

17-00819



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION
2ND THURSDAY, 6:00 PM

DATE RECEIVED 060517

1. APPLICANT: Ray Romine PHONE: (503) 440-9561
MAILING ADDRESS: 2170 Skyline DR. Seaside OR 97138
EMAIL ADDRESS: Romine4@charter.net CELL PHONE: same

2. PROPERTY OWNER: Ray Romine Construction LLC PHONE: 440-9561
MAILING ADDRESS: 2170 Skyline DR Seaside OR 97138
EMAIL ADDRESS: _____ CELL PHONE: _____

3. SURVEYOR/ENGINEER: OKAK Inc. / Dale Barrett PHONE: 503 738-3425
MAILING ADDRESS: 4253 A Hwy 101N
EMAIL ADDRESS: dale.barrett@otak.com CELL PHONE: (503) 717-2421

*m/gh/17
10/2*

4. LEGAL COUNSEL: Greg Hathaway / Hathaway Larson LLP PHONE: _____
MAILING ADDRESS: 1331 NW Lovejoy St #950 PDX 97209
EMAIL ADDRESS: greg.hathaway@larson.com CELL PHONE: 503-303-3103 *duch*
(Michelle) 503-303-3113

5. PROPERTY LOCATION: Tax Lot 3300 map 6-10-3BD, ON North side
HILLILA ROAD 490' East of Hwy 101

6. LEGAL DESCRIPTION OF PROPERTY:
(A) ASSESSORS PLAT AND TAX LOT: TL 3300 map 6-10-3BD
(B) ADDITION, BLOCK, AND LOT: PORTION OF TRACT A AND B HERITAGE Doves

PER SEC 13.080 OF THE GEARHART ZONING CODE ACTUAL EXPENSES INCURRED BY THE CITY DURING THE PROCESS OF TECHNICAL EVALUATION OF AN APPLICATION SHALL BE BORNE BY THE APPLICANT, IN ADDITION TO THE FILING FEES ESTABLISHED BY RESOLUTION. UNPAID PENALTIES, FINES OR INCUMBRANCERS OWED TO THE CITY OF GEARHART ARE GROUNDS FOR WITHHOLDING ISSUANCE OF A PERMIT. DO YOU OWE ANY MONEYS TO THE CITY OF GEARHART? (CIRCLE) YES NO

7. SIGNATURE (APPLICANT) [Signature] DATE: 6-5-17
PRINT _____

8. SIGNATURE (OWNER) _____ DATE: _____
PRINT _____

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

TO BE COMPLETED BY STAFF
DOES APPLICANT OWN ANY MONEY TO THE CITY? _____ IF SO, AMOUNT _____
FOR _____ ACCOUNT # _____ DEPARTMENT STAFF _____ (INITIAL)



CITY OF GEARHART

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- APPLICATION FOR:
- 1. SUBDIVISION
 - 2. LAND PARTITION
 - 3. EXPEDITED REVIEW - PER ORS 197.360

APPLICANT Ray Romine

APPLICATION FEE PD \$520 - *paid 1/26/05/17*
\$500.00 plus \$10.00 per lot

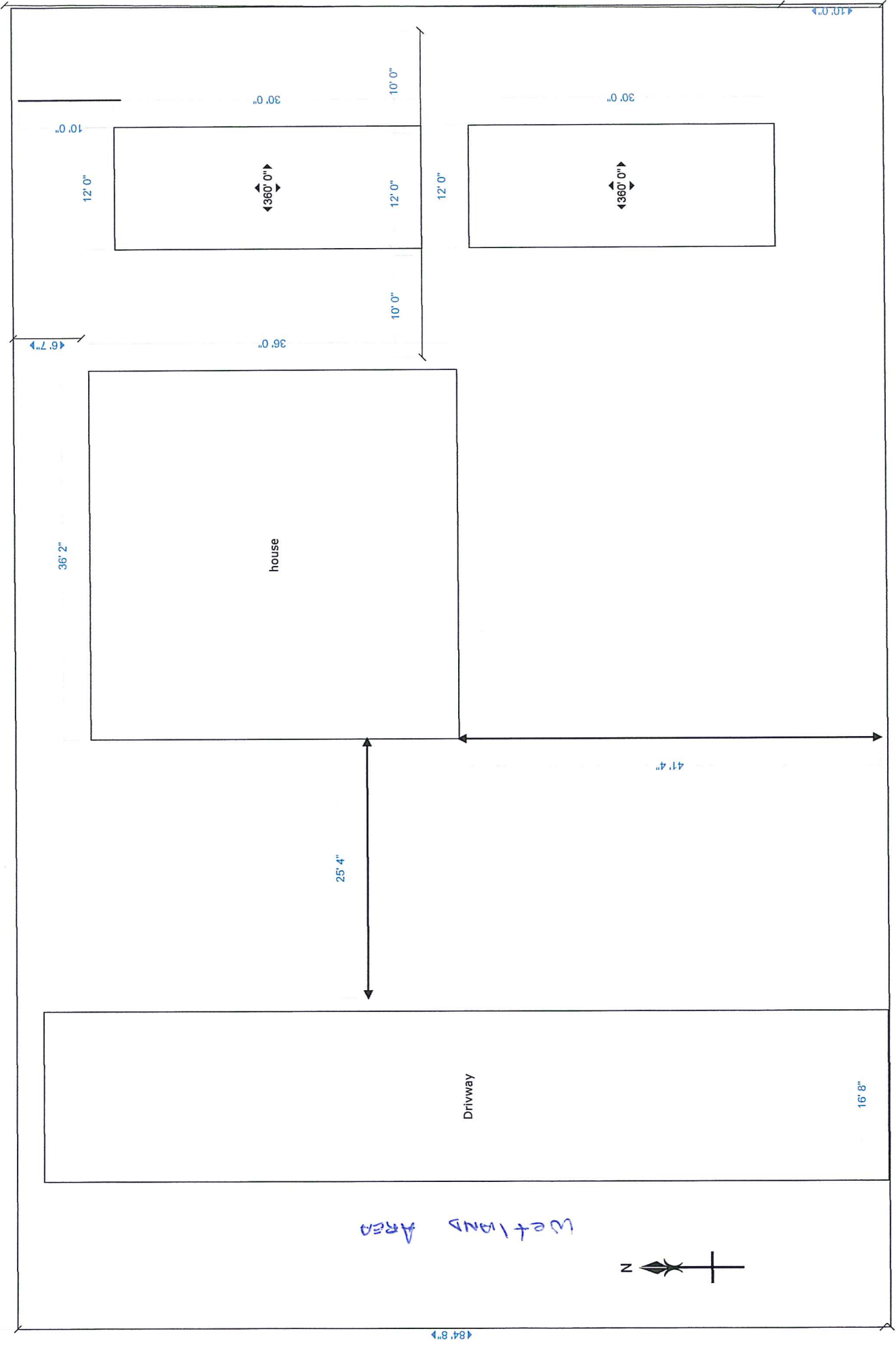
CURRENT ZONE R-1 Low Density Residential

DETAILS AND REASONS FOR REQUEST: This request is for a 2 Parcel Partition of Tract A and portion of Tract B, Heritage Dunes Subdivision. Attached to this request is a 18"x24" Preliminary Plat that shows Parcel 1 shall contain 20,946 sf and Parcel 2 shall contain 20946 sf. Access will be gained from Hillila Road using a single shared 25' wide ingress - egress and utility easement.

SUBMIT ALL DOCUMENTS AS REQUIRED BY THE SUBMISSION CHECK OFF SHEET.

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING

Romine Construction LLC
Ray Romine
romine4@charter.net
503-440-9561
lot 3300 Gearhart Oregon



Hillila Road



Wetland Area



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

August 3, 2016

State Land Board

Ray Romine Construction LLC
Attn: Ray Romine
2170 Skyline Dr.
Seaside, OR 97138

Kate Brown
Governor

Jeanne P. Atkins
Secretary of State

Re: WD #2016-0255 Wetland Delineation Report for the Romine
Delineation, Clatsop County; T 6N R 10W S 3 TL 3300
City of Gearhart Local Wetland Inventory W-7

Ted Wheeler
State Treasurer

Dear Mr. Romine:

The Department of State Lands has reviewed the wetland delineation report prepared by Ecological Land Services, Inc. for the site referenced above. Please note that the study area includes only a portion of the tax lot described above (see the attached map). Based upon the information presented in the report, we concur with the wetland and waterway boundaries as mapped in revised Figure 5 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland, totaling approximately 0.16 acres was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetland or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

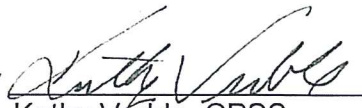
Thank you for having the site evaluated. Please phone me at 503-986-5246 if you have any questions.

Sincerely,



Chris Stevenson
Jurisdiction Coordinator

Approved by



Kathy Verble, CPSS
Aquatic Resource Specialist

Enclosures

ec: Steffanie Taylor, Ecological Land Services, Inc.
City of Gearhart Planning Department (Maps enclosed for updating LWI)
Danielle Erb, Corps of Engineers
Richard Fitzgerald, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach this form to the front of an unbound report or include a hard copy of the completed form with a CD/DVD that includes a single PDF file of the report cover form and report (minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF attachment of the completed cover form and report may be e-mailed to Wetland_Delineation@dsl.state.or.us. For submittal of PDF files larger than 10 MB, e-mail instructions on how to access the file from your ftp or other file sharing website. Fees can be paid by check or credit card. Make the check payable to the Oregon Department of State Lands. To pay the fee by credit card, call 503-986-5200.

<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: Ray Romine Ray Romine Construction LLC 2170 Skyline Drive, Seaside OR 97138	Business phone # (503) 440-9561 Mobile phone # (optional) E-mail: Romine4@charter.net
--	--

RECEIVED

JUN 13 2016

<input type="checkbox"/> Authorized Legal Agent, Name and Address: Business phone # Mobile phone # E-mail:

RECEIVED \$ 412.00

DEPARTMENT OF STATE LANDS

✓ # 3495

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Ray Romine Signature: [Signature]

Date: _____ Special instructions regarding site access: _____

Project and Site Information (using decimal degree format for lat/long., enter centroid of site or start & end points of linear project)

Project Name: Romine Delineation	Latitude: 46.0344	Longitude: -123.9105
Proposed Use: Sale of lots on the property	Tax Map # 6-10-3BD	
Project Street Address (or other descriptive location): Northwest of intersection Hillila Lane and Tressel Drive	Township 6N Range 10W Section 3 QQ	
	Tax Lot(s) 03300	
City: Gearhart County: Clatsop	Waterway:	River Mile:
	NWI Quad(s):	

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Steffanie Taylor Ecological Land Services, Inc. 1157 3rd Ave, Suite 220A, Longview WA 98632	Phone # 360-578-1371 Mobile phone # E-mail: Steff@eco-land.com
---	--

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: [Signature] Date: 6/9/16

Primary Contact for report review and site access is Consultant Applicant/Owner Authorized Agent

Wetland/Waters Present? Yes No | Study Area size: **0.82 ac** | Total Wetland Acreage: **0.16 onsite**

Check Box Below if Applicable:

Fees:

<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Reissuance of a recently expired delineation Previous DSL # _____ Expiration date _____	<input checked="" type="checkbox"/> Fee payment submitted \$ 412 <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> No fee for request for reissuance of an expired report
---	---

Other Information:

Has previous delineation/application been made on parcel?	Y	N	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If known, previous DSL # _____
Does LWI, if any, show wetland or waters on parcel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

For Office Use Only

DSL Reviewer: <u>AS</u>	Fee Paid Date: <u>10/1/16</u>	DSL WD # <u>2010-0255</u>
Date Delineation Received: <u>6/13/16</u>	DSL Project # _____	DSL Site # _____
Scanned: <input checked="" type="checkbox"/> Final Scan: <input type="checkbox"/>	DSL WN # _____	DSL App. # _____

6/10/2016 12:21 PM s:\ELSOR\Clatsop\county-projects\1133-romine\1133-03-romine\delineation\1133-03-figures\1133-03_DL.dwg Jack



46.0344° Latitude
-123.9105° Longitude
LOCATION MAP

R 10 W

6			1
51			58

T 6 N

NOTE:
USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.

SITE
PROJECT VICINITY MAP

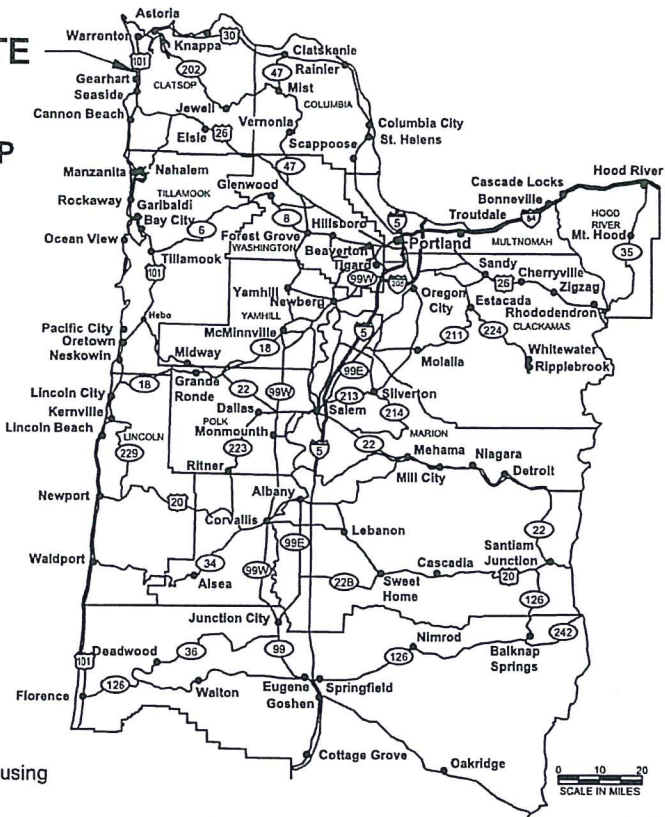
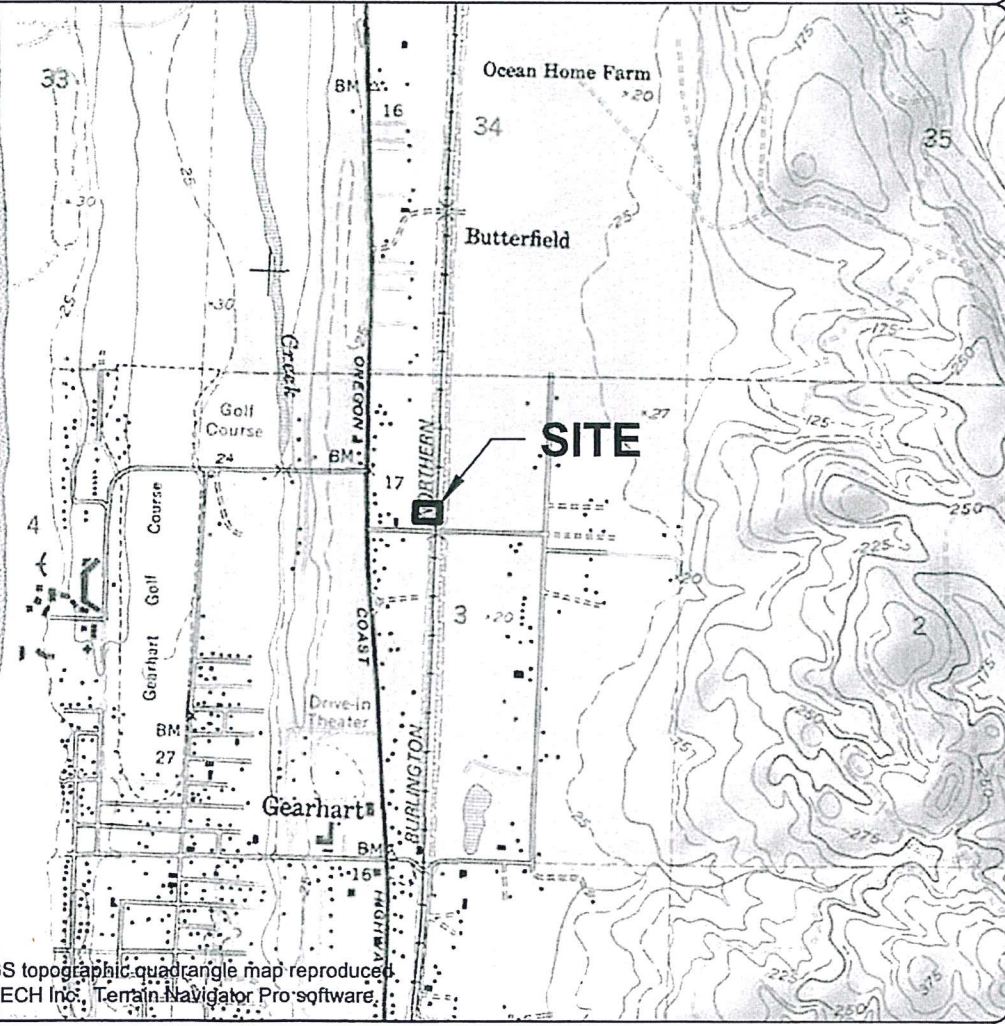


Figure 1
VICINITY MAP
Romine Delineation
Ray Romine Construction LLC
Clatsop County, OR
Section 3, Township 6N, Range 10W, W.M.

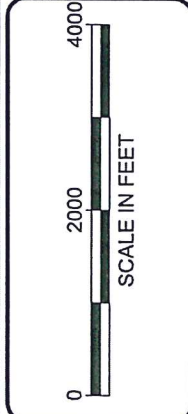
DATE: 6/10/16
DWN:
REQ. BY:
PRJ. MGR: ST
CHK:
PROJECT NO: 1133.03

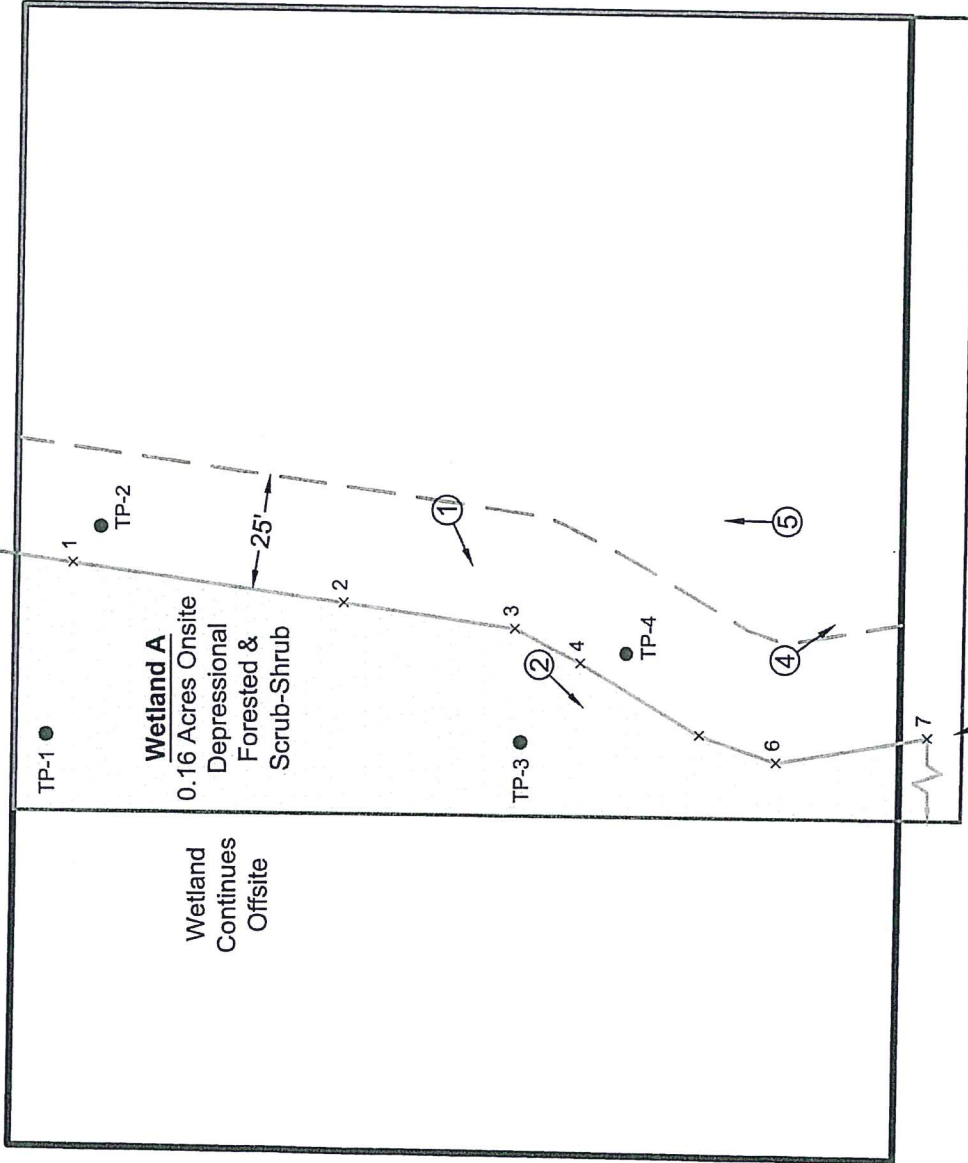


NOTE: USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.

1157 3rd Ave., Suite 220A
Longview, WA 98632
Phone: (360) 578-1371
Fax: (360) 414-9305
www.eco-land.com

Ecological Land Services





Tressel Drive

Hillilla Lane

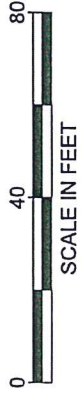
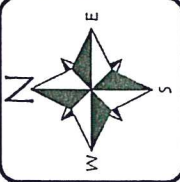
LEGEND:

- Property Boundary (1.09 Acres)
- - - Study Area Boundary (0.82 Acres)
- Wetland Boundary
- Wetland Buffer
- TP-1 Test Plot Location
- x 1 Wetland Flag Location
- ① Photo Point Location & Direction

DSL WD # 2016-0255
 Approval Issued 8-03-16
 Approval Expires 8-03-21

NOTE(S):

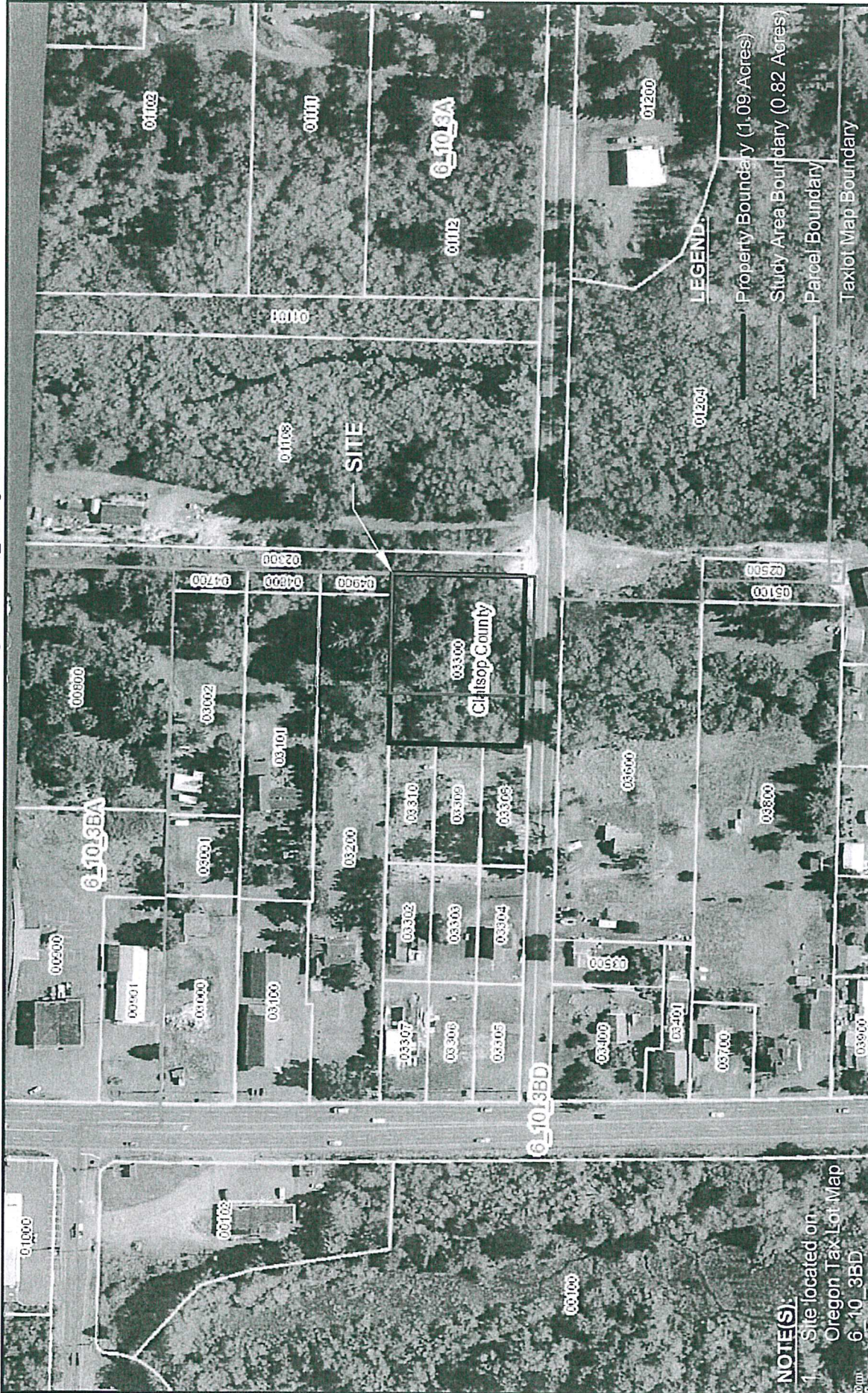
1. Aerial from Google Earth™.
2. Wetland and test plots located using handheld GPS with submeter accuracy.



