

July 6, 2019

Dear Sunset Neighborhood Residents,

RE: The City of Bandon's Ordinance Amendment to Require Residential Gorse Removal

Susanna and I returned to Bandon just in time to find out about a City of Bandon Council Meeting at which a vote would be taken to amend a city ordinance requiring removal of weeds identified on the Coos County Noxious Weed "T" List, with emphasis on gorse. We attended the July 1 Meeting and the amendment was unanimously passed. Here is a link to a background letter and the ordinance, showing the changes voted into effect at the meeting:

https://www.cityofbandon.org/sites/default/files/fileattachments/general/meeting/5501/5.4.1_or1631-remove_exemptions_for_gorse_other_prohibited_vegetation.pdf

As many of us have gorse on our property and the City of Bandon ("City") plans to enforce gorse removal beginning in 2020, it is imperative that each property owner read the amended ordinance and supporting references. It was stated at the Council Meeting that the remainder of 2019 will be an education period led by the Gorse Action Group, which has some information on its website:

<https://www.gorseactiongroup.org>

The Sunset Neighborhood is within the City of Bandon Urban Growth Boundary. The City apparently will enforce our compliance through its municipal code and an agreement with Coos County, which I have not seen.

A notice regarding the Sunset Neighborhood Association Annual Meeting will be sent out soon and this topic will be on the agenda. Please send any comments about how you would like the topic to be addressed at the meeting.

The need to control and remove gorse has been discussed for years, but the speed with which the City plans to enforce compliance with gorse removal (backed by fines), the lack of information about methods, risks and many other concerns is a problem. Here are some of my concerns:

- So far, communication with property owners has been very poor. Information and resources are needed before required compliance with the amended ordinance begins.
- Has an environmental impact statement covering a wide number of issues including impact on animals, chemical impact on land, water, people, pets as well as other issues been conducted?
- Here is the City Manager's statement on fiscal impact: "The exact fiscal impact of removing exemptions from the municipal code are difficult to quantify. The greatest cost associated with this action will be providing ordinance compliance and enforcement activities". I think the City needs to consider the fiscal impact on property owners; some cannot do the physical work of gorse removal and likely cannot afford contractors. Some property owners, like those of us on the bluff, will

incur considerable expense to comply with the amended ordinance regarding its removal, disposal, replanting and ongoing maintenance.

- Has an engineering study regarding risk areas, like the bluff, been conducted? A Coos County speaker at the council meeting suggested bluff gorse will be cut back and native grass planted to eventually support the bluff as its roots grow. The required follow-up will be periodic application of an approved herbicide to kill the gorse. The same speaker said there are two (2) contractors prepared to do this work. There is a test site at Coquille Point, which appears to be full of weeds, not grass. Susanna and I are very concerned and are hiring experts to assess our bluff slope and provide a recommendation to maintain the slope if the gorse and other noxious weeds are removed.
- What coordination is in place between the City, county and state? In many places gorse crosses these lines. It does not make sense for one owner to clear gorse on our land when the abutting state or county property is not cleared. Also, our roads are not maintained by Coos County. Will the county clear the gorse along the roads?
- Other questions: What amount of time will property owners have to comply. What plants can be planted in place of the noxious weeds? Must we only plant approved plants? Can property owners install bulkheads or retaining walls? A lot of the gorse is used a protective buffer from property owners along the bluff to keep people who walk along the beach from invading these homes. Now that the City is expending its reach into the Urban Growth Boundary without a vote of the citizens, will Bandon extend their police coverage to this area? How will the gorse be disposed of?
- Finally, in one of the State Citations below, 569.360, is a further listing to ORS 569.495 titled "*Financial assistance by department for weed control*" which brings up the topic of financial assistance and cost sharing assistance. Why hasn't the City and/or the County pursued grant money, cost sharing, etc. in its effort to remove these noxious weeds? What money is available? Has there been any discussion of this topic?

