

11/19/2019  
Revised draft special  
DDSD

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, and 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% 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 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 is permitted. Removal activities shall not lower the elevation of the foredune.

(6) The removal, destruction or uprooting of vegetation will be allowed is permitted -along the Neacoxie Blvd. ROW and on both sides of the established fire road providing for as needed to provide- a safety buffer zone of a minimum of 30 feet wide and/or up to 1 ½ times the height of the surrounding vegetation, will be allowed whichever is greater.

(7) If the removal of noxious weeds in any location encompasses a contiguous area of more than 2,000 square feet, any resulting open sand areas shall be stabilized through vegetation or other means to restore or further increase the area's stability. Revegetation shall consist of plantings of native or non-native beach grasses or other native vegetation appropriate to the site, including but not limited to seashore lupine, evergreen huckleberry, salal, shore pine, kinnikinnick, Pacific rhododendron, wax myrtle and coast strawberry.

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, Mayor

ATTEST: \_\_\_\_\_



698 PACIFIC WAY • P. O. Box 2510 • GEARHART, OREGON 97138 • (503) 738-5501

March 14, 2017

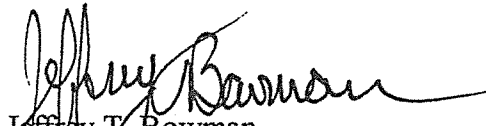
**TO: CAROLE CONNELL, CITY PLANNER**

**FROM: CHIEF OF POLICE**

**SUBJECT: AMEND ZONING CODE ARTICLE**

Concerning Public Safety issues that currently exists in the Dune area in the south section of the city; I'm in favor in amending the zoning code. As the dune area now exists, there is a real public safety concern with the limited access for emergency vehicles. And there is a perceived safety issue with campers using this area for lodging purposes. Law Enforcement has yet to respond to any active criminal activity that would be considered a "serious" crime. We have responded to incidents such as unattended campfires, unlawful lodging, illegal fireworks, minors in possession parties and other minor disturbances.

I will not go into great details as they have already been expressed at the public hearing. Emergency Services to this area is very limited at present time and corrections to this issue alone needs immediate attention.

  
Jeffrey T. Bowman  
Chief of Police

## Cheryl Lund

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**From:** Bill Eddy  
**Sent:** Friday, March 17, 2017 4:45 PM  
**To:** Cheryl Lund  
**Subject:** RE: Amend Zoning Code

Amend Zoning Code Article 3 Section 3.1240 Beaches and Dunes Overlay Zone Sub-Section D (1) and Adding Subsections (5) and (6)

The addition of "Subsection" 5 & 6 will greatly enhance the safety for any firefighting or emergency incident operation in this part of the dunes and I am very much in favor of the proposed changes.

Bill Eddy  
Fire Chief  
Gearhart Fire

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**From:** Cheryl Lund [mailto:[planning@ci.gearhart.or.us](mailto:planning@ci.gearhart.or.us)]  
**Sent:** Friday, March 17, 2017 4:31 PM  
**To:** Bill Eddy  
**Subject:**



# Oregon

Kate Brown, Governor

## Department of Transportation

District 1/Area 1  
350 West Marine Drive  
Astoria, Oregon 97103  
Phone: (503) 325-7222  
Fax: (503) 325-1314

March 30, 2017

TO: Cheryl Lund, City Planning  
FROM: Ken Shonkwiler, ODOT Transportation Planner  
SUBJECT: Beach and Dune Overlay District (#17-005ZTA)

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Thank you for the opportunity to comment on this proposed text amendment.

The Oregon Department of Transportation (ODOT) routinely comments on planning proposals that may have an impact on state highways. If a plan amendment is involved (including overlay districts), ODOT makes itself available to assist local governments in complying with the requirements of OAR 660-012-0060 (known as the Transportation Planning Rule). This requires that local governments amending adopted plans and regulations demonstrate that the amendment will not significantly affect existing or planned transportation facilities (both state and local) or that such amendments are concurrent with local and state plans.

ODOT has policies involving endangered plants and the extraction of noxious weeds within our Right of Way (ROW). These policies are documented in ODOT's Restricted Activity Zones, which outline geographic areas where plant extraction must involve approval of ODOT Vegetation staff. However, it appears that this proposed text amendment does not involve ODOT ROW. Due to this, ODOT does not have a comment that would be applicable to this proposed text amendment.

If you have more questions on ODOT policies involving vegetation, endangered plants, and noxious weed removal, please contact Will Lackey, ODOT Region 2 Vegetation Management Coordinator at the following email address: [William.LACKEY@odot.state.or.us](mailto:William.LACKEY@odot.state.or.us)