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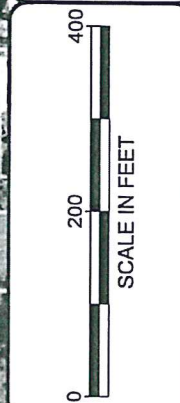
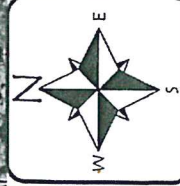
DATE: 6/10/16
 DWN:
 REQ. BY:
 PRJ. MGR: ST
 CHK:
 PROJECT NO:
 1133.03

Figure 5
 SITE MAP
 Romine Delineation
 Ray Romine Construction LLC
 Clatsop County, OR
 Section 3, Township 6N, Range 10W, W.M.



NOTES:

- 1 Site located on Oregon Tax Lot Map 6-10_3BD



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 Longview, WA 98632
 Phone: (360) 578-1371
 Fax: (360) 414-9305
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DATE: 6/10/16
 DWN:
 REQ. BY:
 PRJ. MGR: ST
 CHK:
 PROJECT NO: 1133.03

Figure 2
TAX LOT MAP
 Romine Delineation
 Ray Romine Construction LLC
 Clatsop County, OR
 Section 3, Township 6N, Range 10W, W.M.

LEGEND:

- Property Boundary (1.09 Acres)
- Study Area Boundary (0.82 Acres)
- Parcel Boundary
- Taxlot Map Boundary

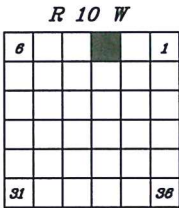
Appendix A

6/10/2016 12:21 PM s:\ELSI\OR(Clatsop)\county-projects\1133-romine\1133-03-figures\1133-03_DL.dwg_Jack



46.0344° Latitude
-123.9105° Longitude

LOCATION MAP



NOTE:
USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.

SITE PROJECT VICINITY MAP

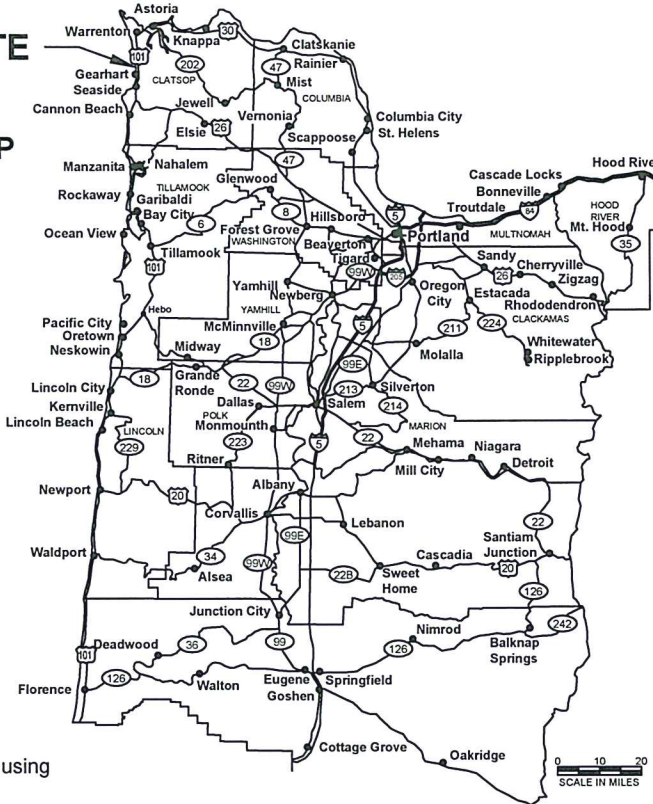
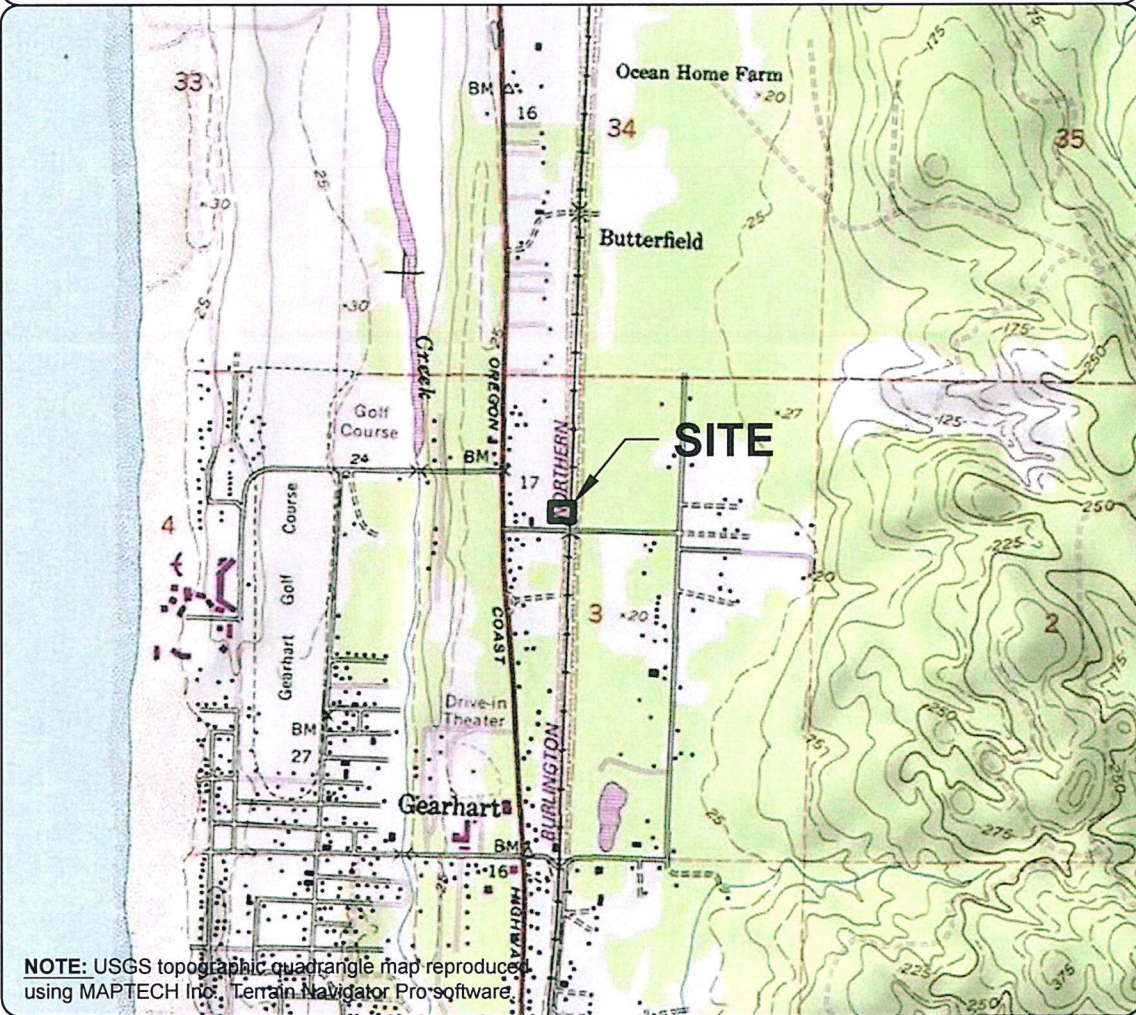


Figure 1
VICINITY MAP
Romine Delineation
Ray Romine Construction LLC
Clatsop County, OR
Section 3, Township 6N, Range 10W, W.M.

DATE: 6/10/16
DWN:
REQ. BY:
PRJ. MGR: ST
CHK:
PROJECT NO:
1133.03



NOTE: USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.

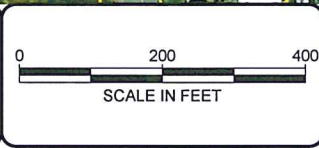
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Longview, WA 98632
Phone: (360) 578-1371
Fax: (360) 414-9305
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NOTE(S):
 1 Site located on Oregon Tax Lot Map 6_10_3BD.

LEGEND:
 — Property Boundary (1.09 Acres)
 — Study Area Boundary (0.82 Acres)
 — Parcel Boundary
 — Taxlot Map Boundary

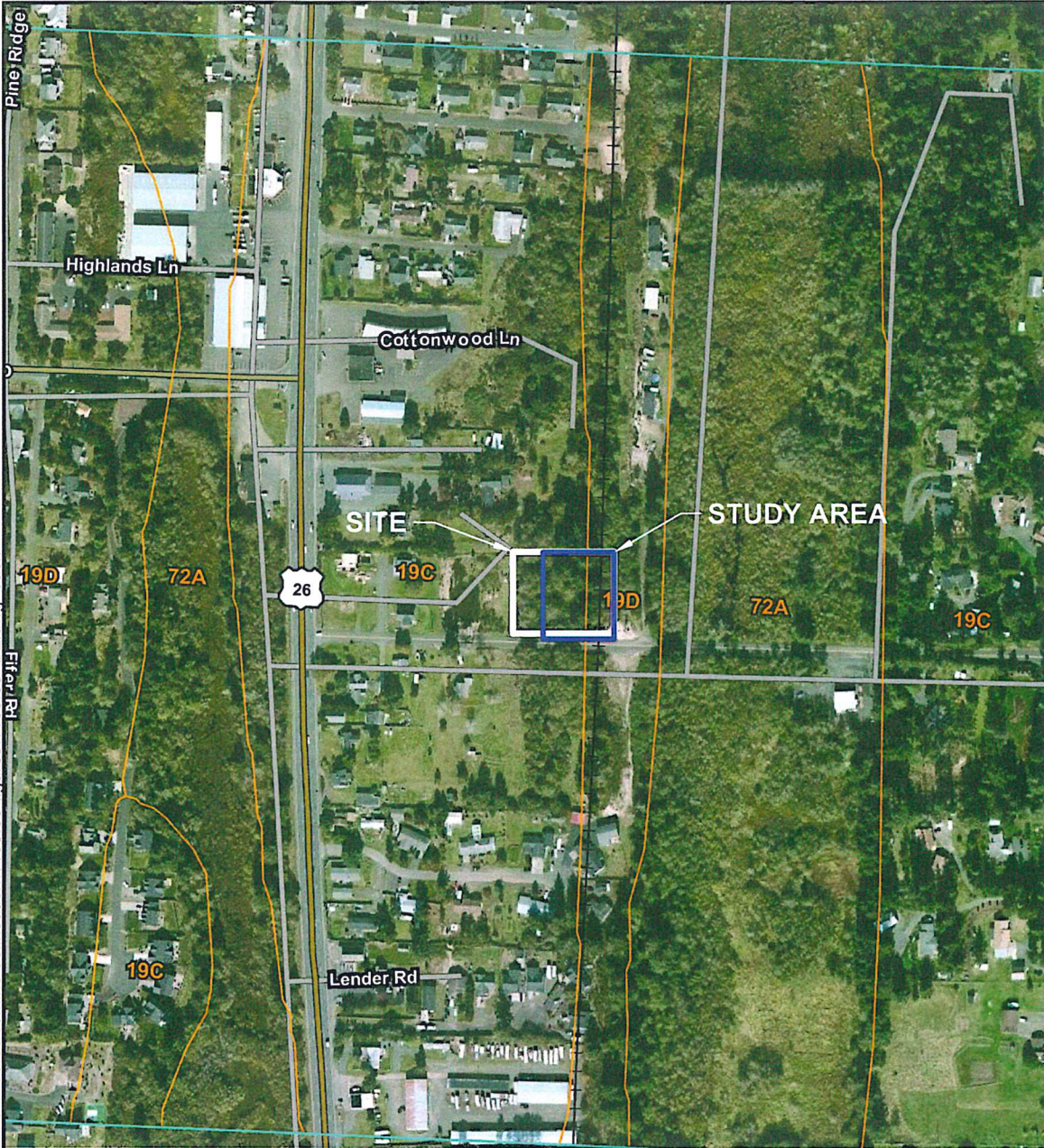


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DATE: 6/10/16
 DWN:
 REQ. BY:
 PRJ. MGR: ST
 CHK:
 PROJECT NO:
 1133.03

Figure 2
 TAX LOT MAP
 Romine Delineation
 Ray Romine Construction LLC
 Clatsop County, OR
 Section 3, Township 6N, Range 10W, W.M.

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LEGEND:

- 19C** Gearhart fine sandy loam, 3 to 15 percent slopes. Not hydric.
- 19D** Gearhart fine sandy loam, 15 to 30 percent slopes. Not hydric.

NOTE(S):

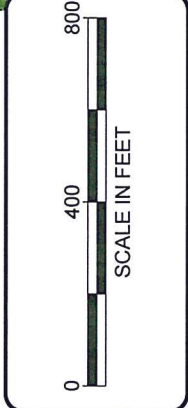
1. Map provided on-line by NRCS at web address:
<http://websoilsurvey.nrcs.usda.gov/app/>

Figure 3
SOIL SURVEY MAP
 Romine Delineation
 Ray Romine Construction LLC
 Clatsop County, OR
 Section 3, Township 6N, Range 10W, W.M.

DATE: 6/10/16
 DWN:
 REQ. BY:
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 CHK:
 PROJECT NO:
 1133.03

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**Ecological
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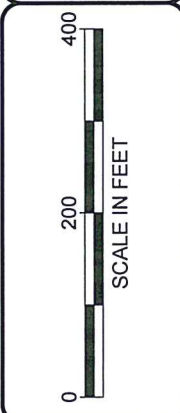
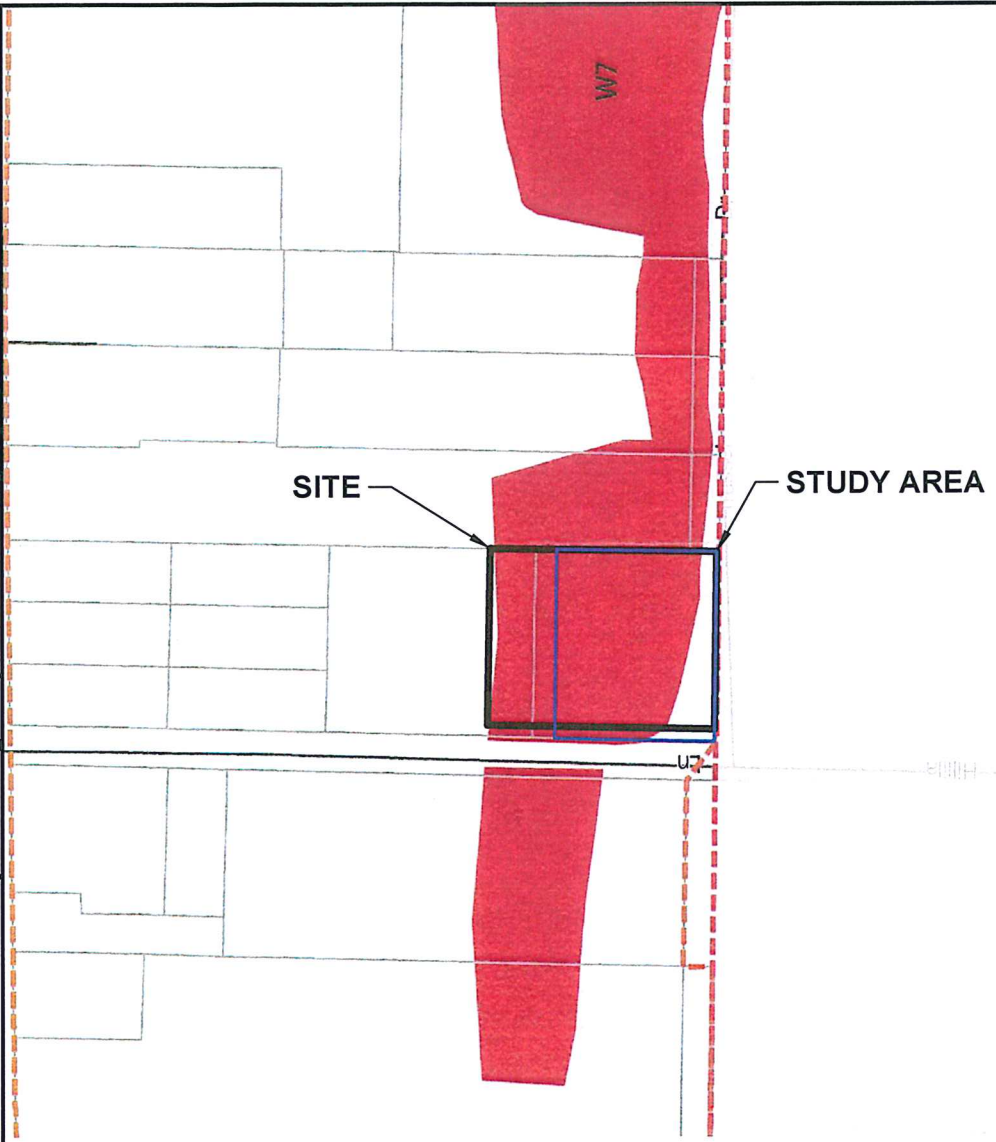
CITY OF GEARHART LOCAL WETLANDS INVENTORY (LWI)

TITLE: MAP 10

LAST EDITED: SEPTEMBER 2011

- Datapoints
 - Roads
 - Rivers / Streams
 - Tax Lots
- STUDY AREA
 - City Limits
 - Urban Growth Boundary (UGB)

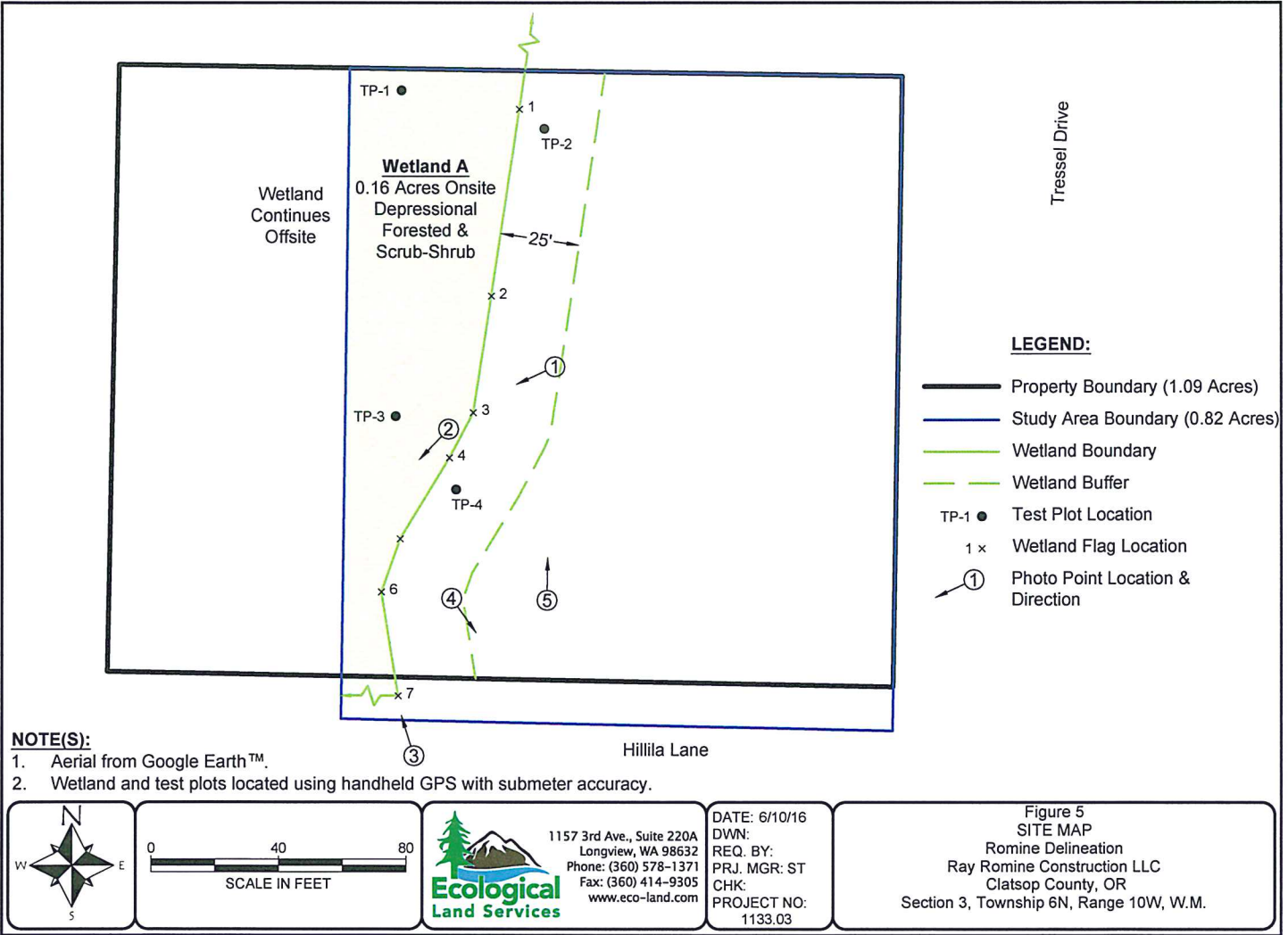
W7 Non-Significant Wetland

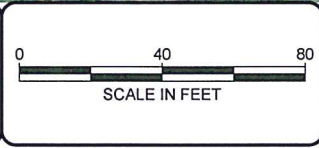


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PRJ. MGR: ST
CHK:
PROJECT NO:
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Figure 4
LOCAL WETLANDS INVENTORY MAP
Romine Delineation
Ray Romine Construction LLC
Clatsop County, OR
Section 3, Township 6N, Range 10W, W.M.





Ecological Land Services

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PRJ. MGR: ST
CHK:
PROJECT NO:
1133.03

Figure 6
AERIAL SITE MAP
Romine Delineation
Ray Romine Construction LLC
Clatsop County, OR
Section 3, Township 6N, Range 10W, W.M.