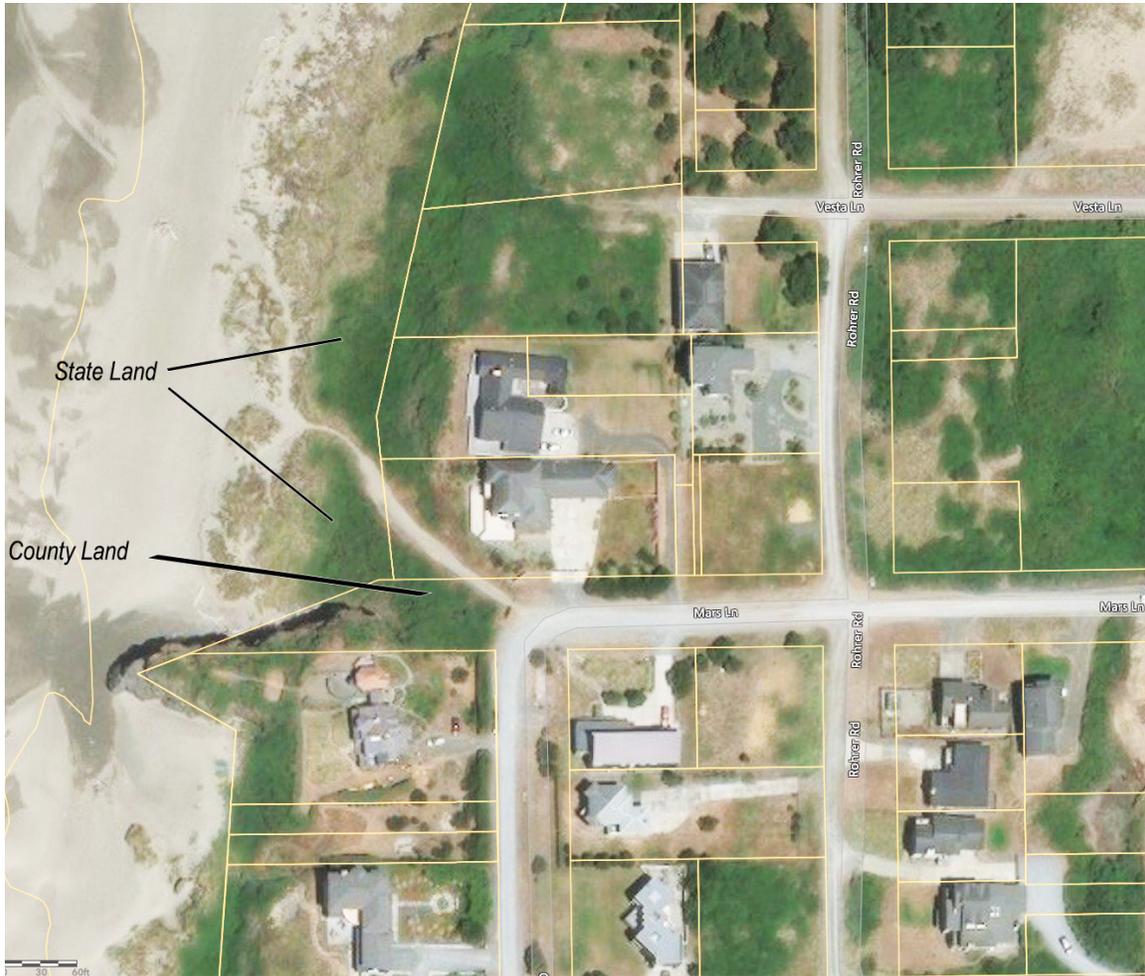
I am attaching some links to relevant information. I look forward to seeing many residents of Sunset City and members of the Sunset Neighborhood Association at the to-be-announced Annual Meeting. We are working on setting a date in September, we need a place to meet and most of all, we need volunteers to serve as officers or on the Advisory Board.

