhart.com/node/7/submission/15051>