Appendix B

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Romine Delineation City/County: Gearhart, Clatsop Sampling Date: 4/23/2016
 Applicant/Owner: Ray Romine Construction, LLC State: OR Sampling Point: TP-1
 Investigator(s): S. Taylor Section, Township, Range: S-6, T-10N, R-0W
 Landform (hillslope, terrace, etc.): footslope dune Local relief: concave Slope (%): 3-15%
 Subregion (LRR): 4A Lat: 46.0344 Long: -123.9105 Datum: NAD83
 Soil Map Unit Name: 19C, Gearhart fine sandy loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Area "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks: Test plot located within Wetland A in the northwest corner of the study area.	

VEGETATION (Use scientific names)

Tree Stratum (Plot size: 30 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet
1. <i>Alnus rubra</i>	40%	yes	FAC	Number of Dominant Species That Are OBL, FACW, or FAC: <u>6</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. <i>Picea sitchensis</i>	30%	yes	FAC	
3. _____	%			
4. _____	%			
Total Cover:	70%			
Sapling/Shrub Stratum (Plot size: 15 ft. radius)				
1. <i>Rubus spectabilis</i>	50%	yes	FAC	Prevalence Index worksheet Total % Cover of: _____ Multiply by: OBL species _____ x 1= _____ FACW species _____ x 2= _____ FAC species _____ x 3= _____ FACU species _____ x 4= _____ UPL species _____ x 5= _____ Column Totals: (A) _____ (B) _____ Prevalence Index = B/A = _____
2. <i>Malus fusca</i>	30%	yes	FACW	
3. _____	%			
4. _____	%			
5. _____	%			
Total Cover:	80%			
Herb Stratum (Plot size: 5 ft radius)				
1. <i>Carex obnupta</i>	60%	yes	OBL	Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 – Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data In Remarks or on a separate sheet) <input type="checkbox"/> Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology Must be present, unless disturbed or problematic.
2. <i>Maianthemum dilatatum</i>	40%	yes	FAC	
3. _____	%			
4. _____	%			
5. _____	%			
6. _____	%			
7. _____	%			
8. _____	%			
Total Cover:	100%			
Woody Vine Stratum (Plot size: 15 ft radius)				
1. _____	%			Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. _____	%			
Total Cover:	%			
% Bare Ground in Herb Stratum 0%				
Remarks:				

SOIL

Sampling Point: TP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-14	10YR 2/1	100%		%			Loamy sand	
14-17	10YR 2/1	30%		%			Loamy sand	See Remarks Below
	5YR 2.5/2	70%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Minerals (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1) (except MLRA 1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils

- 2 cm Muck (A10)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present

Restrictive Layer (if present):

Type: hard pan

Depth (inches): 17

Hydric Soil Present?

Yes No

Remarks: Mixed matrix between 14-17 inches BGS. Organic matter present in upper 10 inches BGS.

HYDROLOGY

Wetland Hydrology Indicators:

Secondary Indicators
(2 or more required)

Primary Indicators (min. of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or crust (B4)
- Iron Deposits (B5)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, & 4B)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Stunted or Stressed Plants (D1) (LRR A)
- Other (Explain in Remarks)
- Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)
- Raised Ant Mounds (D6) (LRR A)
- Frost-Heave Hummocks (D4)

Field Observations:

Surface Water Present? Yes No Depth (Inches):
 Water Table Present? Yes No Depth (Inches):
 Saturation Present? Yes No Depth (Inches): 10
 (Includes Capillary fringe)

Wetland Hydrology Present?

Yes No

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Soils moist in upper portion.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Romine Delineation City/County: Gearhart, Clatsop Sampling Date: 4/23/2016
 Applicant/Owner: Ray Romine Construction, LLC State: OR Sampling Point: TP-2
 Investigator(s): S. Taylor Section, Township, Range: S-6, T-10N, R-0W
 Landform (hillslope, terrace, etc.): footslope dune Local relief: convex Slope (%): 3-15%
 Subregion (LRR): 4A Lat: 46.0344 Long: -123.9105 Datum: NAD83
 Soil Map Unit Name: 19C, Gearhart fine sandy loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Area "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Test plot located northwest in the study area, and northeast of Wetland A.	

VEGETATION (Use scientific names)

	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet
Tree Stratum (Plot size: <u>30</u> ft radius)				Number of Dominant Species That Are OBL, FACW, or FAC: <u>4</u> (A) Total Number of Dominant Species Across All Strata: <u>7</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>57</u> (A/B)
1. <u>Picea sitchensis</u>	80%	yes	FAC	
2. <u>Alnus rubra</u>	10%	no	FAC	
3. <u>Frangula purshiana</u>	10%	no	FAC	
4. _____	%			
Total Cover:	100%			
Sapling/Shrub Stratum (Plot size: <u>15</u> ft. radius)				Prevalence Index worksheet Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1= _____ FACW species _____ x 2= _____ FAC species _____ x 3= _____ FACU species _____ x 4= _____ UPL species _____ x 5= _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A= _____
1. <u>Rubus spectabilis</u>	20%	yes	FAC	
2. <u>Rubus parviflorus</u>	20%	yes	FACU	
3. <u>Malus fusca</u>	10%	no	FAC	
4. <u>Gaultheria shallon</u>	5%	no	FACU	
5. <u>Oemleria cerasiformis</u>	5%	no	FACU	
Total Cover:	60%			
Herb Stratum (Plot size: <u>5</u> ft radius)				Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 – Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ 4 - Morphological Adaptations ¹ (Provide supporting data In Remarks or on a separate sheet) <input type="checkbox"/> Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology Must be present, unless disturbed or problematic.
1. <u>Maianthemum dilatatum</u>	40%	yes	FAC	
2. <u>Carex obnupta</u>	20%	yes	OBL	
3. <u>Polystichum munitum</u>	20%	yes	FACU	
4. <u>Pteridium aquilinum</u>	20%	yes	FACU	
5. _____	%			
6. _____	%			
7. _____	%			
8. _____	%			
Total Cover:	100%			
Woody Vine Stratum (Plot size: <u>15</u> ft radius)				
1. _____	%			
2. _____	%			
Total Cover:	%			
% Bare Ground in Herb Stratum <u>0%</u>				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Remarks:

SOIL

Sampling Point: TP-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	7.5YR 2/2	100%		%			Fine sand	
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	Indicators for Problematic Hydric Soils
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sandy Mucky Minerals (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and Wetland hydrology must be present

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Remarks:

Hydric Soil Present? Yes No

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)	Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Salt Crust (B11) <input type="checkbox"/> Aquatic Invertebrates (B13) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) <input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) <input type="checkbox"/> Frost-Heave Hummocks (D4)	

Field Observations:

Surface Water Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Depth (Inches): _____	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Water Table Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Depth (Inches): _____	
Saturation Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Depth (Inches): _____	

(Includes Capillary fringe)

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Romine Delineation City/County: Gearhart, Clatsop Sampling Date: 4/23/2016
 Applicant/Owner: Ray Romine Construction, LLC State: OR Sampling Point: TP-3
 Investigator(s): S. Taylor Section, Township, Range: S-6, T-10N, R-0W
 Landform (hillslope, terrace, etc.): footslope dune Local relief: concave Slope (%): 3-15%
 Subregion (LRR): 4A Lat: 46.0344 Long: -123.9105 Datum: NAD83
 Soil Map Unit Name: 19C, Gearhart fine sandy loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Area "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Remarks: Test plot located within Wetland A, on the central western portion of the study area,	

VEGETATION (Use scientific names)

	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet
Tree Stratum (Plot size: 30 ft radius)				
1. <i>Alnus rubra</i>	30%	yes	FAC	Number of Dominant Species That Are OBL, FACW, or FAC: <u>5</u> (A)
2. <i>Picea sitchensis</i>	10%	yes	FAC	
3. _____	%			Total Number of Dominant Species Across All Strata: <u>5</u> (B)
4. _____	%			
Total Cover:	40%			Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
Sapling/Shrub Stratum (Plot size: 15 ft. radius)				
1. <i>Malus fusca</i>	90%	yes	FACW	Prevalence Index worksheet Total % Cover of: _____ Multiply by: _____
2. <i>Rubus spectabilis</i>	10%	no	FAC	
3. _____	%			OBL species _____ x 1= _____
4. _____	%			FACW species _____ x 2= _____
5. _____	%			FAC species _____ x 3= _____
Total Cover:	100%			FACU species _____ x 4= _____
Herb Stratum (Plot size: 5 ft radius)				UPL species _____ x 5= _____
1. <i>Maianthemum dilatatum</i>	80%	yes	FAC	Column Totals: (A) _____ (B) _____
2. <i>Carex obnupta</i>	20%	yes	OBL	Prevalence Index = B/A = _____
3. _____	%			Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 – Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data In Remarks or on a separate sheet) <input type="checkbox"/> Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
4. _____	%			
5. _____	%			
6. _____	%			
7. _____	%			
8. _____	%			
Total Cover:	100%			
Woody Vine Stratum (Plot size: 15 ft radius)				
1. _____	%			
2. _____	%			
Total Cover:	%			Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
% Bare Ground in Herb Stratum 0%				

Remarks:

SOIL

Sampling Point: TP-3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 2/1	100%		%			Loamy sand	
8-16	10YR 2/1	30%		%			Loamy sand	See Remarks Below
	5YR 2.5/2	70%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils	
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Sandy Mucky Minerals (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)		

³Indicators of hydrophytic vegetation and Wetland hydrology must be present

Restrictive Layer (if present): Type: <u>hard pan</u> Depth (inches): <u>8</u>	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Remarks: Mixed matrix between 14-17 inches BGS. Organic matter present in upper 10 inches BGS.

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (min. of one required; check all that apply)			
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, & 4B)	<input type="checkbox"/> Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)	
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input type="checkbox"/> Algal Mat or crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)	
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D4)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)			

Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (Inches): Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (Inches): Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (Inches): 6	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Soils moist in upper portion.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Romine Delineation City/County: Gearhart, Clatsop Sampling Date: 4/23/2016
 Applicant/Owner: Ray Romine Construction, LLC State: OR Sampling Point: TP-4
 Investigator(s): S. Taylor Section, Township, Range: S-6, T-10N, R-0W
 Landform (hillslope, terrace, etc.): footslope dune Local relief: convex Slope (%): 3-15%
 Subregion (LRR): 4A Lat: 46.0344 Long: -123.9105 Datum: NAD83
 Soil Map Unit Name: 19C, Gearhart fine sandy loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Area "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: Test plot located southeast of Wetland A.	

VEGETATION (Use scientific names)

Tree Stratum (Plot size: 30 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet
1. <u><i>Alnus rubra</i></u>	40%	yes	FAC	Number of Dominant Species That Are OBL, FACW, or FAC: <u>5</u> (A) Total Number of Dominant Species Across All Strata: <u>5</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. <u><i>Picea sitchensis</i></u>	10%	yes	FAC	
3. _____	%			
4. _____	%			
Total Cover:	50%			
Sapling/Shrub Stratum (Plot size: 15 ft. radius)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet
1. <u><i>Malus fusca</i></u>	100%	yes	FACW	Total % Cover of: _____ Multiply by: OBL species _____ x 1= _____ FACW species _____ x 2= _____ FAC species _____ x 3= _____ FACU species _____ x 4= _____ UPL species _____ x 5= _____ Column Totals: (A) _____ (B) _____ Prevalence Index = B/A= _____
2. <u><i>Rubus spectabilis</i></u>	10%	no	FAC	
3. <u><i>Rubus parviflorus</i></u>	5%	no	FAC	
4. _____	%			
5. _____	%			
Total Cover:	115%			
Herb Stratum (Plot size: 5 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. <u><i>Maianthemum dilatatum</i></u>	55%	yes	FAC	<input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 – Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u><i>Carex obnupta</i></u>	40%	yes	OBL	
3. <u><i>Polystichum munitum</i></u>	5%	no	FACU	
4. _____	%			
5. _____	%			
6. _____	%			
7. _____	%			
8. _____	%			
Total Cover:	100%			
Woody Vine Stratum (Plot size: 15 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present?
1. _____	%			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. _____	%			
Total Cover:	%			

% Bare Ground in Herb Stratum 0%

Remarks:

SOIL

Sampling Point: TP-4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	7.5YR 2/2	100%		%			Loamy sand	
16-18	7.5YR 2/2	50%		%			Loamy sand	See Remarks Below
	2.5YR 2/1	50%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	Indicators for Problematic Hydric Soils
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Sandy Mucky Minerals (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and Wetland hydrology must be present

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: Mixed matrix at 16 inches and greater BGS

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)	Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, & 4B) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Salt Crust (B11) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Aquatic Invertebrates (B13) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Water Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) <input type="checkbox"/> Frost-Heave Hummocks (D4)

Field Observations:

Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Depth (Inches): _____	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Depth (Inches): _____	
Saturation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Depth (Inches): _____	

(Includes Capillary fringe)

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Appendix C



Above: 1. View southwest in the central portion of the site. This area is heavily shaded by mature spruce trees. The boundary of Wetland A is located just beyond the lily-of-the-valley across the central portion of the photo and is approximately 6 to 8 inches lower in elevation.

Below: 2. View looking southwest near the upland/wetland boundary. The ground slopes down approximately 6 to 8 inches to the wetland floor (bare area) in the right side of the picture.



1157 3rd Ave., Suite 220A
 Longview, WA 98632
 Phone: (360) 578-1371
 Fax: (360) 414-9305

DATE: 04/26/16
 DWN: JM
 PRJ. MGR: ST
 PROJ.#: 1133.03

Photoplate 1
 Ground Level Color Photographs
 Romine Delineation
 Ray Romine Construction, LLC
 City of Gearhart, Oregon



Above: 3. View of the southern boundary of Wetland A taken from Hillila Lane looking northwest.

Below: 4. View southeast of the upland hillside in the southern portion of the study area.



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Photoplate 2
Ground Level Color Photographs
Romine Delineation
Ray Romine Construction, LLC
City of Gearhart, Oregon



Below: 5. View of the overall representative condition of the forested hillside.



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DATE: 04/26/16
DWN: JM
PRJ. MGR: ST
PROJ.#: 1133.03

Photoplate 3
Ground Level Color Photographs
Romine Delineation
Ray Romine Construction, LLC
City of Gearhart, Oregon

Appendix D

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Additional Information

WETS Station : SEASIDE, ORW10 Observation Date: 05/26/2016
 Latitude: 41.8 Longitude: 121.10 Elevation: 60.00
 State : OR County Name: Clatsop

Month	Temperature (degrees F)			Precipitation (inches)			Total Snow
	Avg Daily	Max	Min	Avg	Less than 0.01	More than 0.01	
January	41.0	58.5	23.1	10.27	6.18	12.37	1.0
February	45.0	62.4	29.7	8.27	6.32	11.01	3.0
March	51.0	61.2	32.1	7.53	6.22	8.79	6.0
April	57.0	67.4	39.4	6.74	6.25	6.75	7.0
May	61.0	74.8	41.2	3.96	2.22	1.74	0.0
June	62.0	80.1	47.0	2.00	1.50	0.50	0.0
July	67.0	82.1	52.0	1.22	1.27	1.00	0.0
August	70.0	86.1	56.1	0.84	0.92	0.92	0.0
September	64.0	77.1	49.1	0.93	1.01	0.99	0.0
October	58.0	68.8	41.8	0.77	0.77	0.77	0.0
November	52.0	61.7	35.7	1.23	0.82	12.67	1.0
December	41.0	52.4	25.0	11.04	2.02	12.43	3.0
Average				6.15	6.15		
Range				10.27			

WFO Monthly-Daily Climate Data

NOAA Data for Seaside, OR (WFO Station: SEASIDE, ORW10) for January 2016. Data includes temperature, precipitation, and other climate metrics.

Day	Temp (F)	Precip (in)	Wind (mph)	Humidity (%)	Clouds (%)
1	42	0.00	10	95	100
2	45	0.00	12	90	100
3	48	0.00	15	85	100
4	50	0.00	18	80	100
5	52	0.00	20	75	100
6	55	0.00	22	70	100
7	58	0.00	25	65	100
8	60	0.00	28	60	100
9	62	0.00	30	55	100
10	65	0.00	32	50	100
11	68	0.00	35	45	100
12	70	0.00	38	40	100
13	72	0.00	40	35	100
14	75	0.00	42	30	100
15	78	0.00	45	25	100
16	80	0.00	48	20	100
17	82	0.00	50	15	100
18	85	0.00	52	10	100
19	88	0.00	55	5	100
20	90	0.00	58	0	100
21	92	0.00	60	0	100
22	95	0.00	62	0	100
23	98	0.00	65	0	100
24	100	0.00	68	0	100
25	102	0.00	70	0	100
26	105	0.00	72	0	100
27	108	0.00	75	0	100
28	110	0.00	78	0	100
29	112	0.00	80	0	100
30	115	0.00	82	0	100
31	118	0.00	85	0	100

WETS Table for the Precipitation Data & Analysis.

NOAA Preliminary table for the month of January.



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 DWN: JM
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 PROJ.#: 1133.03

Additional Information
 Appendix D
 Romine Delineation
 Ray Romine Construction, LLC
 City of Gearhart, Oregon

Appendix E

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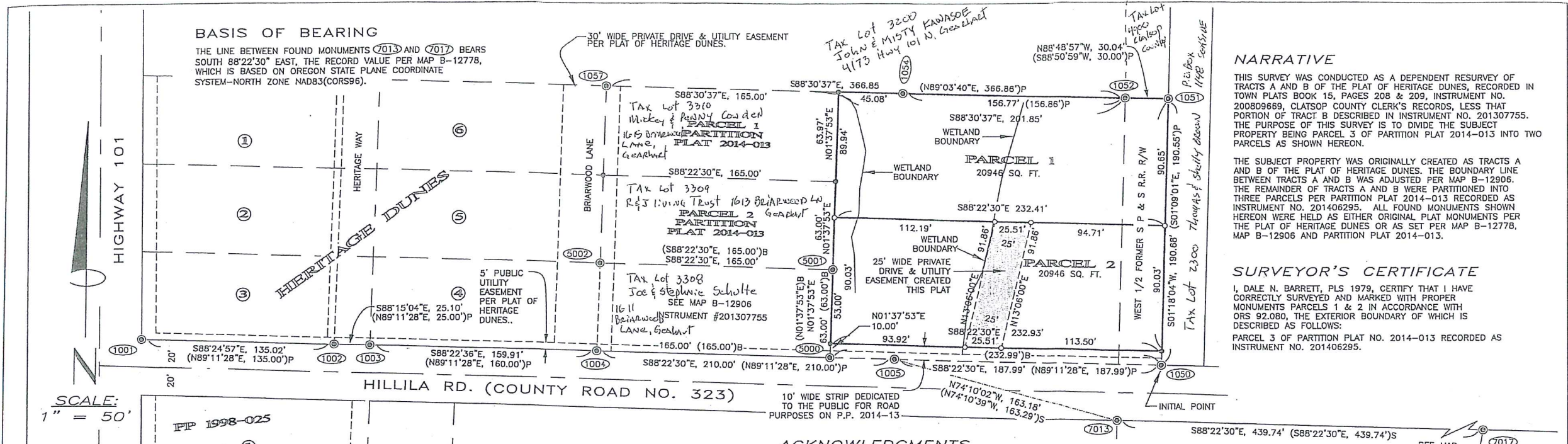
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NARRATIVE

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF TRACTS A AND B OF THE PLAT OF HERITAGE DUNES, RECORDED IN TOWN PLATS BOOK 15, PAGES 208 & 209, INSTRUMENT NO. 200809669, CLATSOP COUNTY CLERK'S RECORDS, LESS THAT PORTION OF TRACT B DESCRIBED IN INSTRUMENT NO. 201307755. THE PURPOSE OF THIS SURVEY IS TO DIVIDE THE SUBJECT PROPERTY BEING PARCEL 3 OF PARTITION PLAT 2014-013 INTO TWO PARCELS AS SHOWN HEREON.

THE SUBJECT PROPERTY WAS ORIGINALLY CREATED AS TRACTS A AND B OF THE PLAT OF HERITAGE DUNES. THE BOUNDARY LINE BETWEEN TRACTS A AND B WAS ADJUSTED PER MAP B-12906. THE REMAINDER OF TRACTS A AND B WERE PARTITIONED INTO THREE PARCELS PER PARTITION PLAT 2014-013 RECORDED AS INSTRUMENT NO. 201406295. ALL FOUND MONUMENTS SHOWN HEREON WERE HELD AS EITHER ORIGINAL PLAT MONUMENTS PER THE PLAT OF HERITAGE DUNES OR AS SET PER MAP B-12778, MAP B-12906 AND PARTITION PLAT 2014-013.

SURVEYOR'S CERTIFICATE

I, DALE N. BARRETT, PLS 1979, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS PARCELS 1 & 2 IN ACCORDANCE WITH ORS 92.080, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:
 PARCEL 3 OF PARTITION PLAT NO. 2014-013 RECORDED AS INSTRUMENT NO. 201406295.

MONUMENT NOTES

- 1001 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1002 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1003 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1004 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1005 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1050 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1051 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1052 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1054 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 1055 FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED "MENDENHALL LS 2001". SET PER PLAT OF HERITAGE DUNES. HELD FOUND POSITION.
- 5000 FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "OTAK INC.". SET PER MAP B-12906. HELD FOUND POSITION.
- 5001 FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "OTAK INC.". SET PER MAP B-12906. HELD FOUND POSITION.
- 5002 FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "OTAK INC.". SET PER MAP B-12906. HELD FOUND POSITION.
- 7013 FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB OTAK INC.". SET PER MAP B-12778. HELD FOUND POSITION.
- 7017 FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB OTAK INC.". SET PER MAP B-12778. HELD FOUND POSITION.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT ROMINE CONSTRUCTION LLC IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN ON THE ANNEXED MAP IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92. OWNER DOES HEREBY DEDICATE A 25' WIDE STRIP OF LAND ACROSS PARCEL 2 AS A NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT FOR THE BENEFIT OF PARCEL 1, AS SHOWN HEREON.

RAY ROMINE- ROMINE CONSTRUCTION LLC

AS BENEFICIARY OF A DEED OF TRUST FOR THIS PROPERTY, BANK OF THE PACIFIC HEREBY CONSENTS TO THIS PARTITION, DECLARATION AND DEDICATION IN ACCORDANCE WITH O.R.S. CHAPTER 92.

DAVID CLYDE, VICE PRESIDENT BANK OF THE PACIFIC

NOTE

PROPERTY WITHIN THIS PARTITION PLAT IS SUBJECT TO THE FOLLOWING MATTERS:
 1. COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE PLAT OF HERITAGE DUNES RECORDED AS INSTRUMENT #200809667, RECORDS OF CLATSOP COUNTY, OREGON.

owner/ subdiv. dee
 Ray Romine - Romine Construction LLC
 2170 skylong DR.
 Seaside, OR 97138
 Ph (503) 440-9561

ACKNOWLEDGMENTS

STATE OF OREGON >
 COUNTY OF CLATSOP > S.S.
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2017.
 BY RAY ROMINE, PRESIDENT OF ROMINE CONSTRUCTION LLC.

NOTARY PUBLIC - SIGNATURE _____ NOTARY PUBLIC - PRINTED NAME _____
 MY COMMISSION NO. _____
 MY COMMISSION EXPIRES ON THE _____ DAY OF _____, 2017.

STATE OF OREGON >
 COUNTY OF CLATSOP > S.S.
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2017.
 BY DAVID CLYDE, VICE PRESIDENT OF BANK OF THE PACIFIC.

NOTARY PUBLIC - SIGNATURE _____ NOTARY PUBLIC - PRINTED NAME _____
 MY COMMISSION NO. _____
 MY COMMISSION EXPIRES ON THE _____ DAY OF _____, 2017.