Best regards,

Earl Robicheaux
Treasurer, Sunset Neighborhood Association

Additional Information

- Below is an aerial image from ArcGis with the June 2019 Data Set of Coos County. This is zoomed in image captures the approximate boundaries of Susanna's and my property and our neighbors.
(<http://www.arcgis.com/home/webmap/viewer.html?webmap=1be7dbc77f8745d78fc5f3e8e85fc05e&extent=-124.8585,42.6536,-122.6914,43.6326>) As is obvious to all of us, some of the gorse is on State land and some of it is on County land.



Another example of the complexity of the gorse removal project is the fact that there is a lot of gorse in the Snowy Plover wild life protected area.

- Here is a link to the state’s noxious weed list:

(<https://www.oregon.gov/ODA/shared/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf>) Noxious weeds/invasive species include more than just gorse. Since the language adds invasive species, one would think it also covers Broom, mustard plants, knapweed and blackberry bushes.

- One of the State Citations below, 569.360, is a further listing to ORS 569.495 titled “*Financial assistance by department for weed control*” which brings up the topic of financial assistance and cost sharing assistance. Has the City and/or the County pursued grant money, cost sharing, etc. in its effort to remove these noxious weeds? What money is available? Have there at least been any discussion of this topic? You will note the Herbicide Cost Share Application program on the Gorse Action Committee website, a very small benefit to some land owners.

Below are copies of the relevant portions of the Ordinance.

- A. *The State of Oregon has declared (through ORS 569.350) noxious weeds to be a menace to public welfare. The State has determined that steps are necessary which lead to intensive control of noxious weeds. It is recognized that the responsibility for eradication and intensive control rests not only with the private landowner and operator, but also on the local, state, and federal governments. The city expects voluntary compliance by landowners in taking actions to comply with this code and state law. In support of compliance, the city will provide information to increase public awareness of the problem, both citywide and property specific, and will provide guidance to available technical assistance. "Prohibited Vegetation" shall mean any plant classified as a noxious weed pursuant to ORS S69.350. (<https://www.oregonlaws.org/ors/569.350>)*
- B. *The Coos County Board of Commissioners, Order 08-05-048L formed, a Noxious Weed Control District to ORS 569.360 (<https://www.oregonlaws.org/ors/569.360>) and the intent of this ordinance is to work in cooperation with the Noxious Weed Control District and other weed eradication programs to ensure the needs of the community are met. Coos County has titled the priority noxious weeds as Targeted ("T" designated weed} which provides a focus for prevention and control against such weeds. Specifically, "prohibited vegetation" shall include those plants identified as "T" designated weeds.*
- C. *It is the goal of the City of Bandon to intensely control noxious weeds within the city limits and other areas under city jurisdiction. The focus of this effort will be on weeds identified on the Coos County Noxious Weed "T" List. This list names several invasive species targeted for prevention and control within Coos County including Gorse, Knotweed, English Ivy and others. Of this "T" List, the highest priority for compliance & enforcement will be given to Gorse (*Ulex europaeus*), which poses the greatest threat to human health & safety, is a growing negative impact to the area economy and has been a significant fuel source in historic catastrophic fires.*
- D. *Gorse occupies large portions of the city and surrounding area and contains highly volatile oils which make it an extreme fire danger. It is a highly invasive plant with a prolific seed bank that remains viable in the soil for decades. Management and control of Gorse requires intensive and on-going measures to:*
- 1. Remove existing plants/colonies,*
 - 2. Prevent the emergence of re-growth and new seedlings from flowering, and*
 - 3. Prevent further seed spread.*
- E. *Prohibited vegetation must be removed in all areas.*
- F. *Compliance with this code on prohibited vegetation is expected to occur primarily through voluntary compliance. The City will utilize the enforcement power granted in the Bandon Municipal Code in Chapter 8.12 (https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/280/title_08_-_healty_safety-2014.pdf) to obtain compliance when the prohibited vegetation presents a high risk of fire or of spreading to adjacent public or private properties. Such enforcement action will include citation to Municipal Court seeking the imposition of fines.*