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON >
 COUNTY OF CLATSOP > S.S.
 I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON _____, 2017, AT _____ O'CLOCK _____ M.
 AND RECORDED AS INSTRUMENT NO. _____, CLATSOP COUNTY RECORDS.
 BY: _____ CLATSOP COUNTY CLERK

PRELIMINARY PARTITION PLAT NO. _____

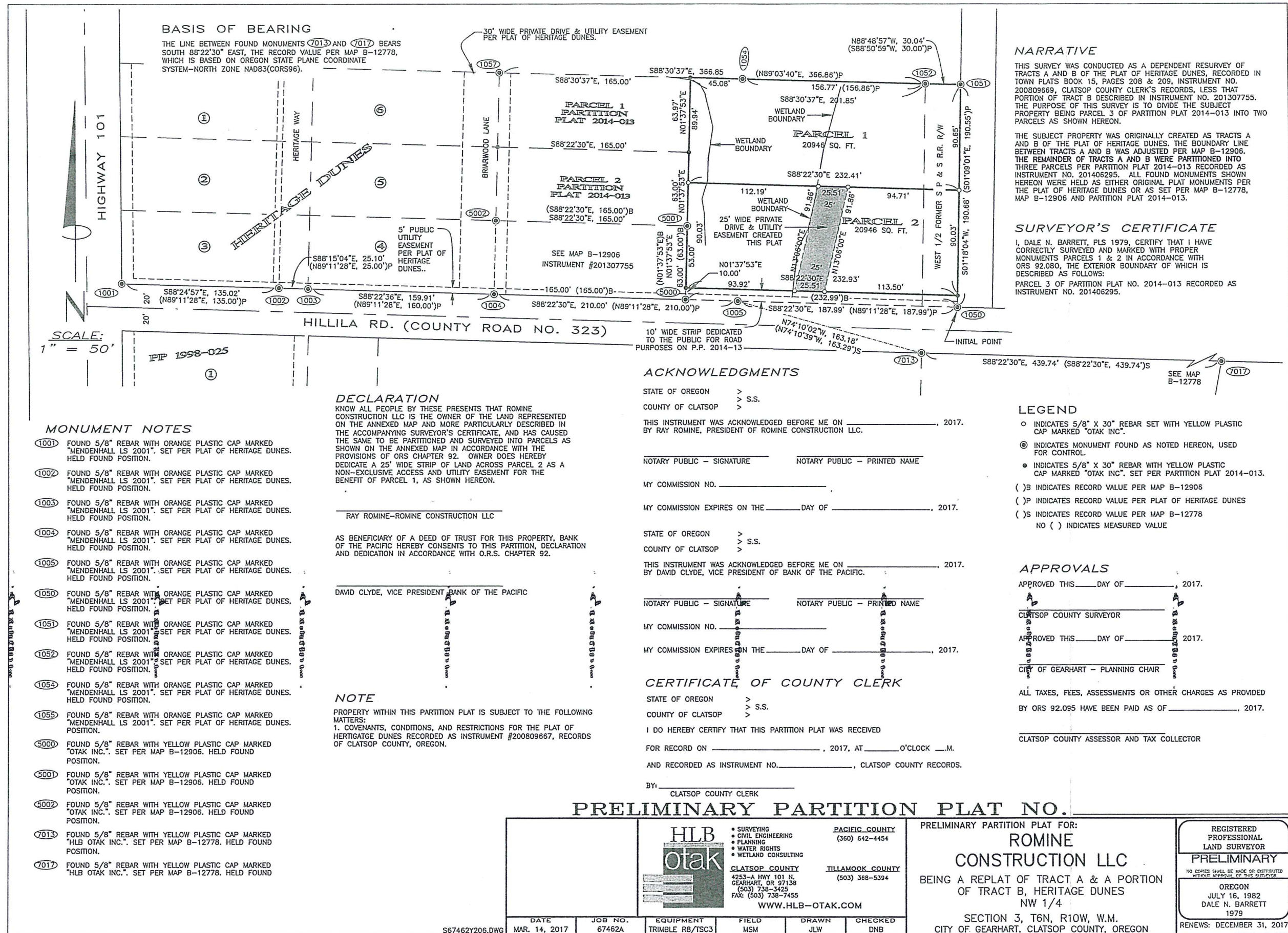
		PACIFIC COUNTY (503) 642-4454 TILLAMOOK COUNTY (503) 368-5394	PRELIMINARY PARTITION PLAT FOR: ROMINE CONSTRUCTION LLC BEING A REPLAT OF TRACT A & A PORTION OF TRACT B, HERITAGE DUNES NW 1/4 SECTION 3, T6N, R10W, W.M. CITY OF GEARHART, CLATSOP COUNTY, OREGON	REGISTERED PROFESSIONAL LAND SURVEYOR PRELIMINARY NO COPIES SHALL BE MADE OR DISTRIBUTED WITHOUT APPROVAL OF THIS SURVEYOR OREGON JULY 16, 1982 DALE N. BARRETT 1979 RENEWS: DECEMBER 31, 2017	
DATE MAR. 14, 2017	JOB NO. 67462A	EQUIPMENT TRIMBLE R8/TSC3	FIELD MSM	DRAWN JLW	CHECKED DNB

SCALE:
1" = 50'

PP 1998-025

S67462Y206.DWG

18x24



NARRATIVE
 THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF TRACTS A AND B OF THE PLAT OF HERITAGE DUNES, RECORDED IN TOWN PLATS BOOK 15, PAGES 208 & 209, INSTRUMENT NO. 200809669, CLATSOP COUNTY CLERK'S RECORDS, LESS THAT PORTION OF TRACT B DESCRIBED IN INSTRUMENT NO. 201307755. THE PURPOSE OF THIS SURVEY IS TO DIVIDE THE SUBJECT PROPERTY BEING PARCEL 3 OF PARTITION PLAT 2014-013 INTO TWO PARCELS AS SHOWN HEREON.

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SURVEYOR'S CERTIFICATE
 I, DALE N. BARRETT, PLS 1979, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS PARCELS 1 & 2 IN ACCORDANCE WITH ORS 92.080, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:
 PARCEL 3 OF PARTITION PLAT NO. 2014-013 RECORDED AS INSTRUMENT NO. 201406295.

LEGEND
 ○ INDICATES 5/8" X 30" REBAR SET WITH YELLOW PLASTIC CAP MARKED "OTAK INC."
 ⊙ INDICATES MONUMENT FOUND AS NOTED HEREON, USED FOR CONTROL.
 ● INDICATES 5/8" X 30" REBAR WITH YELLOW PLASTIC CAP MARKED "OTAK INC". SET PER PARTITION PLAT 2014-013.
 () B INDICATES RECORD VALUE PER MAP B-12906
 () P INDICATES RECORD VALUE PER PLAT OF HERITAGE DUNES
 () S INDICATES RECORD VALUE PER MAP B-12778
 NO () INDICATES MEASURED VALUE

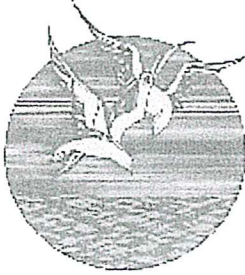
APPROVALS
 APPROVED THIS ____ DAY OF _____, 2017.

 CLATSOP COUNTY SURVEYOR
 APPROVED THIS ____ DAY OF _____, 2017.

 CITY OF GEARHART - PLANNING CHAIR
 ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID AS OF _____, 2017.

 CLATSOP COUNTY ASSESSOR AND TAX COLLECTOR

		PACIFIC COUNTY (360) 642-4454 TILLAMOOK COUNTY (503) 369-5394 WWW.HLB-OTAK.COM	PRELIMINARY PARTITION PLAT FOR: ROMINE CONSTRUCTION LLC BEING A REPLAT OF TRACT A & A PORTION OF TRACT B, HERITAGE DUNES NW 1/4 SECTION 3, T6N, R10W, W.M. CITY OF GEARHART, CLATSOP COUNTY, OREGON	REGISTERED PROFESSIONAL LAND SURVEYOR PRELIMINARY OREGON JULY 16, 1982 DALE N. BARRETT 1979 RENEWS: DECEMBER 31, 2017	
DATE	JOB NO.	EQUIPMENT	FIELD	DRAWN	CHECKED
MAR. 14, 2017	67462A	TRIMBLE R8/TSC3	MSM	JLW	DNB



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

June 26, 2017

Ray Romine
2170 Skyline /drive
Seaside, OR 97138

Re: Two-lot Partition on Hillila Road

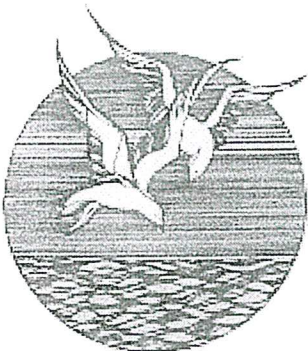
Mr. Romine,

You application for a land partition is deemed complete subject to submittal of site contours, an outline of the existing building foundation on Parcel 2, and a grading cut/fill plan if 50 cubic yards of fill is being removed. This information is required by the Gearhart Subdivision Ordinance. As soon as the information is provided the City will schedule a hearing with the Planning Commission.

Please feel free to contact me for further assistance.

Sincerely,
Carole Connell
Gearhart City Planner

Copy: Dale Barrett



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

July 10, 2017

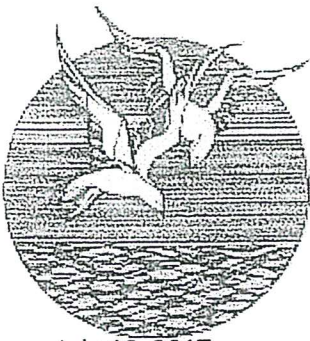
TO: ✕ Jeff Bowman, Police Chief
✕ Mark Brien, Building Official
✕ Mark McFadden, Public Works
✕ Bill Eddy, Fire Chief
Chad Sweet, City Administrator
Heather Hansen, Clatsop County Planning Department

FROM: Cheryl Land, Planning Department

RE: The City of Gearhart Planning Commission has been presented with an application submitted by Ray Romine requesting a Partition for property know as phase III, off Hillila Road, 490' east of Highway 101 and further describes as Assessors Plat 6.10.3BD, Tax Lot 3300 (file #17-008P). Said request is to partition one parcel of land into two (2) lots. The property contains wetlands. Attached find documents submitted by the applicant for your review along with a wetland report.

Your input is being requested by Carole Connell, City Planner for inclusion into her staff report. Please submit any comments to Carole @ connellpc@comcast.net with a copy to me @ planning@cityofgearhart.com by July 27, 2017 to be included in her report.

Thank you
Cheryl



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

July 10, 2017

TO: Jeff Bowman, Police Chief
Mark Brien, Building Official
Mark McFadden, Public Works
Bill Eddy, Fire Chief
Chad Sweet, City Administrator
Heather Hansen, Clatsop County Planning Department

FROM: Cheryl Lund, Planning Department

RE: The City of Gearhart Planning Commission has been presented with an application submitted by Ray Romine requesting a Partition for property know as phase III, off Hillila Road, 490' east of Highway 101 and further describes as Assessors Plat 6.10.3BD, Tax Lot 3300 (file #17-008P). Said request is to partition one parcel of land into two (2) lots. The property contains wetlands. Attached find documents submitted by the applicant for your review along with a wetland report.

Your input is being requested by Carole Connell, City Planner for inclusion into her staff report. Please submit any comments to Carole @ connellpc@comcast.net with a copy to me @ planning@cityofgearhart.com by July 27, 2017 to be included in her report.

Thank you
Cheryl

I don't have
an opinion

Cheryl Lund

From: Mark Brien
Sent: Monday, July 24, 2017 10:31 PM
To: Cheryl Lund
Subject: Re: staff comments

Hello Cheryl,

Please see my variance responses below:

Rickles: I have no objections to the Rickles vacation rental on-street parking variance provided they are not blocking the street/fire department access.

Remer: I have no objections to the Remer vacation rental on-street parking variance provided they are not blocking the street/fire department access.

Romine: I have read the Fire Chiefs comments regarding this Partition and agree with it entirely. It is crucial for Romine to show how the fire apparatus access road, turnaround (if required), hydrant location and water supply will be met.

Please let me know if you have any questions.

Thank you,

Mark Brien
City of Gearhart
Building Official

On Fri, Jul 21, 2017 at 6:57 PM, Cheryl Lund <planning@ci.gearhart.or.us> wrote:

Reminder staff comments for 3 public hearings are due to Carole by Thursday 7/27, please cc me a copy for the file.

We still need the following comments from :

Romine land partition – Sweet – Brien & McFadden

Rickles vacation rental parking variance – Brien & Eddy

Thanks guys –

Cheryl

--
Mark Brien
City of Gearhart
Building Official

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

Cheryl Lund

From: Mark Mcfadden
Sent: Monday, July 24, 2017 3:31 PM
To: Cheryl Lund
Cc: Chad Sweet; Bill Eddy; Jeff WEB address; Mark Brien; Mark McFadden; Carole Connell
Subject: Re: staff comments

Cheryl,

I have no comments on the partition. Mr. Romine is being required to install a water main to the property, but this does not affect the land partition.

Mark McFadden

Sent from my iPad

On Jul 1, 2017, at 6:57 PM, Cheryl Lund <planning@ccgearhart.or.us> wrote:

Reminder staff comments for 3 public hearings are due to Carole by Thursday 7/27, please cc me a copy for the file.

We still need the following comments from :

Romine land partition – Sweet – Brien & McFadden

Rickles vacation rental parking variance – Brien & Eddy

Remer vacation rental parking variance – Sweet, Bowman, Brien, Eddy

Thanks guys –
Cheryl



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@cityofgearhart.com / gearhartfire.com (web)

July 11, 2017

Cheryl Lund
City of Gearhart Planning Department

RE: Partition - Ray Romine
Tax Lot 3300
Fire Dept. Access & Water Supply

Fire Department Access

All access roads shall meet City of Gearhart and OFC Road Standards.

An Apparatus Turnaround shall be provided and approved by the Fire Chief (location & dimensions); "NO PARKING" signs shall be installed in the apparatus turnaround. (OFC 503)

Access Road widths shall provide for "on-street parking" unless posted "NO PARKING" on one or both sides. (OFC 503)

Driveway access road(s) to individual (3 or less) structures shall have an improved surface of no less than 14 feet; if greater than 150 feet from the main access road an area to safely turnaround a fire department apparatus shall be provided. (OFC 503.1.1)

Water Supply:

The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105)

Flow testing or "hydraulic modeling" shall be completed for the water system and provided to the fire department.

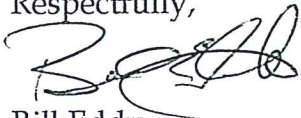
Hydrant spacing shall be 500 feet. Location(s) shall be approved by the Fire Chief prior to instillation.

Conclusion:

The "Preliminary Partition" attached does not show any Fire Department features (road widths, apparatus turnarounds measurements, hydrant locations, etc.), these requirements need to be approved by the Fire Chief prior to approval of this development. From the existing hydrant to the proposed "2nd lot" the distance measures approximately 625 to 650 feet as measured in an approved route around the exterior of the structure(s). (OFC 507.5.1).

If you should have any questions please feel free to contact me.

Respectfully,



Bill Eddy
Fire Chief
Gearhart Fire

Cheryl Lund

From: Mark Brien
Sent: Monday, July 24, 2017 10:31 PM
To: Cheryl Lund
Subject: Re: staff comments

Hello Cheryl,

Please see my variance responses below:

Rickles: I have no objections to the Rickles vacation rental on-street parking variance provided they are not blocking the street/fire department access.

Remer: I have no objections to the Remer vacation rental on-street parking variance provided they are not blocking the street/fire department access.

Romine: I have read the Fire Chiefs comments regarding this Partition and agree with it entirely. It is crucial for Romine to show how the fire apparatus access road, turn around (if required), hydrant location and water supply will be met.

Please let me know if you have any questions.

Thank you,

Mark Brien
City of Gearhart
Building Official

On Fri, Jul 21, 2017 at 6:57 PM, Cheryl Lund <planning@ci.gearhart.or.us> wrote:

Reminder staff comments for 3 public hearings are due to Carole by Thursday 7/27, please cc me a copy for the file.

We still need the following comments from :

Romine land partition – Sweet – Brien & McFadden

Rickles vacation rental parking variance – Brien & Eddy

Remer vacation rental parking variance – Sweet, Bowman, Brien, Eddy

Thanks guys –

Cheryl

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Mark Brien
City of Gearhart
Building Official

•  •
• M A R K B R I E N •

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• M A R K B R I E N •

Cheryl Lund

From: Chad Sweet
Sent: Tuesday, August 01, 2017 11:02 AM
To: Carole Connell
Cc: Cheryl Lund
Subject: Romine Partition Comments
Attachments: Ord 866 FW Zone - 06_2012 - Wetlands - Fresh Water.docx; Romine Partition.pdf

Regarding water supply: City of Gearhart water must be brought to the property at the property owner's expense.

The parcel has known wetlands:

**Screen shot of FW overlay attached.
** Ordinance 866 attached

From Section 3.1380 FW Zone Standards:

1. Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City. The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.
2. All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and / or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.
3. When property proposed for development is wholly or partially within areas identified as wetlands within the City's FW Zone boundary, the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.
4. When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and / or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.
5. When excavation is permitted, a signed stamped report and plan review by a qualified professional such as licensed engineer and / or a licensed engineering geologist shall be required that recommends that the excavation shall cover no more area than the minimum necessary to accomplish the proposed activity, that the excavation will not increase sedimentation or flooding to the site or downstream properties, and that the activity will not cause adverse impacts to the site and surrounding area.

Chad

--

Chad Sweet | City Administrator
City of Gearhart
698 Pacific Way | Gearhart, Oregon 97138
Office: (503) 738-5501 | Fax: (505) 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.

• 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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CITY OF GEARHART
ORDINANCE NO 1106

AN ORDINANCE AMENDING THE GEARHART ZONING ORDINANCE;
AMENDING THE GEARHART COMPREHENSIVE PLAN AND
DECLARING AN EMERGENCY

The City of Gearhart ordains that the Gearhart Zoning Ordinance and the Gearhart Comprehensive Plan shall be modified, as follows:

Section 1. ADD Section 1.030 (47) Development
Development is building a structure that requires a permit, making a material change in the use or appearance of a structure or land, also including grading, tree and vegetation removal that requires approval of an application or permit, dividing land into two or more parcels, including partitions and subdivisions, and creating or terminating a right of access

RENUMBER SECTION

Section 2. AMEND SECTION 3.13: FW ZONE: FRESHWATER WETLAND AND LAKE OVERLAY ZONE to read:

Section 3.1310	Purpose
Section 3.1320	FW Zone Boundaries
Section 3.1330	FW Zone Boundary Refinement Procedures
Section 3.1340	Outright Allowed Activities
Section 3.1350	Conditional Use Activities
Section 3.1360	Prohibited Activities
Section 3.1370	FW Hardship Variance
Section 3.1380	FW Overlay Zone Standards

SECTION 3.1310 PURPOSE

The purpose of the Freshwater Wetland and Lake Overlay Zone is to conserve significant freshwater wetlands and lakes. Low intensity uses which do not result in major alterations are appropriate in the zone. Low to moderate intensity recreation is appropriate in lakes. The FW Zone does not replace the parent zone designated by the comprehensive plan; however, activities on lands identified as within the FW Zone are restricted to activities that are consistent with the FW Zone.

SECTION 3.1320 FW ZONE BOUNDARIES

The approximate boundaries of the Freshwater Wetland and Lake Overlay Zone (FW Zone) are identified by the City of Gearhart Local Wetlands Inventory (LWI) on file at Gearhart City Hall. Information shown on the Local Wetland Inventory is for planning purposes, represents the conditions that exist at the map date and is subject to change. The location and extent of wetlands and other waters is approximate. There may be unmapped wetlands and other waters present that are subject to regulation. You are advised to contact

City Staff, the Oregon Department of State Lands and the US Army Corps of Engineers with any regulatory questions.

SECTION 3.1330 FW ZONE BOUNDARY REFINEMENT PROCEDURES

The FW Zone boundary is anticipated to be refined over time as information more specific than the Local Wetland Inventory is available. The FW Zone Boundary is refined as follows:

1. Consistent with any wetland delineation approved by the Oregon Department of State Lands for the time period within which the wetland delineation is considered valid.
2. Consistent with any removal-fill permit issued by the Oregon Department of State Lands where the freshwater wetland boundary is anticipated to be changed.

SECTION 3.1340 ACTIVITIES ALLOWED OUTRIGHT

Subject to FW Zone Standards, the following activities are allowed outright provided that a development permit is obtained from the City and provided that authorizations from state and federal agencies are obtained.

1. Low intensity recreation.
2. Passive restoration measures
3. Wetland restoration and rehabilitation activities.
4. Restoration and enhancement of native vegetation.
5. Cutting and removal of trees that pose a hazard to life or property.
6. Removal of non-native vegetation, if suitably replaced with native plant species.
7. Replacement of existing structures, streets, driveways, and utilities in the same location that do not disturb additional wetland surface area.
8. Maintenance of drainage ways or ditches consistent with their original design capacity where sedimentation, adverse impacts to native vegetation, and placing spoils in wetlands or waterways is avoided.

SECTION 3.1350 CONDITIONAL USE ACTIVITIES

Subject to FW Zone standards, the following activities are allowed in the FW Zone provided a Conditional Use Permit is obtained, that a development permit is obtained from the City and that authorizations from state and federal agencies are obtained.

1. Active restoration.
2. A public park or recreation associated low intensity development such as docks, raised walkways, and foot paths.
3. Individual docks for recreation or fishing, including necessary piling.

SECTION 3.1360

PROHIBITED ACTIVITIES

1. Removal of vegetation except that associated with uses and activities allowed in Section 3.140 and 3.150

SECTION 3.1370

FW ZONE HARDSHIP VARIANCE

For lands demonstrated not buildable for the uses allowed by the parent zone, the Planning Commission may approve a hardship variance to reduce or remove the restrictions of the FW Zone. Applications for the review of hardship variances shall be conducted as set forth in Article 8 Variances following the criteria of Section 8.030. Site development shall comply with the standards of Section 3.1380, a development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.

SECTION 3.1380

FW ZONE STANDARDS

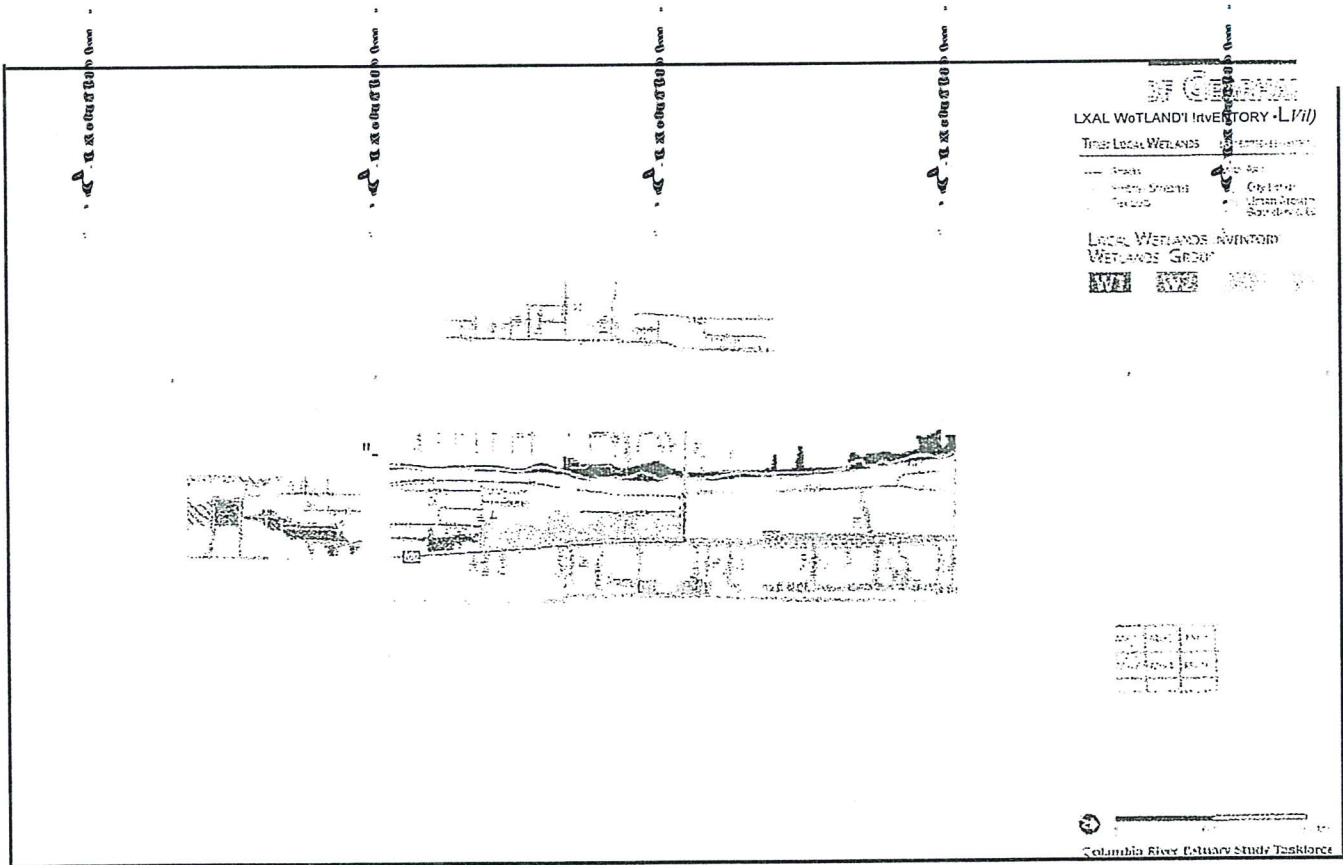
In the FW Zone the following standards shall apply:

1. Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City. The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.
2. All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and /or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.
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4. When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and/or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.
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Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.

§Section 3. ADD Gearhart, Oregon Local Wetland Inventory

A full copy of the Gearhart Local Wetland Inventory (LWI) is available by contacting Gearhart City Hall during regular business hours. The LWI is also available at the office of the Oregon Department of State Lands (DSL) and available at the DSL website www.oregon.gov/dsl. This is a graphic excerpt from the LWI.



Section 25. Continued Effect. All other provisions of Gearhart Zoning Ordinance not specifically modified herein, shall continue unchanged and in full force and effect.

Section 26. Emergency. The City declares an emergency to exist and finds that immediate adoption of the Ordinance is necessary to protect the health, safety and welfare of its residents. This Ordinance shall become effective immediately after its adoption by the City Council and approval of the Mayor.

PASSED AND ADOPTED by the Gearhart City Council this ay of 5 2012 and APPROVED by the Mayor this lc+"-day of XIY'o'L, 2012.

Mayor Kent Smith

ATTEST:

Q1YS9='

City Clerk

Ayes: 5
Nays: 0
Abstentions: 0

Jump To:

Catalog Identify

[Back to Settings](#)

Detailed information for the area you clicked on the map...

Ground Coordinates
 X: -13793675.017765
 Y: 5785878.8317935

Parcels

ASSESSOR LINK: 610035D03300
 MAP NUMBER: 6 10 3BD
 LOT NUMBER: 3300
 LOT SIZE: 41892
 YEAR BUILT: 0
 Owner Name 1: Romine Construction LLC
 Owner Name 2:
 Owner Name 3:
 Situs Address:
 P.O. Box:
 Unit Number:
 In Care of: Ray Romine
 Mailing Address: 2170 Skyline Dr
 CITY, ST, ZIP: Seaside, OR, 97138-1602

Wetland Information

Wetland Type: W11
 Wetland Document Name:
 Wetland Verified: 0
 Wetland Map Label: DCNP
 Locally Significant: No

Disclaimer: This information is being distributed as demonstration data only. You should not use the data for any other purposes.



BEFORE THE CITY COUNCIL OF THE CITY OF GEARHART
COUNTY OF CLATSOP, STATE OF OREGON

In Regard to the Matter of:
(fill in application type and name)
**LAND PARTITION
ROMINE**

17-008P
Case File No. _____

AFFIDAVIT OF MAILING

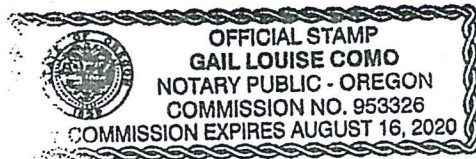
STATE OF OREGON)
County of Clatsop)

I, CHERYL LUND, being first duly sworn, depose and say that:

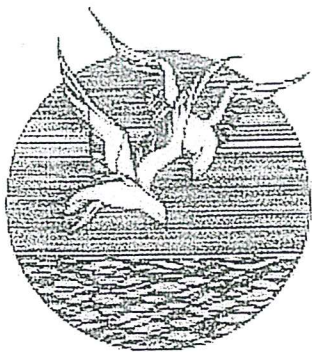
1. At all times herein I am, and have been, an employee of the City of Gearhart.
2. On 7.21.2017, and acting for the City of Gearhart, I caused a copy of the notice attached as Exhibit A to be placed in the U.S. Mail, first class postage prepaid, as further described herein.
3. The mailed notice described in Paragraph 2, above, was addressed to each property owner or other interested party that appears in the list attached as Exhibit B.
4. I obtained the contact information for the property owners listed in Exhibit B from the most recent property tax assessment roll of Clatsop County, Oregon.
5. All persons owning property within 250 feet of the property subject to the application are listed in Exhibit B.

Cheryl A Lund
Print name: Cheryl A Lund

SUBSCRIBED AND SWORN to before me this 17th day of July 2017.



Gail Louise Como
NOTARY PUBLIC FOR OREGON
My Commission Expires: Aug 30, 2020



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

July 21, 2017
PUBLIC NOTICE

Notice is hereby given that in accordance with Section 13.030 Administrative Provision of the City of Gearhart Zoning Ordinance the Gearhart Planning Commission will hold the following public hearings on Thursday, August 10, 2017 at 6:00 p.m., Gearhart City Hall, 698 Pacific Way, Gearhart, Oregon:

File #17-008P – Land Partition request Ray Romine to partition one parcel of land into two (2) lots for property located on Hillila Road approximately 490' east of Highway 101 and further described as Assessors Plat 6.10.3BD Tax Lot 3300. Criteria relevant to the application is Zoning Ordinance Section 3.1 Low Density Residential R-1 Sections 23-36 Land Partitioning, Sections 37-46 General Regulations And Design Standards and Sections 47-50 Improvements of the Gearhart Subdivision Ordinance.

File #17-010V – Variance request Stephen Rickles seeking relief of off-street parking requirements for vacation rental property at 837 Neacoxie Blvd and further described as Assessors Plat 6.10.4DA Tax Lot 2900. Criteria relevant to the application are in Section 9.040 Variance of Off-Street Parking and Loading Facilities, Section 3.3 High Density Residential Zone R-3 and Article 7 Vacation Rental Standards and Procedures.

File #17-0011V - Variance request Candace Remer seeking relief of off-street parking requirements for vacation rental property at 701 S Marion and further described as Assessors Plat 6.10.9DA Tax Lot 1300. Criteria relevant to the application are in Section 9.040 Variance of Off-Street Parking and Loading Facilities, Section 3.1 Low Density Residential Zone R-1 and Article 7 Vacation Rental Standards and Procedures.

A copy of the application, all documents and evidence relied upon and applicable criteria pertinent to the requests are available for review on the city website and at Gearhart City Hall at the office of Chad Sweet, 503-738-5501 and copies may be obtained at a reasonable cost. Staff reports will be available for inspection at no cost and may be obtained at reasonable cost seven (7) days prior to the hearing. All interested parties are invited to express their opinion for or against the request at the hearing, by letter addressed to the Gearhart Planning Commission, P O Box 2510, Gearhart, Oregon 97138, or by email at planning@cityofgearhart.com received prior to 4:00 o'clock pm the day of the hearing. The public hearing will be conducted in accordance with Section 13.050 of the Gearhart Zoning Ordinance.

Any person testifying may appeal the decision, however, failure to raise an issue, including constitutional or other issues regarding conditions of approval, with sufficient specificity to afford the City and parties to the request an opportunity to respond to the issues precludes appeal on said issue to the State Land Use Board of Appeals (LUBA), or to seek damages in circuit court due to a condition of approval.

Cheryl A. Lund
Gearhart Planning Commission
City of Gearhart

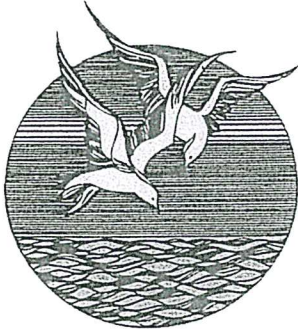
Mail/Publish 7/21/2017

EXHIBIT A

17-008P

	A	B	C	D	E
1	61003BD03300	Romine Construction LLC		2170 Skyline Dr	Seaside, OR 97138
2					
3	61003BD03308	Schulte Stephanie	1611 Briarwood Ln	P O Box 2317	Gearhart, OR 97138
4	61003BD03309	Johnson Janette	1613 Briarwood Ln	1613 Briarwood Ln	Gearhart, OR 97138
5	61003BD03310	Cowden Micky	1615 Briarwood Ln	1615 Briarwood Ln	Gearhart, OR 97138
6	61003BD03302	Guinn James	1691 Heritage Rd	1691 Heritage Rd	Gearhart, OR 97138
7	61003BD03303	Callahan Daniel	1647 Heritage Rd	1647 Heritage Rd	Gearhart, OR 97138
8	61003BD03304	Simpson Robert	1611 Heritage Rd	1611 Heritage Rd	Gearhart, OR 97138
9	61003BD03200	Kawasoe John M/Misty	4173 N Hwy 101	4173 N Hwy 101	Gearhart, OR 97138
10	61003BD04900	Clatsop County			
11	61003BD03100	Bergin Carrie Lee	4197 N Hwy 101	P O Box 2474	Gearhart, OR 97138
12	61003BD03101	Huff Travis	4199 N Hwy 101	4199 N Hwy 101	Gearhart, OR 97138
13	61003BD04800	Huff Travis			
14	61003BD03001	Pershing Robert E/Barbara Lewis		5116 NE 58th St	Vancouver, WA 98661
15	61003BD03002	Pershing Robert E/Barbara Lewis			
16	61003BD04700	Pershing Robert E/Barbara Lewis			
17	61003A002300	Brown Thomas C Jr/Shelly		P O Box 1148	Seaside, OR 97138
18	61003A001108	Brown Thomas C Jr/Shelly	88198 Tressel Dr		
19	61003A001204	Bergerson Living Trust		1615 Hillia Rd	Gearhart, OR 97138
20	61003A002500	Bergerson Living Trust		4043 Highway 101 N	Seaside, OR 97138
21	61003BD05100	McFarland Horace L/Loretta			
22	61003BD03600	McFarland Horace L/Loretta		4253A Highway 101	Gearhart, OR 97138
23		Dale Barrett/ OTAK			

EXHIBIT B



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

CITY OF GEARHART PLANNING COMMISSION

City Staff Report for Romine Land Partition

August 3, 2017

APPLICATION DATA

REQUEST: A request by Ray Romine for City approval of a two-lot Land Partition to create one new single family home site

FILE NUMBER: File# 17-008P Romine

OWNER: Ray Romine
2170 Skyline Drive
Seaside, Oregon 97138
romine4@charter.net

APPLICANT: Same as above

SURVEYOR: OTAK Inc.
Dale Barrett
4253-A Hwy 101 North
Gearhart, OR 97138

LOCATION: North side of Hillila Road, North half of Tract A, Map 6-10-3BD
Tax Lot 3300, Heritage Dunes Subdivision

EXHIBITS: 1. Applicant's land partition application form; Preliminary
Partition Plat, OTAK 3-14-17
2. OTAK wetland boundary map illustration 7-19-17

3. DSL Wetland Delineation concurrence letter, 8-3-16
4. Gearhart Wetland Inventory map
5. Gearhart Police Chief: no comment 7-10-17
6. Gearhart Fire Department: letter with conditions 7-12-17
7. Gearhart Public Works: with condition 7-24-17
8. Gearhart Building Inspector: agrees with Fire Chief 7-25-17
9. Gearhart City Administrator: see wetland inventory; water service required to site.
9. Clatsop County: No reply received

PROCEDURES: Application deemed complete: 6-26-17
 Notice sent: 7-21-17
 Notice published: 7-21-17
 Initial Public Hearing: 8-10-17
 120-day decision due: 10-25-17

I. APPLICABLE REVIEW CRITERIA

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 11.010 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 26 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on Hilllila Road, a county road which is paved and has 40 feet of right-of-way. Parcel 2 has direct access to Hilllila Road. The proposed Parcel 1 will have access to Hilllila by a dedicated driveway easement across Parcel 1. The partition plat includes a 10-foot wide roadway dedication on the parcel's Hilllila Road frontage.

3. Site Characteristics: The tree-covered site is in the flood hazard zone "X". Wetlands exist on the west boundary. The east end rises in elevation in a dune formation. The abandoned rail right-of-way is privately owned where it adjoins the east boundary of the subject site. Parcel 2 has been graded and a dwelling is near completion. The dwelling on Parcel 2 is setback from the delineated wetland. Parcel 1 is a future home site.
4. Agency comments: Comments were received from the City Administrator, Gearhart Fire Department, Public Works and Building Official. There were no concerns reported by City Police Chief or Clatsop County.
5. Procedure: Approval of a land partition shall be in accordance with the application and procedural requirements of GZO Article 11 Administrative Provisions and the Gearhart Subdivision Ordinance.

III. FINDINGS

1. GZO Section 3.1 Low Density Residential R-1: The R-1 zone permits a maximum of 4 dwelling units per acre. The minimum lot size is 10,000 square feet. Lot coverage maximum is 35% and building height maximum is 30 feet or two stories, whichever is less.

FINDINGS: The subject parcel is .96 acres and is proposed to be divided into two 20,946 square foot parcels for 2 single family dwellings. The two proposed parcels exceed the minimum 10,000 square foot lot size. The City Building Official reviewed the construction plans for the dwelling under construction regarding setbacks, height and lot coverage for Parcel 2. A future dwelling on Parcel 1 will be required to meet the same R-1 standards.

Wetland: In a prior 2014 approval the parcel owner was required to perform a site specific wetland delineation to determine if the subject parcel can be developed. The wetland delineation was provided to DSL by Ecological Land Services. DSL approved the delineation in their letter dated 8-3-16. On June 30, 2017 the City Planner and the DSL representative met on site to verify the wetland flagging in relation to the dwelling under construction. DSL was satisfied with the setback of the dwelling and found there had been no wetland fill. There was no additional correspondence from DSL.

2. GZO Section 3.1380 Development Standards in the FW Zone:
 - a) Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City.

The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.

- b) All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and / or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.
- c) When property proposed for development is wholly or partially within areas identified as wetlands within the City's F/W Zone boundary, the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.
- d) When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and / or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.
- e) When excavation is permitted, a signed stamped report and plan review by a qualified professional such as licensed engineer and / or a licensed engineering geologist shall be required that recommends that the excavation shall cover no more area than the minimum necessary to accomplish the proposed activity, that the excavation will not increase sedimentation or flooding to the site or downstream properties, and that the activity will not cause adverse impacts to the site and surrounding area.

FINDINGS: As shown on the attached map a wetland has been identified on the west side of the site. The DSL has concurred with the applicant's wetland delineation. The applicant's site map dated 7-19-17 illustrates the wetland

boundary on Parcel 1 and 2. The City and DSL approved the dwelling location on Parcel 2 based on the required 25' wetland boundary setback. The proposed 25' access and utility easement provides the required setback for dwellings on both parcels. However, as a condition of approval a future building permit on Parcel 1 should be accompanied by proof of the minimum 25' setback from the wetland as well as excavation and fill plans..

3. Article 6 Supplementary Provisions

- a) Section 6.030 Street access: requires a minimum of 25 feet of frontage.

FINDINGS: The City finds that Parcel 2 has an estimated 233 feet of frontage on Hillia Road. Parcel 1 has an estimated 25.5' of Parcel 2's frontage for use as a private driveway easement. An easement can be a substitute for actual street frontage.

- b) Section 6.130 Off-Street Parking: Two off-street parking spaces are required per dwelling.

FINDINGS: The City finds that when a building permit is requested the Building Official will require that two off-street parking spaces be provided on each parcel.

- c) Section 6.161 Landscape Plan on Hwy 101: All new subdivisions are required to provide a minimum 10' wide landscaped buffer on lots adjacent to Highway 101.

FINDINGS: The City finds that the subject partition does not have frontage on Highway 101.

- d) Section 6.180 Excavation: Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards shall first require an excavation and fill permit from the City Administrator.

FINDINGS: The City finds that before vegetation removal, excavation or grading commences on Parcel 1 the applicant shall obtain city approved plans, and this should be a condition of approval.

- e) Section 6.195 Tree Removal: The purpose of this section is to assure that mature trees are removed only when necessary. A tree is defined as at least 12 inches in diameter at 4.5 feet above grade. Any person planning to cut more than 5 trees within a 12 month period shall first obtain a tree removal permit from the City.

FINDINGS: The application does not describe tree removal plans for Parcel 1. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.

- f) Section 6.200 Protection of Archaeological Sites: The Building Official shall review building permits and the City Administrator shall review other land use actions that may affect a known archaeological site.

FINDINGS: The City is not aware of an archaeological site on the subject parcel.

4. Subdivision Ordinance Sections 23 – 36 Land Partitioning submittal requirements

- a) Sections 24 to 36 describe partition plat submittal requirements, review procedures and final plat filing requirements.

FINDINGS: The City finds that the relevant data has been provided except that vegetation and tree removal plans, excavation and fill plans or site contours have not been provided for Parcel 1. This information can be provided with the final plat submittal or at the time of a building permit submittal for Parcel 1.

5. Subdivision Ordinance Sections 37-46 General Regulation and Design Standards

- a) Section 38 - Streets (a summary of relevant subsections): A land partition shall conform to the city street design standards.

FINDINGS: No new public or private streets are planned to the two parcels. Instead, access to Parcel 1 is proposed by a 25.5' access and utility easement. The applicant will be required to establish a shared driveway maintenance agreement for the driveway. The driveway must be improved to Fire District specifications. Access from Hillila Road to the existing dwelling on Parcel 2 is also available in the easement.

Fire Access: The Gearhart Fire Department letter dated July 11, 2017 outlines several access requirements for fire access safety in accordance with Oregon Fire Code (OFC). Prior to issuance of a building permit on Parcel 1 the applicant shall provide information showing compliance with the following:

- Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than

14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.

- Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on both sides of the access easement, unless the driveway width provides for on-street parking.
- Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
- Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650’ to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.

b) Section 39 - Recreation and Utility Easements:

FINDINGS: The City finds there are no plans for recreation easements on the subject site. A 25.5’-foot access and utility easement is proposed across Parcel 2 to provide utilities to Parcel 1. Existing utilities include natural gas, water, communications and electrical lines. A condition of approval that a water main be installed per city and fire requirements should be required.

c) Section 40 - Building Sites: Each lot shall be appropriate for the location, environmental features and for the type of development proposed. Each lot shall abut a street for a width of at least 25 feet. Through lots shall be avoided. Lot lines shall run at right angles to the street. Land which the Commission finds unsuitable for partitioning for reasons including flooding, improper drainage, wetlands or other concerns shall be set aside for a use which does not pose a danger or a negative impact.

FINDINGS: The City finds proposed Parcels 1 and 2 are appropriately sized and shaped for street frontage. Parcel 1 has street frontage by a legal access easement across Parcel 2. The parcels are not through lots located between two streets. Lot lines run at right angles to the street. There is a known wetland on the west side of the parcels that is unsuitable for any development. The wetland delineation was approved by DSL on 8-3-16. The dwelling on Parcel 2 exceeds the 25-foot minimum setback from the wetland boundary. A dwelling on Parcel 1 will be required to meet the wetland setback.

d) Section 43 – Water Courses: The land divider shall dedicate a right-of-way for storm drainage purposes, conforming to the lines of any natural water course or

channel, stream or creek that traverses the partition, or find an alternative method to dispose of storm water.

FINDINGS: The City finds that the proposal does not identify a natural water course on the site and does not include a plan for storm water runoff. At the time of a building permit request the applicant will be required to illustrate the location of roof drains and driveway drainage.

e) Section 46 – Wetlands and Areas Subject to Inundation: The Planning Commission may prohibit the partition of any portion of property which lies within the floodplain or wetlands of any stream or drainage course. These areas shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.

FINDINGS: The City finds that the official Geosmart Local Wetland Inventory LWI map illustrates a wetland on the west side of the parcel. The proposed partition provides area for two home sites west of and outside of the designated wetland. Staff requested contours of Parcel 1 to assure proper home placement is available. City staff met with the DSL representative at the site on June 29, 2017 and found the wetlands were flagged. DSL recommended the flagging be confirmed for accuracy. Staff requested the engineer confirm the flagging, and OTAK provided the data on an exhibit dated 7-19-17.

6. Subdivision Ordinance Sections 47 – 50 Improvements

a) Section 47 Improvement Standards and Approval

- 1) Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission.
- 2) Improvement work shall not be commenced until the City has been notified.
- 3) All required improvements shall be constructed under the inspection and to the satisfaction of the City.
- 4) All underground utilities shall be constructed prior to surfacing of the streets.
- 5) A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.

FINDINGS: The City finds that utility installations have been provided to serve Parcel 2. City staff indicated a water main shall be installed to the site. The applicant shall provide a map to the City showing all public improvements upon completion of installation.

b) Section 48 Improvement Requirements:

- 1) Public streets shall be improved.
- 2) Structures necessary for drainage, access and public safety shall be installed.
- 3) Storm water facilities or ground water recharge facilities shall be installed per city specifications.
- 4) Water mains and fire hydrants shall be installed per city specifications.
- 5) Underground utilities shall be installed.
- 6) Street lighting per city specifications shall be installed.
- 7) Street signs shall be installed per city specifications.
- 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
- 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The City finds that public and private utilities are available to Parcel 1 and 2. If applicable, street lighting and street sign locations and specifications shall be determined by City staff. City staff has not indicated a need for drainage improvements or easements. Damage to public streets related to the development shall be restored to existing conditions before the damage.

- c) Section 49 – Monuments: Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 - Monuments

FINDINGS: The above requirement should be a condition of approval.

- d) Section 50 – Survey Requirements: The surveyed plat shall be set according to ORS 92 and city specifications outlined in Section 50 – Survey Requirements.

FINDINGS: The above requirement should be a condition of approval.

IV. CONCLUSION

Based on the findings in this report, subject to additional information provided at the public hearing, Staff recommends approval of the proposed Land Partition subject to the following conditions of approval recommended in the findings, as may be modified by the Commission:

Prior to issuance of a building permit:

1. Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards on Parcel 1 shall first require an excavation and fill permit from the City Administrator.

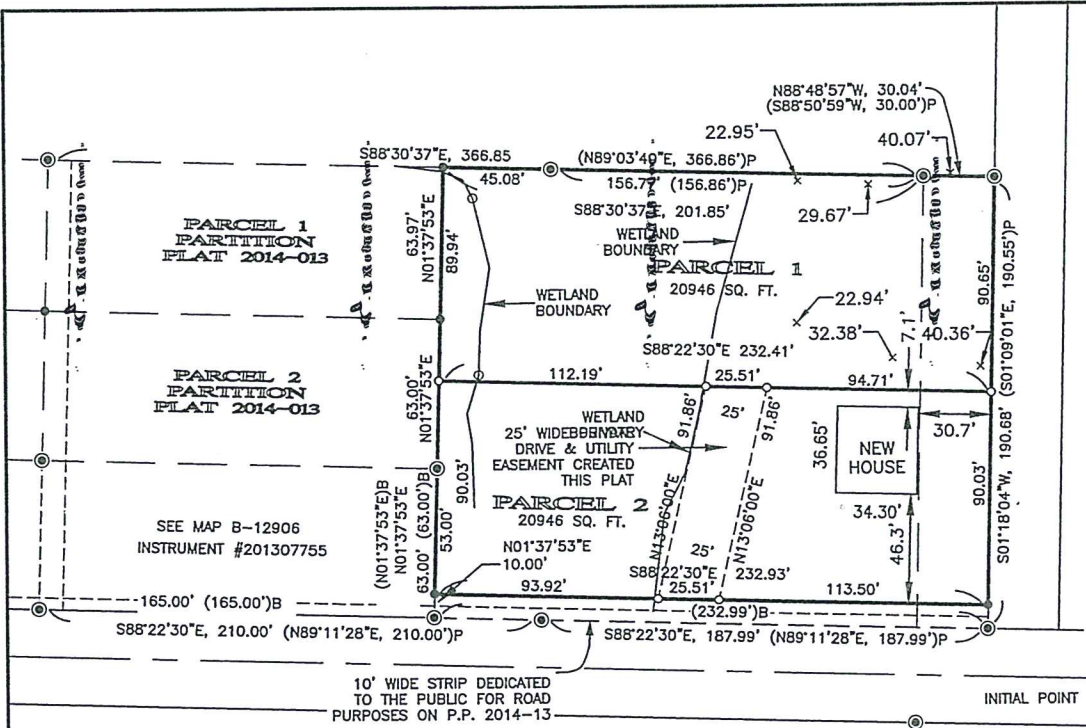
2. Prior to issuance of a building permit on Parcel 1, in accordance with Gearhart Fire Department letter dated July 11, 2017,
 - Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than 14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.
 - Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on both sides of the access easement, unless the driveway width provides for on-street parking.
 - Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
 - Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650’ to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.
3. A future home on Parcel 1 will be required to install a water main on the property to connect to city water, and the applicant shall pay the water connection fee prior to the issuance of a building permit. If applicable, street lighting and street sign locations and specifications shall be determined by City staff prior to applicant installation of said improvements.
4. The final partition plat shall include declaration of a common private road maintenance agreement between the two parcels to assure the driveway is adequately maintained.
5. Prior to development, Parcel 1 will be required to flag the approved wetland delineation. Site wetlands shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps. A future building permit on Parcel 1 shall be accompanied by proof of the minimum 25’ setback from the wetland.
6. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.
7. The applicant shall provide a map to the City showing all public improvements upon completion of those improvement installations.

8. Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 – Monuments. The surveyed plat of the partition shall be set according to ORS 92.060 and city specifications outlined in Section 50 – Survey Requirements.
9. This approval is valid for one year from the date this final decision was signed. Within that one year the Partition Plat shall be submitted to the City for approval. If necessary, the applicant may request that the City grant an extension to the one year expiration.

V. DECISION OPTIONS

The Planning Commission has the following motion options:

1. Based on the Findings in the City Staff Report I move we approve the proposed Preliminary Partition Plat for Ray Romine, File # 17-008P subject to the conditions of approval as presented and/or as modified by the Planning Commission; or
2. Due to the need for more information, I move that we continue the public hearing for the proposed Preliminary Partition Plat for Ray Romine, File # 17-008P until the September 14, 2017 meeting; or
3. Based on the testimony received and revised findings as directed by the Commission, I move that we deny the proposed Preliminary Partition Plat for Ray Romine. File #17-008P.



NARRATIVE
 PURPOSE OF THIS EXHIBIT IS TO SHOW THE LOCATION OF A HOUSE UNDER CONSTRUCTION ON THE PROPERTY PROPOSED FOR PARTITIONING.



S67462Y206.DWG

EXHIBIT FOR:
ROMINE CONST. LLC
 BEING A REPLAT OF TRACT A & A PORTION OF TRACT B,
 HERITAGE DUNES
 NW 1/4 SEC. 3, T6N, R10W, W.M.
 CITY OF GEARHART, CLATSOP COUNTY, OREGON



- SURVEYING
- CIVIL ENGINEERING
- PLANNING
- WATER & NATURAL RESOURCES
- WETLAND CONSULTING

CLATSOP COUNTY
 4253-A HWY 101 N.
 GEARHART, OR 97138
 (503) 738-3425
 FAX: (503) 738-7455
WWW.OTAK.COM

TILLAMOOK COUNTY
 (503) 368-5394
PACIFIC COUNTY
 (360) 642-4454

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 DALE N. BARRETT
 1979
 RENEWS: DECEMBER 31, 2017

DATE	JOB NO.	EQUIPMENT	FIELD	DRAWN	CHECKED
JULY 19, 2017	67462A	S7/TSC3	GAG	CC	DNB

Jump To: ▼

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Detailed information for the area you clicked on the map...

Ground Coordinates
 X: -1379373.017765
 Y: 5785678.8317935

Taxlots

ASSESSOR LINK: 61009ED03300
 MAP NUMBER: 6 10 3ED
 LOT NUMBER: 3300
 LOT SIZE: 41852
 YEAR BUILT: 0
 Owner Name 1: Romine Constuction LLC
 Owner Name 2:
 Owner Name 3:
 Situs Address:
 P.O. Box:
 Unit Number:
 In Care of: Ray Romine
 Mailing Address: 2170 Skyline Dr
 CITY, ST, ZIP: Seaside, OR, 97136-4602

Wetland Information

Wetland Type: W11
 Wetland Document Name:
 Wetland Verified: 0
 Wetland Map Label: DCNP
 Locally Significant: No

Disclaimer: This information is being distributed as demonstration data only. You should not use the data for any other purposes.



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X,Y: -13793773, 5785831 Lat, Lon: 46.034, -123.912 USNG: 10T DR 294588 982500

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Volunteer Fire Department

P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@cityofgearhart.com / gearhartfire.com (web)

July 11, 2017

Cheryl Lund
City of Gearhart Planning Department

RE: Partition - Ray Romine
Tax Lot 3300
Fire Dept. Access & Water Supply

Fire Department Access

All access roads shall meet City of Gearhart and OFC Road Standards.

An Apparatus Turnaround shall be provided and approved by the Fire Chief (location & dimensions); "NO PARKING" signs shall be installed in the apparatus turnaround. (OFC 503)

Access Road widths shall provide for "on-street parking" unless posted "NO PARKING" on one or both sides. (OFC 503)

Driveway access road(s) to individual (3 or less) structures shall have an improved surface of no less than 14 feet; if greater than 150 feet from the main access road an area to safely turnaround a fire department apparatus shall be provided. (OFC 503.1.1)

Water Supply:

The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105)

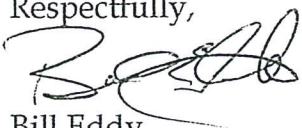
Flow testing or "hydraulic modeling" shall be completed for the water system and provided to the fire department.

Hydrant spacing shall be 500 feet. Location(s) shall be approved by the Fire Chief prior to installation.

Conclusion:

The "Preliminary Partition" attached does not show any Fire Department features (road widths, apparatus turnarounds measurements, hydrant locations, etc.), these requirements need to be approved by the Fire Chief prior to approval of this development. From the existing hydrant to the proposed "2nd lot" the distance measures approximately 625 to 650 feet as measured in an approved route around the exterior of the structure(s). (OFC 507.5.1).

If you should have any questions please feel free to contact me.

Respectfully,

Bill Eddy
Fire Chief
Gearhart Fire

Cheryl Lund

From: Mark Brien
Sent: Monday, July 24, 2017 10:31 PM
To: Cheryl Lund
Subject: Re: staff comments

Hello Cheryl,

Please see my variance responses below:

Rickles: I have no objections to the Rickles vacation rental on-street parking variance provided they are not blocking the street/fire department access.

Remer: I have no objections to the Remer vacation rental on-street parking variance provided they are not blocking the street/fire department access.

Romine: I have read the Fire Chiefs comments regarding this Partition and agree with it entirely. It is crucial for Romine to show how the fire apparatus access road, turnaround (if required), hydrant location and water supply will be met.

Please let me know if you have any questions.

Thank you,

Mark Brien
City of Gearhart
Building Official

On Fri, Jul 21, 2017 at 6:57 PM, Cheryl Lund <planning@ci.gearhart.or.us> wrote:

Reminder staff comments for 3 public hearings are due to Carole by Thursday 7/27, please cc me a copy for the file.

We still need the following comments from :

Romine land partition – Sweet – Brien & McFadden

Rickles vacation rental parking variance – Brien & Eddy

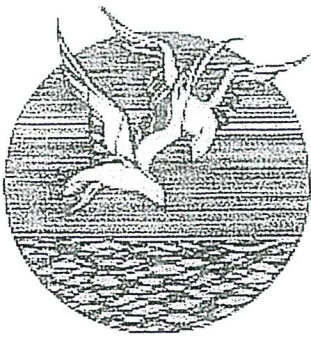
Remer vacation rental parking variance – Sweet, Bowman, Brien, Eddy

Thanks guys –

Cheryl

--

Mark Brien
City of Gearhart
Building Official



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

August 10, 2017

MEMBERS: Carl Anderson, Jeremy Davis, Virginia Dideum, Terry Graff, Richard Owsley and David Smith.

STAFF: Carole Connell

Minutes

The regular meeting of the Gearhart Planning Commission for August 10, 2017 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Graff, 2nd by Smith, Commissioner Taggard was unanimously granted an excused absence from the August 10, 2017 commission meeting.

On **MOTION** by Davis, 2nd by Owsley, the minutes of July 13, 2017 were unanimously approved.

The financial report as of August 1, 2017 was as follows:

Planning Commission expenses:

Year to date	2,083.61
Balance	7,916.39

Planning Commission Secretary Expenses:

Year to date	2,574.75
Balance	27,425.25

On **MOTION** by Anderson, 2nd by Owsley, the financial report of August 1, 2017 was unanimously approved.

STAFF REPORTS

Connell reported the council took the commission recommendation and adopted the Transportation System Plan with directions to the staff to write an ordinance for adoption at the September council meeting. She further reported the fire station and dune committee are on hold.

COMMISSIONERS

Commissioner Owsley will not be at the September commission meeting he will be attending his 50 year class reunion.

Commissioner Anderson requests an excused absence from the September commission meeting for his 50 year anniversary.

GOALS LIST

No action at this time.

CORRESPONDENCE

None

VISITORS COMMENTS NOT RELATED TO AGENDA ITEMS

None

PUBLIC HEARINGS

Dideum read the disclosure statement to cover all 3 public hearings. She asked if there was any exparte contact, conflict of interest or bias. None was declared. She asked if there were any audience challenges to the commission hearing the applications before the commission. None was voiced.

Dideum opened the public hearing at 6:06 pm.

File #17-008P Land Partition submitted Ray Romine to partition one parcel of land into two (2) lots for property located on Hillila Road approximately 490' east of Highway 101 and further described as Assessors Plat 6 10 3BD Tax Lot 3300.

Connell reviewed the staff report including the development history of the property noting it has been incrementally subdivided instead of a master subdivision plan addressing the improvements and developed the project in phases, a way of subverting the subdivision ordinance. She noted additional correspondence from Moberg & Rust disputing water service to the property. Connell said per applicant agreement with city staff the city water line is to be extended, the applicant through his attorney does not want to extend the water line due to the expense.

Smith asked for additional information on Parcel 1 having no street frontage and if it required a variance.

Connell stated due to the wetland the logical partitioning is away from the street frontage, the code allows for private easement to substitute for frontage and an easement is not a bad solution.

Dideum asked if the application was a subdivision or the whole development was a subdivision.

Connell said the application is a 2 lot land partition, she said sometimes you get into problems with a subdivision when the development is piece by piece instead of an overall plan including water and street layout.

Davis asked if the water was for the house or hydrant and fire.

Connell said everything, she said it is a requirement to have water. Connell confirmed the dispute is not over having water but whose water should be serving the property.

Ray Romine, applicant – 2170 Sylline Drive, Seaside – he said the endeavor started in 2007 when he was in the Urban Growth Boundary later annexed by the City of Gearhart. The rub is the city requirement of installing a 12" water main, 500 feet to service 2 houses. he said he did not want to install a 12" waterline for 2 houses and at that point went to the City of Warrenton to obtain water service. He said he received approval from Warrenton for water service. Sweet did not accept the proposal due to creation of an intergovernmental agreement. He was told he had no choice if he wanted to build a house and at that point he went to Goal 11 of the Comp Plan which allows for residences within the water service area to be free to obtain water in other services from other governmental agencies. Romine stated he is 10 feet away from Warrenton water that has a 20-inch main. He commented on the cities responsibility to have funds to provide services for properties they annex. Romine said the wetland delineation has been done and utilities are in progress, he cannot do anything else until the water issue is resolved and it is costing him time and money every day. He said changing the wording in the staff report from *main* to *service* on pages 7, 8 and 10 and on page 10 #3 change *city water* to *water* will resolve the issue since and stated the comp plan does not support the demand.

Smith asked about his statement of being within 10 feet of Warrenton water.

Romine said the connection was at the corner of Hillila and Tressel Road about 10-20' west towards his property is a 20" main running north and south.

Connell asked about location of water from the west end and if he installed it.

Romine said he did install the water and pointed to the location of the fire hydrants and end of the water line.

Connell said annexation does not occurs without owner's consent when a majority of the properties request annexation. Connell said early on city public works and the building inspector said the water main needed to be extended, this only becoming an issue when the applicant figured out how much it

would cost. Romine confirmed he bought the entire property and Connell pointed out he only partially extended water service and in a subdivision process the water would have been extended across the entire frontage.

Dideum asked if the applicant agreed at one time to hook up to the city then changed his mind?

Romine said a 2-inch line would be more than plenty to serve 2 lots, moving to a 12-inch main requires a \$5000 engineering bill, an agreement and permit from the state to install public water service. Romine did not want the cost or responsibility of installing 12-inch service to build the house, he needed to begin construction on the house, he was given no option but to put a 12 inch water main so he signed the agreement because he needed to have a job.

Connell asked if the fire chief was involved.

Romine said the chief was at the meeting and suggested either sprinkling the houses or installing a fire hydrant.

There were no proponents, no opponents and no neutral comments.

Romine restated portions of the comp plan with regards to annexation and the cities requirement to provide public services and encourages the city to be responsible in the future. He further quotes the plan as allowing residences to obtain water from the City of Warrenton.

On **MOTION** by Anderson, 2nd by Graff, the public hearing was continued until the water issue is resolved. Motion failed 2-4. Anderson -aye, Owsley – aye, Graff – nay, Davis – nay, Smith – nay, Dideum – nay.

On **MOTION** by Graff, 2nd by Smith, by unanimous motion the public hearing for file # 17-008P land partition submitted by Ray Romine was continued until September 14, 2017.

Dideum opened public hearing file #17-010V variance request submitted by Stephen Rickles seeking relief from Section 9.040 Variance of Off-Street Parking and Loading Facilities for vacation rental property at 837 Neacoxie Blvd and further described as Assessors Plat 6 10 4DA Tax Lot 2900.

Connell reviewed the staff report.

Stephen Rickles, applicant – 2855 SW Champlain Drive, Portland, OR 97202 – Rickles said there is a full 10 feet between the edge of the road and the hedge, with regards to the undeveloped portion of 8th Street due to the city shore pine plantings there is no access and they have never been able to park cars in the back yard. He concurred with the staff report noting the street is 50' wide, they can park all 4 cars in front of the house the undeveloped pedestrian walkway will not be impacted, they are not asking for anything new just approval to park in front of the house as they have done for 30 years with no calls to the police and fire regarding this house. He confirmed they are able to park 4 full size cars in front of the house, with regards to traffic volume Rickles said there is a 'dead end' sign about 100' down the street resulting in some cars entering the street then turning around. Granting the request would not impact neighboring houses. They maintain a gardener, the Escallonia is trimmed twice a year.

Smith asked how long the property has been a short-term rental

Rickles said he mother began renting the house in 1994 and the brothers have been renting since 2010. Rickles said his mother bought the spec house for the development noting it was approved without a garage or driveway, the family bought a completed house and has owned the home since 1989.

Graff asked if he has a property manager.

Rickles said he is the manager.

There were no opponents, no proponents and no neutral comments.

Rickles noted on page 4 of the staff report the parking is grandfathered without the required two off-street parking spaces.

Public hearing was closed at 7:30 pm.

Discussion followed on criteria for granting parking variance, lack of available alternative parking, setting precedence, potential number of additional parking variances.

Commissioner Anderson left the meeting at 7:45pm due to a work obligation.

On **MOTION** by Davis, 2nd by Owsley, a motion was made based on findings in the staff report to approve variance file #17-010V subject to a condition the hedge be trimmed back so there is always 10' wide parking along Neacoxie. Motion failed 2-3. Owsley – aye, Graff – nay, Davis – aye, Dideum – nay, Smith nay.

On **MOTION** by Smith, 2nd by Graff, based on revised findings variance file #17-010V is denied. Motion failed 2-2, 1 abstain. Owsley – nay, Graff – aye, Davis – nay, Dideum abstain, Smith -aye.

ON **MOTION** by Davis, 2nd by Owsley, variance file #17-010V is approved granting relief of off- street parking requirements based on findings the property is in the R3 zone, and there are a limited number of applications that will fall within the R3 zone. Motion passed 3-2. Owsley – aye, Graff - nay, Davis – aye, Dideum – aye, Smith – nay. (See attached findings)

Dideum opened public hearing file #17-011V variance request submitted by Candance Remer seeking relief from Section 9.040 Variance of Off-Street Parking and Loading Facilities for vacation rental property at 701 S Marion and further described as Assessors Plat 6.10 9DA Tax Lot 1300.

Connell reviewed the staff report noting the applicant is counting on garage parking.

Dave Remer, applicant – 2929 1st Avenue Penthouse 8, Seattle, WA 98121 – Remer stated the only issue with the property is its location on Little Beach and there is nothing they can do about the location. He said the July 4th cars at the property were his as allowed by all property owners not renters cars. He said the real issue is fairness, they are property owners and tax payers. He asked if there is anything he can do to mitigate the traffic reports since they are at an intersection of 2 dead-end streets, Ocean and Marion with parking generated by families parking to go to the beach not renters or homeowners. Remer said he has upgraded the home from septic to appearances and landscape. He said they use Kukui a great management firm. Remer talked about the negative current of commissioners and his ongoing hostility with Commissioner Graff. Dideum repeatedly reminded Remer to stick to the subject. Candace Remer said they are considering being proactive and put Best Beach property stickers in cars of vacation rentals that are allowed to park, she does not think renters have parked on G Street.

Owsley asked if there were No Parking signs posted on that part of town.

Connell did not think so.

There were no proponents, no opponents and no neutral comments.

The public hearing was closed at 8:40 pm.

Discussion followed on parking enforcement, city staff comments, neighbor complaints, neighborhood congestion. Remer repeatedly and loudly interrupted commission discussion, Dideum gaveled him down a few times. He walked out of the meeting before a determination was made on the application.

On **MOTION** by Graff, 2nd by Owsley, by unanimous motion variance file #17-011V is denied based on findings. (See attached)

OLD BUSINESS

None

NEW BUSINESS

None

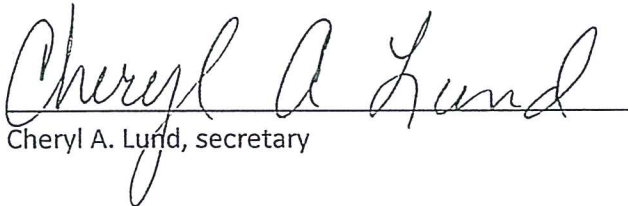
CONCERNS OF THE COMMISSION

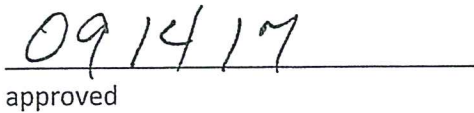
Graff reported Googling Gearhart rentals and reported VACASA has 40 plus rentals with over 2/3 renting for above the number of bedrooms. Connell said homes are supposed to be advertising for what properties are licensed for.

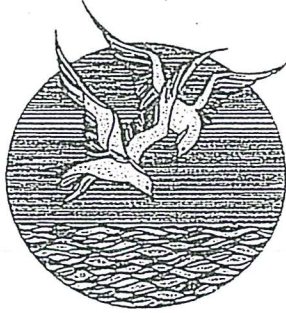
QUESTIONS FOR LAND USE ATTORNEY

None

On **MOTION** by Graff, 2nd by Owsley, the meeting was adjourned at 8:50 pm.


Cheryl A. Lund, secretary


approved



CITY OF GEARHART

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(503) 738-5501 • (503) FAX 738-9385

BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT
FOR A VRD PARKING VARIANCE

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FINAL FINDINGS
AND ORDER

CITY FILE #17-010V VRD Off-Street Parking - Rickles

APPROVAL of a Variance seeking relief from vacation rental off-street parking requirements for a vacation rental because the parcel has no garage or driveway

Property Owner: NSJ Properties, LLC
Stephen Rickles
2855 SW Champlain Drive
Portland, OR 97202

Applicant: Same as Owner

Location: 837 Neacoxie Blvd.; Tax Lot 2900 Map 06N10W Section 0DA

Completeness: 07-10-17
Notice Mailed: 07-21-17
Notice Published: 07-21-17
Initial hearing: 08-03-17
120-day deadline: 11-07-17

Exhibits: Applicant application, narrative, site plan, photos, 6-12 & 7-5-17
Gearhart Volunteer Fire: comments 7-24-17
Gearhart Building Inspector: comments 7-25-17
Gearhart City Manager: comments 7-18-17

Gearhart Police Chief: comments 7-10-17

Clatsop County Health: septic approval for a 4-bedroom dwelling

Public Notice response: none

Applicable Criteria:

- GZO Section 3.3 High Density Residential Zone R-3
- GZO Section 7.030 Vacation Rental Permit Standards and Procedures 1) Maximum Occupancy Calculations a.2) Off Street Parking; and 4) Off-Street Parking Requirements
- GZO Section 9.050 Variance Application and 9.040 Variance of Off-Street Parking and Loading Facilities
- GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to allow for the use of road right-of-way (ROW) for all of the required four off-street spaces to meet occupancy and parking requirements for a 4-bedroom vacation rental dwelling.
- B. Site information: The subject parcel has frontage on Neacoxie Blvd. and 8th Street. Both are designated local streets. 8th Street is undeveloped except for an informal trail between the current terminus of the street to the east and its intersection with Neacoxie Blvd. The Neacoxie Blvd. ROW width is 60 feet. There are no sidewalks. The 8th Street ROW width is 50 feet.

The front façade of the residence faces Neacoxie Blvd. Staff believes the front hedge on the west side of the residence is in the ROW, based on the location of the existing water meter and GIS map data. On the east side of the residence there is a septic tank and drain field, lawn and landscaping. It is not known if landscaping and the fence on the south side of the dwelling is in the undeveloped 8th Street ROW.

- C. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated High Density Residential R-3 by the Gearhart Zoning Ordinance. The GZO Article 7 specifies Vacation Rental Standards and Procedures. Section 7.020 3. R-3 Zone specifies a single family dwelling in the R-3 zone shall obtain a permit for a vacation rental.

D. Agency Coordination:

The Fire Chief said if the request for on-street parking does not in any way block regular access of the traveled street he has no issues with on-street parking, 7-24-17.

The City Building Official commented he had no objections provided they are not blocking the street/fire department access, 7-25-17.

The City Manager concerns are 1) that the visitor parking on the south side of the dwelling may impede the walking trail on the unimproved 8th Street ROW and suggested improvements be made to assure the 8th Street trail is accessible to the public; and 2) that there is adequate space for four vehicles to park on the Neacoxie Blvd ROW if the front hedge is trimmed back to accommodate a 10-foot wide parking space, 7-18-17.

The Police Chief said in summary to okay the variance because the Windward and Cottage condominiums across the street make this area more commercial. He also said this is an area where people park if they don't want to drive onto the beach, 7-10-17.

Clatsop County Public Health Department: approved a septic permit for a four bedroom dwelling.

E. GZO Section 3.3 R-3 Zone

The purpose of the High Density Residential R-3 zone is to provide for high density multi-family development with a maximum density of 16 dwelling units per net acre. Also to provide space for the orderly development and expansion of overnight accommodations and related businesses such as gift shops. Other uses such as churches, parks, government buildings and utilities are provided for in this zone. Conversion to resort uses should be provided with a minimum of disruption to existing residential values.

FINDINGS: The single family residence is a permitted use in the R-3 Zone. Surrounding uses are single family dwellings and the Windward and Cottage condominiums. The zone is intended to accommodate overnight accommodations and high density uses. The dwelling owner was permitted to apply for a Vacation Rental Dwelling Permit in the zone.

F. GZO Section 6.130 Off-Street Parking Requirements

A single family residence is required to have a minimum of two off-street parking spaces that are either graveled or paved. The parking space shall be located on the same lot with the dwelling.

FINDINGS: There is no on-site parking at the dwelling, therefore it does not comply with the requirement for two off-street parking spaces for a single family dwelling, and is grandfathered as such. Currently all parking for the dwelling is in the Neacoxie Blvd. and 8th Street right-of-ways.

Further, in accordance with Section 6.150 Off-Street Parking and Loading – General Provisions:

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

FINDINGS: When the building permit was issued for the dwelling it appears the minimum off-street parking was not required. The recently adopted vacation rental standards increased the parking requirements from two spaces to four spaces for the four bedroom dwelling. Without a variance approval the existing parking on the site is not in conformance with the vacation rental requirements because no outside off-street spaces are provided.

G. GZO Article 7 Vacation Rental Standards and Procedures
Section 7.030 Maximum Occupancy Calculation

Section 2) Off-Street Parking:

One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.

FINDINGS: As the site is now developed the applicant cannot comply with the rental permit parking requirements. The applicant requests continuation of its four bedroom dwelling occupancy by granting a variance permitting all four parking spaces to be located in the public street right-of-way.

In this location Neacoxie Blvd terminates as a dead end street because the ROW is undeveloped south of 8th Street. The applicant's sketch indicates the spaces are an estimated 8' x 17'. The City Administrator recommends the applicant trim the overgrown hedge in order to widen the parking strip on Neacoxie Blvd. to a minimum of 10-feet in order to minimize conflicts between occupants and vehicles turning around. On 8-3-17 he noted concern about vehicles blocking the pedestrian path on 8th Street. He said all areas around the house should be maximized to accommodate parking for guests and access to the trail.

Section 7.030 Off-Street Parking Requirements

- a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.030 (1) (a) (2) above, and are not required to be paved.
- b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street means within private property boundaries.

FINDINGS: The dwelling cannot satisfy the parking requirements unless the property is significantly modified to incorporate four off-street parking spaces. The applicant's sketch illustrates the location of four stalls, three in the Neacoxie Blvd. ROW and one in the 8th Street ROW. The City cannot guarantee parking for a dwelling will always be available in public street right-of-way.

H. GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities

A Variance to the requirements of this ordinance with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation and evidence submitted by the applicant all three (3) of the following expressly written findings are made:

Approval Criteria

1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Ordinance; and

FINDINGS: The present traffic volumes at the site or in the vicinity have not been quantified. Future traffic volumes in Gearhart are projected to increase as described in the Gearhart Transportation System Plan (TSP).

There is evidence that visitors' park in this general area as an alternative to driving on the beach. The area is often used as a turnaround point because the paved street terminates a few hundred feet to the south. Parking and turning around here is feasible because of the large amount of unused street right-of-way where Neacoxie and 8th streets intersect.

A four-bedroom vacation dwelling could attract multiple families. The City Manager said he does not recall any complaints about parking at this rental in the past six years. There is no evidence that the present or projected increase in traffic volumes on Neacoxie Blvd. or 8th Street will result in negative impacts on traffic flow in the area. If Neacoxie Blvd. is improved southward the traffic could increase and conflicts may arise that do not appear to exist now. But according to the Gearhart TSP, Neacoxie Blvd. is not planned to be developed.

The Planning Commission found present traffic volumes and a lack of known conflicts in this area do not appear to require strict or literal interpretation and enforcement of the vacation rental parking requirement. Further, the existing parking arrangement appears manageable due to the dead end nature of Neacoxie Blvd. and the lack of a public attraction at the end of the street. Further, the literal interpretation of the parking requirement creates an impractical solution to radically alter the parcel that was allowed to be built without any off-street parking.

2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the street; and

FINDINGS: There is no evidence that the use of the vacation home has resulted in the parking or loading of vehicles on Neacoxie Blvd. in such a manner as to materially interfere with the free flow of traffic on the street. Further, the adjoining dwelling to the south (SE corner of Neacoxie and 8th) was allowed to be built on the west

property line without a front yard setback and was allowed to install landscaping in the Neacoxie ROW. The landscaping extends significantly further into the ROW than the applicant's improvements, (see applicant's photos). Prior building permit approvals imply that Neacoxie Blvd. would never be developed to the south.

The adjoining unimproved 8th Street ROW is used as a public pedestrian trail. On the south side of the subject dwelling a graveled parking area has been established in the 8th Street ROW to accommodate parking for the rental. The street ROW is also used as a public turnaround area for drivers who decide not to proceed south on Neacoxie because the pavement narrows and public access is uncertain. But there is no evidence that parking at the dwelling materially interferes with the free flow of traffic.

3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this ordinance or policies contained within the Comprehensive Plan.

FINDINGS: Traffic volumes in Gearhart are projected to increase in the Gearhart TSP. At this time no evidence has been provided that parking and loading in this area has or will create a safety hazard in this location..

The following Comprehensive Plan policy requires development to be compatible with the residential character of Gearhart.

- *“The City will recognize the importance of the City’s residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions;” and;*

FINDINGS: The Planning Commission finds the adopted standards and procedures for vacation rental dwellings were established to protect residential neighborhoods from the negative impacts of the transient rental of property including traffic and similar disruptions created by vehicles to adjoining streets. In this case the subject area is a high-density R-3 zone that anticipates tourist accommodations and increased traffic. The Commission finds there is no evidence that use of the dwelling has resulted in unusual levels of traffic, safety hazards or traffic disruptions due to the existing parking arrangement.

II. DECISION

Based on the findings herein, on August 10, 2017 the Planning Commission decided to approve the Variance granting relief from the required off-street parking requirements for a vacation rental permit.

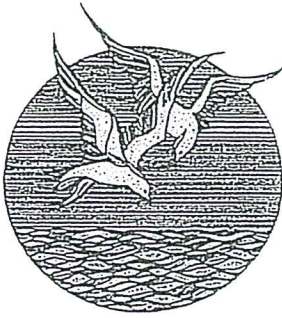
Signed: Virginia Dideum
Virginia Dideum, Planning Commission President

Date: 8/16/2017

DATE MAILED: 08/17/17 CZ

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.



CITY OF GEARHART

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BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT
FOR A VRD PARKING VARIANCE

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FINAL FINDINGS
AND ORDER

CITY FILE #17-011V VRD Off-Street Parking - Remer

DENIAL of a Variance seeking relief from vacation rental off-street parking requirements that prohibit use of the garage as an option for parking at the four bedroom dwelling

Property Owner: Candace & David Remer
2929 1st Avenue Penthouse 8
Seattle, WA 98121

Applicant: Same as Owner

Location: 701 S. Marion Avenue; Tax Lot 1300 Map 06N10W Section 9DA

Completeness: Memo to proceed without completeness 7-19-17
Notice Mailed: 07-21-17
Notice Published: 07-21-17
Initial hearing: 08-10-17
120-day deadline: 11-07-17

Exhibits: Applicant's original application & narrative
Applicant's supplemental narrative received 8-2-17& 8-10-17
City Rental Permit site plan and aerial photo
Gearhart Fire Chief: comments 7-24-17

Gearhart Building Inspector: no comment
Gearhart City Manager: comments 7-26 & 8-3-17
Gearhart Police Chief: comments 7-24-17
Gearhart Public Works: no comment
Public testimony: Paula Madden 7-31-17
Patricia Van Dyke 8-10-17

Applicable Criteria:

- GZO Section 3.1 Low Density Residential Zone R-1
- GZO Section 7.030 Vacation Rental Permit Standards and Procedures 1) Maximum Occupancy Calculations a.2) Off Street Parking; and 4) Off-Street Parking Requirements
- GZO Section 9.050 Variance Application; 9.040 Variance of Off Street Parking and Loading facilities
- GZO Article 3 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to allow use of an existing two-car garage to park two of the four off-street spaces needed to meet occupancy and parking requirements for a 4-bedroom vacation rental dwelling.
- B. Site information: The subject parcel has frontage on Marion and G streets. Both are designated local streets in this particular location. There are no sidewalks on either street in this area. A sidewalk is planned on G Street (Gearhart TSP). The Marion Avenue ROW width is 60 feet and the G Street ROW width is 60 feet.

The front façade of the residence faces Marion Avenue and appears to be an estimated fifteen feet from the property line. The north façade faces G Street and is only a few feet from the property line. Site landscaping is located in the ROW of both Marion and G streets. On the east side of the residence there is a septic system and landscaping. An attached aerial photo illustrates site improvements extending into the right-of-way of both streets. Parking at the subject dwelling regularly occurs on the Marion Ave frontage.

- C. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated Low Density Residential R-1 by the Gearhart Zoning Ordinance. The GZO Article 7 specifies Vacation Rental Standards and Procedures.

D. Agency Coordination:

The Fire Chief said on-street parking shall not, in any way, block regular access of the traveled street. If this requirement can be met there are no issues, he said.

The City Building Official said he had no objections provided they are not blocking the street/fire department access, 7-25-17.

The City Manager said the graveled frontage on Marion is wide enough to accommodate vehicles but there is no available parking on G Street due to site landscaping in the ROW. He suggests trimming of landscaping if parking is allowed on the Marion Avenue ROW, 7-26-17. He added that it was the PC and CC's desire for the parking requirements to reduce the impact of rentals in residential neighborhoods, 8-3-17.

The Police Chief said "No, this area is already crowded with vehicles. Vehicles for this residence have also been using G Street right-of-way. The area is R-1 and not near any "C" commercial zones."

Clatsop County Public Health: The Certificate of Compliance indicates the septic system is designed to accommodate a maximum 3-bedroom house and a peak flow of 375 gallons per day, 7-28-17.

Therefore, at this time the 4-bedroom dwelling is limited to 3-bedroom occupancy by the county certification. It is not known if the applicant plans to upgrade the system to permit 4-bedroom occupancy.

E. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential R-1 zone is to provide for low density single family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses.

FINDINGS: The R-1 zone is a low density residential zone. Surrounding uses in all directions are single family dwellings zoned R-1. . The subject single family residence is a permitted use in the R-1 Zone. The dwelling owner was permitted to apply for a Vacation Rental Dwelling Permit.

F. GZO Section 6.130 Off-Street Parking Requirements

Generally, a single family residence is required to have a minimum of two off-street parking spaces that are either graveled or paved. The parking space shall be located on the same lot with the dwelling.

FINDINGS: The subject dwelling met the requirement for two off-street parking spaces for a single family dwelling building permit by providing at least two spaces in the driveway and garage.

In addition, the following Section 6.150 Off-Street Parking and Loading – General Provisions recognizes that changing the dwelling to a vacation rental increases the off-street parking requirements for the dwelling:

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

FINDINGS: The recently adopted vacation rental standards increased the parking requirements from two spaces to four outside spaces for the four bedroom dwelling. The existing parking on the site is not in conformance with the vacation rental requirements because only two outside spaces are provided by the driveway on the property. The applicant requested a variance to use the garage for two additional spaces so they can advertise the dwelling as a four bedroom rental.

G. GZO Article 7 Vacation Rental Standards and Procedures

- Section 7.030 Maximum Occupancy Calculation
 - 1) Occupancy per Bedroom; 2) Off-Street Parking; 3) Septic System:

The subject four bedroom dwelling is limited to eight occupants. One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of

the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.

FINDINGS: On June 28, 2017 the application was submitted pending payment of the fee. On July 10, 2017 the City Planner requested additional site information, including a site plan, photos and a substantive response to the application requirements and approval criteria for a parking variance. An example of a site plan illustrating the parking stall locations, dimensions and other site details was provided to the applicant. The applicant did not reply and the City Planner requested the information again on July 17, 2017. The applicant did not provide the scaled site plan with parking space and garage dimensions required information for the variance application. In a letter to the applicant dated July 19, 2017 the City Planner stated the information still had not been received but the City would proceed with requesting city department comments, publishing a public hearing notice and writing the staff report so the application could be heard by the Planning Commission at their August 10, 2017 meeting. The staff used incomplete information from the vacation rental permit application file illustrating four 9 x 15 spaces, two in the garage and two in the driveway. But no property lines, setbacks, street measurements or other detail was on the plan to adequately inform the staff or the Planning Commission in evaluating the request. On August 2, 2017 the applicant supplied an incomplete response to the variance approval criteria and a photo but no site plan details. On August 10, 2017 (the day of the hearing) the applicant provided a brief written response to the off-street parking variance approval criteria. The garage and driveway dimensions have not been verified and staff did not go on site to take the necessary measurements.

- o Section 4. Off-Street Parking Requirements
 - a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.030 (1) (a) (2) above, and are not required to be paved.
 - b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street means within private property boundaries.

FINDINGS: The Planning Commission finds there is not adequate off-street parking to meet the parking demands for the subject rental. There is evidence that renters have parked on the street, sometimes in the street and not in the garage. There is daily evidence in Gearhart that visitors do not make an effort to park inside the garage of a

rental, especially when cars are in the driveway at the time they are looking for a parking space. Consequently they park in the street right-of-way. This is why the parking requirements do not allow for garage parking to meet the required number of spaces.

H. GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities

A Variance to requirements of this ordinance with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation and evidence submitted by the applicant all three (3) of the following expressly written findings are made. Where a variance request is being reviewed for off-street parking, only the criteria of this section shall be addressed. The criteria of Section 9.030 Criteria for Granting Variances are not applicable.

Off-Street Parking Variance Approval Criteria

1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Ordinance; and

FINDINGS: Current traffic volumes at the site or in the vicinity have not been quantified. Summertime volumes are significantly higher than annual average volumes. Future traffic volumes in Gearhart are projected to increase as described in the Gearhart Transportation System Plan (TSP), 2017.

The Planning Commission found the four-bedroom vacation dwelling may attract multiple families and more than four vehicles. There is evidence from the City Police Chief that this area gets crowded with vehicles, exacerbated by visitors parking in the ROW to access the popular public trail to the beach. There is evidence of neighbor complaints indicated in letters from Paula Madden and Pat Van Dyke concerning multiple cars parking in the right-of-way on this block. Accessible parking adjoining the dwelling is constrained because established trees and landscaping on the property occupy a portion of G Street and Marion Avenue ROW. A "No Parking" sign is posted on the north side of G Street. There is evidence that vehicles regularly park in the ROW in front of the dwelling

A projected increase in traffic volumes and pedestrian travel on Marion Avenue and G Street will increase the negative impacts on traffic flow in the subject area. The Planning Commission finds this is a location where strict enforcement of parking requirements applies because there is no guarantee that renters will use the garage, the

number of vehicles coming to the rental could easily exceed four, the rights of way are encroached upon by landscaping and the two streets provide parking and pedestrian access to two popular beach trails.

In response to this criterion the applicant said “we anticipate no current or future impact with regard to traffic volumes by granting this variance. There is ample available off street parking directly in front of our property on the unpaved shoulder.” The statement implies the shoulder is available for their guest parking.

The Planning Commission finds present and future traffic volumes generated by the transient rental of the subject four bedroom dwelling require strict interpretation and enforcement of the requirement to provide four on-site, outside parking spaces on the property in this location.

2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the street; and

FINDINGS: There is no evidence that counting interior garage spaces towards the minimum of four required outside parking spaces will guarantee the garage will be used by vacationers, or improve existing and projected traffic volumes and conflicts. There is evidence from the City Police Chief and neighbors that the vacation home currently attracts multiple vehicles that are parked on both S. Marion Avenue and G Street in such a manner as to materially interfere with the free flow of traffic in the area. There is evidence that the subject garage is not regularly used for occupants of the subject dwelling.

In response to this criterion the applicant said “granting this variance will not result in any interference with regard to traffic flow as the footprint is more than adequate to accommodate 2-3 vehicles in front of our property.” The Planning Commission finds the dwelling has a two-car garage yet there is evidence that rental use currently generates guest parking in the road that interferes with the free flow of traffic and pedestrians in this particular area.

3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this ordinance or policies contained within the Comprehensive Plan.

FINDINGS: According to the Gearhart TSP, traffic volumes and vehicle conflicts on S. Marion Avenue and G Streets are projected to increase. Pedestrian conflicts will

also increase because G Street is a popular pedestrian route to a beach trail to the west and Marion Avenue provides access to a primary beach trail to the south. The TSP identifies a need to provide a future sidewalk on G Street for pedestrians. If renters decide it is too inconvenient to park in the garage they will choose the easier option to park in the ROW. Evidence has been provided that parking and loading in this area creates a safety hazard for pedestrians now. Further, emergency vehicles that need to access this block or the two heavily used beach trails may be blocked by vehicles in either street ROW abutting the subject dwelling.

The following Comprehensive Plan policy requires development to be compatible with the residential character of Gearhart.

- *“The City will recognize the importance of the City’s residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions;” and;*

FINDINGS: The Planning Commission and City Council spent considerable time over a three-year period to develop vacation rental controls in order to protect residential neighborhoods from the negative impacts of the transient rental of property in Gearhart. The dwelling is located in a large, low density residential R-1 zone that encompasses an estimated 10 square blocks of single family homes. An increase in traffic levels, vehicles and disruptions caused by vacation rentals occur in this block. The Gearhart TSP anticipates there will be increased traffic and pedestrian use in this area.

The Commission finds the dwelling has a garage but evidence indicates renters at the dwelling do not use the garage and consistently park in the street right-of-way, and sometimes in the street. The parking patterns caused by street parking in this location are inconsistent with the low density residential qualities of the R-1 zone. The Planning Commission finds the intent of the Comprehensive Plan policy is supported by the vacation rental parking restrictions that were enacted to protect the low density residential neighborhood from known negative impacts such as those in this block.

In response to this criterion the applicant said “we see no safety hazard or any other condition that would affect the Comprehensive Plan by granting the variance.” The Planning Commission finds that granting of a variance to count the garage spaces as parking at this dwelling will not resolve the existing negative impacts created by vehicles parked at the rental property and the potential safety

hazard created by vehicles parking on the street. There is evidence the existing garage is not used nor will be used by guests in the future. The Commission finds the City Police Chief said the rental currently causes traffic disruption in this area and those conflicts will be exacerbated as traffic volumes and pedestrian activity increase in the future.

II. DECISION

Based on the findings herein, on August 10, 2017 the Planning Commission decided to deny the Variance request to allow the dwelling to use the two garage parking stalls for two of the four required off-street parking stalls required for the dwelling.

Signed: Virginia Dideem Date: 8/10/2017
Virginia Dideem Planning Commission President

DATE MAILED: 08/17/17 CJ

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.

Water Connection Gearhart

James Dunn to me

2:42 PM

Chad,

Thank you for the opportunity to respond to this inquiry. See my answers to your questions below.

...

1) Does Warrenton have a policy allowing water connections within another municipalities water district?

The City Does not have a written policy, but there is no intent or desire to provide water service in another agency's service area. Furthermore, it is a common practice not to do so.

...

2) Has Mr. Romine received permission from the City of Warrenton to make that connection to your city's water main?

Mr. Romine has not received permission to connect to the City of Warrenton's water main.

From: Chad Sweet [mailto:chadsweet@cityofgearhart.com]

Sent: Thursday, August 24, 2017 3:29 PM

To: James Dunn <jdunn@ci.warrenton.or.us>

Subject: Water Connection Gearhart

...

ORDINANCE NO. 815

AN ORDINANCE ANNEXING A PORTION OF THE NORTH URBAN GROWTH AREA INTO THE CITY OF GEARHART.

The City of Gearhart does ordain as follows:

Section 1. Annexation Area. The territory described as: Assessor Plat 71034CA, Tax lots 01700 through and including tax lot 04000, Assessors Plat 71034CD, Tax lots 00500 through and including tax lot 02700, Assessors Plat 6103BA, Tax lots 00100 through and including tax lot 03500, Assessors Plat 6103BD, Tax lot 03000 through and including tax lot 05100.

Passed by the Common Council of the City of Gearhart this 3rd day of
December 2008.

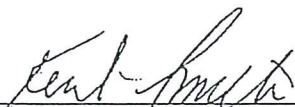
Yeas: 5

Nays:

Absent:

Abstain:

Signed and approved by the Mayor of the City of Gearhart this 3rd day of
December 2008.



Mayor Kent Smith

ATTEST:



Dennis McNally, City Administrator

I CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY.



Dennis McNally

ORDINANCE NO. 820

AN ORDINANCE AMMENDING ORDINANCE 815 ANNEXING A PORTION OF THE NORTH URBAN GROWTH AREA INTO THE CITY OF GEARHART.

The City of Gearhart does ordain as follows:

Section 1. Annexation Area. Amend Assessor Plat map 7-10-34CA Tax Lots 1700 through and including tax lot 04000, to read Tax Lots 1800 through and including tax lot 04000, Assessors Plat 71034CD, Tax lots 00500 through and including tax lot 02700. Amend Assessors Plat 6 10 03BA Tax lots 00100 through and including tax lot 03500, to read Tax Lots 00100 through and including tax lot 901, and including tax lots 2500 through and including 03400. Add Assessor Plat Map 710 34 portion of Tax Lot 813. Add Assessor Plat Map 610 3B portion of Tax Lots 4700, 4701 and 5303. Add Assessor Plat Map 610 3BD Tax Lots 5000 through and including tax lot 5100 And to include all that is shown on legal description (Exh. A)

Passed by the Common Council of the City of Gearhart this 4th day of February 2009.

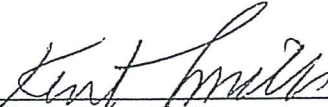
Yeas: 5

Nays: 0

Absent: 0

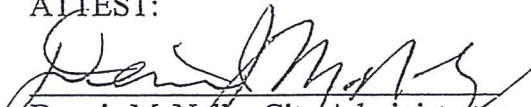
Abstain: 0

Signed and approved by the Mayor of the City of Gearhart this 4th day of February, 2009.



Mayor Kent Smith

ATTEST:



Dennis McNally, City Administrator



4253-a highway 101 north • seaside, oregon 97138
(503) 738-3425 • fax (503) 738-7455
www.hlb-otak.com

Legal Description
for
City of Gearhart
of
Proposed Annexation Boundary

February 3, 2009

Situated in Section 3, Township 6 North, Range 10 West, W.M. and Section 34, Township 7 North, Range 10 West, W.M, County of Clatsop, State of Oregon

Beginning at the Southwest corner of Lot 8, Plat of Eastpine, records of Clatsop County, Oregon, in Section 34, Township 7 North, Range 10 West, Willamette Meridian, Clatsop County Oregon;

thence Easterly along the South line Lots 8, 7, 6, and 5 of said Eastpine Plat, Parcel 1 Partition Plat 1994-050, Parcel 1 Partition Plat 1995-004, and Parcel 3 Partition Plat 1995-006 a distance of 820 feet more or less to the center line of the abandoned Spokane, Portland and Seattle Railroad right-of-way;

thence Southerly along said railroad right-of-way center line a distance of 4,103 feet, more or less, to the Easterly extension of the North line of Hillila Road;

thence Southwesterly a distance of 50 feet more or less to the intersection of the West right-of-way line of said abandoned Spokane, Portland and Seattle Railroad and the South Line of Hillila Road;

thence Southerly along the West Line of the Abandoned Spokane, Portland, and Seattle Railroad a distance of 190 feet to the Northeast corner of that property conveyed to McFarland H1 Trust as described in Book 918, Pages 676 and 677, Clatsop County Deed Records;

thence East along along the Easterly extension of said McFarland Property 30 feet, more or less, to the centerline of the abandoned Spokane, Portland and Seattle Railroad right-of-way;

thence Southerly along the centerline of said Railroad a distance of 191.5 feet more or less to the North line of Clover Crest Gardens Stage 2;

thence Easterly along said North line a distance of 30 feet more or less to the East line of the abandon Spokane, Portland and Seattle Railroad right-of-way also being the East line of Clover Crest Gardens Stage 2;

thence Southerly along said East line a distance of 325 feet more or less to the Southeast corner of Clover Crest Gardens Stage 2;

thence Westerly along the South line of said Clover Crest Gardens Stage 2 a distance of 30 feet more or less to the Northeast corner of Garden Terrace;

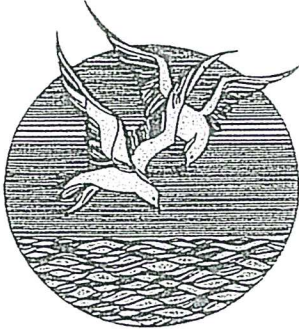
thence Southerly along the East line and the extension thereof of said Garden Terrace a distance of 250 feet more or less to the extension of the South line of Fifer Heights and Royal Chinook Subdivisions;

thence Westerly along the extension of said South line a distance of 659 feet more or less to the East right-of-way line of the Oregon Coast Highway 101;

thence Northerly along said East Highway right-of-way line a distance of 5,130 feet more or less to the Point of Beginning.



RENEWAL DATE: DEC. 31, 09



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

CITY OF GEARHART PLANNING COMMISSION

City Staff Report for Romine Land Partition
August 3, 2017

APPLICATION DATA

REQUEST: A request by Ray Romine for City approval of a two-lot Land Partition to create one new single family home site

FILE NUMBER: File# 17-008P Romine

OWNER: Ray Romine
2170 Skyline Drive
Seaside, Oregon 97138
romine4@charter.net

APPLICANT: Same as above

SURVEYOR: OTAK Inc.
Dale Barrett
4253-A Hwy 101 North
Gearhart, OR 97138

LOCATION: North side of Hillila Road, North half of Tract A, Map 6-10-3BD
Tax Lot 3300, Heritage Dunes Subdivision

EXHIBITS: 1. Applicant's land partition application form; Preliminary Partition Plat, OTAK 3-14-17
2. OTAK wetland boundary map illustration 7-19-17

3. DSL Wetland Delineation concurrence letter, 8-3-16
4. Gearhart Wetland Inventory map
5. Gearhart Police Chief: no comment 7-10-17
6. Gearhart Fire Department: letter with conditions 7-12-17
7. Gearhart Public Works: with condition 7-24-17
8. Gearhart Building Inspector: agrees with Fire Chief 7-25-17
9. Gearhart City Administrator: see wetland inventory; water service required to site.
9. Clatsop County: No reply received

PROCEDURES: Application deemed complete: 6-26-17
 Notice sent: 7-21-17
 Notice published: 7-21-17
 Initial Public Hearing: 8-10-17
 120-day decision due: 10-25-17

I. APPLICABLE REVIEW CRITERIA

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 11.010 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 26 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on Hillila Road, a county road which is paved and has 40 feet of right-of-way. Parcel 2 has direct access to Hillila Road. The proposed Parcel 1 will have access to Hillila by a dedicated driveway easement across Parcel 1. The partition plat includes a 10-foot wide roadway dedication on the parcel's Hillila Road frontage.

3. Site Characteristics: The tree-covered site is in the flood hazard zone "X". Wetlands exist on the west boundary. The east end rises in elevation in a dune formation. The abandoned rail right-of-way is privately owned where it adjoins the east boundary of the subject site. Parcel 2 has been graded and a dwelling is near completion. The dwelling on Parcel 2 is setback from the delineated wetland. Parcel 1 is a future home site.
4. Agency comments: Comments were received from the City Administrator, Gearhart Fire Department, Public Works and Building Official. There were no concerns reported by City Police Chief or Clatsop County.
5. Procedure: Approval of a land partition shall be in accordance with the application and procedural requirements of GZO Article 11 Administrative Provisions and the Gearhart Subdivision Ordinance.

II. FINDINGS

1. GZO Section 3.1 Low Density Residential R-1: The R-1 zone permits a maximum of 4 dwelling units per acre. The minimum lot size is 10,000 square feet. Lot coverage maximum is 35% and building height maximum is 30 feet or two stories, whichever is less.

FINDINGS: The subject parcel is .96 acres and is proposed to be divided into two 20,946 square foot parcels for 2 single family dwellings. The two proposed parcels exceed the minimum 10,000 square foot lot size. The City Building Official reviewed the construction plans for the dwelling under construction regarding setbacks, height and lot coverage for Parcel 2. A future dwelling on Parcel 1 will be required to meet the same R-1 standards.

Wetland: In a prior 2014 approval the parcel owner was required to perform a site specific wetland delineation to determine if the subject parcel can be developed. The wetland delineation was provided to DSL by Ecological Land Services. DSL approved the delineation in their letter dated 8-3-16. On June 30, 2017 the City Planner and the DSL representative met on site to verify the wetland flagging in relation to the dwelling under construction. DSL was satisfied with the setback of the dwelling and found there had been no wetland fill. There was no additional correspondence from DSL.

2. GZO Section 3.1380 Development Standards in the FW Zone:
 - a) Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City.

The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.

- b) All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and / or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.
- c) When property proposed for development is wholly or partially within areas identified as wetlands within the City's F.W Zone boundary, the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.
- d) When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and / or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.
- e) When excavation is permitted, a signed stamped report and plan review by a qualified professional such as licensed engineer and / or a licensed engineering geologist shall be required that recommends that the excavation shall cover no more area than the minimum necessary to accomplish the proposed activity, that the excavation will not increase sedimentation or flooding to the site or downstream properties, and that the activity will not cause adverse impacts to the site and surrounding area.

FINDINGS: As shown on the attached map a wetland has been identified on the west side of the site. The DSL has concurred with the applicant's wetland delineation. The applicant's site map dated 7-19-17 illustrates the wetland

boundary on Parcel 1 and 2. The City and DSL approved the dwelling location on Parcel 2 based on the required 25' wetland boundary setback. The proposed 25' access and utility easement provides the required setback for dwellings on both parcels. However, as a condition of approval a future building permit on Parcel 1 should be accompanied by proof of the minimum 25' setback from the wetland as well as excavation and fill plans..

3. Article 6 Supplementary Provisions

- a) Section 6.030 Street access: requires a minimum of 25 feet of frontage.

FINDINGS: The City finds that Parcel 2 has an estimated 233 feet of frontage on Hillia Road. Parcel 1 has an estimated 25.5' of Parcel 2's frontage for use as a private driveway easement. An easement can be a substitute for actual street frontage.

- b) Section 6.130 Off-Street Parking: Two off-street parking spaces are required per dwelling.

FINDINGS: The City finds that when a building permit is requested the Building Official will require that two off-street parking spaces be provided on each parcel.

- c) Section 6.161 Landscape Plan on Hwy 101: All new subdivisions are required to provide a minimum 10' wide landscaped buffer on lots adjacent to Highway 101.

FINDINGS: The City finds that the subject partition does not have frontage on Highway 101.

- d) Section 6.180 Excavation: Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards shall first require an excavation and fill permit from the City Administrator.

FINDINGS: The City finds that before vegetation removal, excavation or grading commences on Parcel 1 the applicant shall obtain city approved plans, and this should be a condition of approval.

- e) Section 6.195 Tree Removal: The purpose of this section is to assure that mature trees are removed only when necessary. A tree is defined as at least 12 inches in diameter at 4.5 feet above grade. Any person planning to cut more than 5 trees within a 12 month period shall first obtain a tree removal permit from the City.

FINDINGS: The application does not describe tree removal plans for Parcel 1. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.

- f) Section 6.200 Protection of Archaeological Sites: The Building Official shall review building permits and the City Administrator shall review other land use actions that may affect a known archaeological site.

FINDINGS: The City is not aware of an archaeological site on the subject parcel.

4. Subdivision Ordinance Sections 23 – 36 Land Partitioning submittal requirements

- a) Sections 24 to 36 describe partition plat submittal requirements, review procedures and final plat filing requirements.

FINDINGS: The City finds that the relevant data has been provided except that vegetation and tree removal plans, excavation and fill plans or site contours have not been provided for Parcel 1. This information can be provided with the final plat submittal or at the time of a building permit submittal for Parcel 1.

5. Subdivision Ordinance Sections 37-46 General Regulation and Design Standards

- a) Section 38 - Streets (a summary of relevant subsections): A land partition shall conform to the city street design standards.

FINDINGS: No new public or private streets are planned to the two parcels. Instead, access to Parcel 1 is proposed by a 25.5' access and utility easement. The applicant will be required to establish a shared driveway maintenance agreement for the driveway. The driveway must be improved to Fire District specifications. Access from Hillila Road to the existing dwelling on Parcel 2 is also available in the easement.

Fire Access: The Gearhart Fire Department letter dated July 11, 2017 outlines several access requirements for fire access safety in accordance with Oregon Fire Code (OFC). Prior to issuance of a building permit on Parcel 1 the applicant shall provide information showing compliance with the following:

- Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than

14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.

- o Signage: The applicant shall install a "NO PARKING – FIRE LANE" sign on both sides of the access easement, unless the driveway width provides for on-street parking.
- o Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
- o Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650' to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.

b) Section 9 - Recreation and Utility Easements:

FINDINGS: The City finds there are no plans for recreation easements on the subject site. A 25.5'-foot access and utility easement is proposed across Parcel 2 to provide utilities to Parcel 1. Existing utilities include natural gas, water, communications and electrical lines. A condition of approval that a water main be installed per city and fire requirements should be required.

c) Section 40 - Building Sites: Each lot shall be appropriate for the location, environmental features and for the type of development proposed. Each lot shall abut a street for a width of at least 25 feet. Through lots shall be avoided. Lot lines shall run at right angles to the street. Land which the Commission finds unsuitable for partitioning for reasons including flooding, improper drainage, wetlands or other concerns shall be set aside for a use which does not pose a danger or a negative impact.

FINDINGS: The City finds proposed Parcels 1 and 2 are appropriately sized and shaped for street frontage. Parcel 1 has street frontage by a legal access easement across Parcel 2. The parcels are not through lots located between two streets. Lot lines run at right angles to the street. There is a known wetland on the west side of the parcels that is unsuitable for any development. The wetland delineation was approved by DSL on 8-3-16. The dwelling on Parcel 2 exceeds the 25-foot minimum setback from the wetland boundary. A dwelling on Parcel 1 will be required to meet the wetland setback.

d) Section 43 – Water Courses: The land divider shall dedicate a right-of-way for storm drainage purposes, conforming to the lines of any natural water course or

channel, stream or creek that traverses the partition, or find an alternative method to dispose of storm water.

FINDINGS: The City finds that the proposal does not identify a natural water course on the site and does not include a plan for storm water runoff. At the time of a building permit request the applicant will be required to illustrate the location of roof drains and driveway drainage.

e) Section 46 – Wetlands and Areas Subject to Inundation: The Planning Commission may prohibit the partition of any portion of property which lies within the floodplain or wetlands of any stream or drainage course. These areas shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.

FINDINGS: The City finds that the official Gearhart Local Wetland Inventory (LWI) map illustrates a wetland on the west side of the parcel. The proposed partition provides area for two home sites west of and outside of the designated wetland. Staff requested contours of Parcel 1 to assure proper home placement is available. City staff met with the DSL representative at the site on June 29, 2017 and found the wetlands were flagged. DSL recommended the flagging be confirmed for accuracy. Staff requested the engineer confirm the flagging, and OTAK provided the data on an exhibit dated 7-19-17.

6. Subdivision Ordinance Sections 47 – 50 Improvements

a) Section 47 Improvement Standards and Approval

- 1) Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission.
- 2) Improvement work shall not be commenced until the City has been notified.
- 3) All required improvements shall be constructed under the inspection and to the satisfaction of the City.
- 4) All underground utilities shall be constructed prior to surfacing of the streets.
- 5) A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.

FINDINGS: The City finds that utility installations have been provided to serve Parcel 2. City staff indicated a water main shall be installed to the site. The applicant shall provide a map to the City showing all public improvements upon completion of installation.

b) Section 48 Improvement Requirements:

- 1) Public streets shall be improved.
- 2) Structures necessary for drainage, access and public safety shall be installed.
- 3) Storm water facilities or ground water recharge facilities shall be installed per city specifications.
- 4) Water mains and fire hydrants shall be installed per city specifications.
- 5) Underground utilities shall be installed.
- 6) Street lighting per city specifications shall be installed.
- 7) Street signs shall be installed per city specifications.
- 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
- 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The City finds that public and private utilities are available to Parcel 1 and 2. If applicable, street lighting and street sign locations and specifications shall be determined by City staff. City staff has not indicated a need for drainage improvements or easements. Damage to public streets related to the development shall be restored to existing conditions before the damage.

- c) Section 49 – Monuments: Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 - Monuments

FINDINGS: The above requirement should be a condition of approval.

- d) Section 50 – Survey Requirements: The surveyed plat shall be set according to ORS 92 and city specifications outlined in Section 50 – Survey Requirements.

FINDINGS: The above requirement should be a condition of approval.

IV. CONCLUSION

Based on the findings in this report, subject to additional information provided at the public hearing, Staff recommends approval of the proposed Land Partition subject to the following conditions of approval recommended in the findings, as may be modified by the Commission:

Prior to issuance of a building permit:

1. Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards on Parcel 1 shall first require an excavation and fill permit from the City Administrator.

2. Prior to issuance of a building permit on Parcel 1, in accordance with Gearhart Fire Department letter dated July 11, 2017,
 - Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than 14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.
 - Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on both sides of the access easement, unless the driveway width provides for on-street parking.
 - Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
 - Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650’ to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.
3. A future home on Parcel 1 will be required to install a water main on the property to connect to city water, and the applicant shall pay the water connection fee prior to the issuance of a building permit. If applicable, street lighting and street sign locations and specifications shall be determined by City staff prior to applicant installation of said improvements.
4. The final partition plat shall include declaration of a common private road maintenance agreement between the two parcels to assure the driveway is adequately maintained.
5. Prior to development, Parcel 1 will be required to flag the approved wetland delineation. Site wetlands shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps. A future building permit on Parcel 1 shall be accompanied by proof of the minimum 25’ setback from the wetland.
6. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.
7. The applicant shall provide a map to the City showing all public improvements upon completion of those improvement installations.

8. Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 – Monuments. The surveyed plat of the partition shall be set according to ORS 92.060 and city specifications outlined in Section 50 – Survey Requirements.
9. This approval is valid for one year from the date this final decision was signed. Within that one year the Partition Plat shall be submitted to the City for approval. If necessary, the applicant may request that the City grant an extension to the one year expiration.

V. DECISION OPTIONS

The Planning Commission has the following motion options:

1. Based on the Findings in the City Staff Report I move we approve the proposed Preliminary Partition Plat for Ray Romine, File # 17-008P subject to the conditions of approval as presented and/or as modified by the Planning Commission; or
2. Due to the need for more information, I move that we continue the public hearing for the proposed Preliminary Partition Plat for Ray Romine, File # 17-008P until the September 14, 2017 meeting; or
3. Based on the testimony received and revised findings as directed by the Commission, I move that we deny the proposed Preliminary Partition Plat for Ray Romine. File #17-008P.

Cheryl Lund

From: Carole Connell
Sent: Friday, September 08, 2017 8:12 AM
To: 'Chad Sweet'
Cc: 'Cheryl Lund'
Subject: RE: Water Connection Gearhart

Please include this in the PC packet.
thanks

From: Chad Sweet [mailto:chadsweet@cityofgearhart.com]
Sent: Thursday, September 07, 2017 5:08 PM
To: Carole Connell; Cheryl Lund
Subject: Fwd: Water Connection Gearhart

Romine water response from Warrenton below.
Chad

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

From: James Dunn <jdunn@ci.warrenton.or.us>
Date: Thu, Sep 7, 2017 at 2:42 PM
Subject: RE: Water Connection Gearhart
To: Chad Sweet <chadsweet@cityofgearhart.com>

Chad,

Thank you for the opportunity to respond to this inquiry. See my answers to your questions below.

1) Does Warrenton have a policy allowing water connections within another municipalities water district?

The City Does not have a written policy, but there is no intent or desire to provide water service in another agency's service area. Furthermore, it is a common practice not to do so.

2) Has Mr. Romine received permission from the City of Warrenton to make that connection to your city's water main?

Mr. Romine has not received permission to connect to the City of Warrenton's water main.

From: Chad Sweet [mailto:chadsweet@cityofgearhart.com]
Sent: Thursday, August 24, 2017 3:29 PM
To: James Dunn <jdunn@ci.warrenton.or.us>
Subject: Water Connection Gearhart

Good afternoon Jim,

A landowner named Ray Romine is developing a parcel of land within the City of Gearhart, our urban growth boundary, and our water district. Gearhart is requiring Mr. Romine to connect to the Gearhart water system by extending the water main to his property.

Mr. Romine wants to connect his parcel of land to the City of Warrenton water main located near Trestle Drive as the connection to Warrenton would be less expensive for Mr. Romine.

Jim, I have a couple of clarifying questions for you.

- 1) Does Warrenton have a policy allowing water connections within another municipalities water district?
- 2) Has Mr. Romine received permission from the City of Warrenton to make that connection to your city's water main?

I appreciate your time.

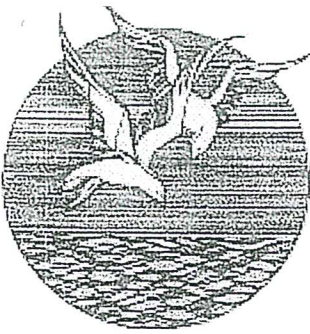
Thank you,

Chad

Chad Sweet | City Administrator
City of Gearhart
698 Pacific Way | Gearhart, Oregon 97138
Office: (503) 738-5501 | Fax: (505) 738-9385

chadsweet@cityofgearhart.com

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CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

September 14, 2017

MEMBERS: Jeremy Davis, Virginia Dideum, Terry Graff, David Smith and Russ Taggard.

STAFF: Carole Connell, Chad Sweet, Chief Bill Eddy, Mark Brien and Mark McFadden

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, September 14, 2017 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Taggard, 2nd by Davis, by unanimous motion Commissioners Anderson and Owsley were excused from the September 14, 2017 commission meeting.

On **MOTION** by Smith, 2nd by Taggard, by unanimous motion the minutes of August 10, 2017 were approved.

The financial report as of September 13, 2017 was as follows:

Planning Commission expenses:	
Year to date	4,439.09
Balance	5,560.91
Planning Commission Secretary expenses:	
Year to date	5,852.76
Balance	24,147.24

On **MOTION** by Smith, 2nd by Taggard, by unanimous motion the financial report of September 13, 2017 was approved.

STAFF REPORTS

Connell recommended bringing the *goals list* back on a night when there was less of an agenda.

Sweet introduced Mark McFadden – Director of Public Works, Mark Brien – Building Official and Bill Eddy – Fire Chief who are available to answer questions with regards to this evenings public hearings.

COMMISSIONERS REPORTS

None.

CORRESPONDENCE

None

VISITORS COMMENTS NOT RELATED TO AGENDA ITEMS

None

Dideum read the disclosure statement into the record for both public hearings. She asked if there was any ex parte contact, conflict of interest or bias. None was declared. She asked if there were any audience challenges to the commission hearing the application before the commission. None was voiced.

PUBLIC HEARING - File #17-008P Land Partition submitted by Ray Romine to partition one parcel of land into two (2) lots for property located on Hillila Road approximately 490' east of Highway 101 and further described as Assessors Plat 6 10 3BD, Tax Lot 3300 continued.

Connell summarized the status of the application noting the staff report has not changed, staff recommended approval subject to conditions of approval. Due to a conflict between the applicant and the city regarding water service the hearing was continued to resolve the issue. The city has received one additional piece of evidence from the City of Warrenton stating they had no intent to provide water service in another agency's service area and they did not give Mr. Romine permission to connect to the City of Warrenton's water main.

Ray Romine, applicant – 2170 Skyline Drive, Seaside – Romine requested another continuance saying his attorney is working with the city attorney to work out details of the water service.

Davis asked if there was any time period they are under.

Connell said yes, the 120-day period in which the commission must make a decision unless the applicant agrees to waive it in writing in this case October 25, 2017. If there is no decision by the 25th the applicant can go to the state and demand a decision by writ of mandamus taking the decision out of city hands.

Sweet asked if the body could make a decision based on the division and work out the other issues prior to issuing building permits.

Sweet clarified working with the city attorney they thought the water issues was resolved but it appears the applicant has further questions.

Connell said once you have created a lot you have a legal lot that might not be serviceable and you would have a bigger legal question.

Romine agreed to waive the 120-day policy and increase it by 60 days, (12-24-2017) and said he would like to have the matter heard at the October commission meeting.

Staff requested Romine follow up with a written request to extend the time period by 60 days for the record.

Mark Brien, Building Official – said the fire department, building department and public works issues are dealt with during the application process when a lot is created. He stressed the commission address issues related to fire life safety at this time as required by law because trying to implement required standards after a lot or subdivision is developed and the opportunity has passed is challenging. Now is the opportune time to address issues of fire hydrant, water supply and access.

On **MOTION** by Graff, 2nd by Taggard, by unanimous motion application #17-008P 120-day deadline was continued 60 days past the deadline.

PUBLIC HEARING – File #17-012V Parking Variance submitted by Cross Development requesting a reduction in the number of required parking by 40% from 46 to 27 sites for property located on highway 101 approximately 256' north of Pacific Way and further described as Assessors Plat 6 10 10BA, Tax Lot 401.

Connell reviewed the staff report noting one addition from Sandstone Tennis Club, Inc. and recommended denial for the parking variance request. She reported the 120-day deadline is 12-20-2017.

Chief Eddy said as of right now there has been no concrete proposal on how they are going to meet the water supply, apparatus turn around, fire lanes or on site fire hydrant.

Mike Stults, 4336 Marsh Ridge, Carrollton, TX 75010 on behalf of Cross Development, applicant – Dollar General wants to be a good neighbor to the community, the facility will meet the underserved needs of the community with general mercantile. A review of traffic impact studies and existing DG stores shows maximum of 12 cars parking spots used at any time and will apply in Gearhart. ODOT and DG traffic impact studies agree this is a perfect tenant with minimal traffic and is a safe and permissible use and design, not the type of business that lends to heavy stacking. DG is a 15 year first term triple net lease with three 5-year extension, a life expectancy of 30 years, an appropriate site to look at as long term.

Water line services proposal will be in the submitted design to replace the 6" line with an 8" line from Pacific Way, CD will replace any connections on the line. With regards to drainage & detention they would like to see the new report and address any new guidelines, ponding in the highway is not something the property owner is required to resolve, if required they will work with the city to resolve ponding in the right of way, highway and on site. There is plenty of property to the rear and on the sides to address drainage issues. Septic system was a pre-engineered approved design installed that allows for 2500 gallons per day, DG has 5 fixtures which generates at maximum 750 gallons a day, the county did not want to see final plans until they have completed plans review with the city. Outdoor lighting – they have full cut offs and would be happy to provide a photometric plan suggesting it be made a condition of approval. Compact parking spaces have not been shown because they don't feel they are needed for the site. In the event of a change in use ODOT will review all aspects of the new use for safety. The 1 space per 200 count is extreme and takes away from green space opportunities and the site allows for a tremendous amount of stacking eliminating congestion on Highway 101. Landscaping plan – they are agreeable to changing the landscaping plan if there is a desired list, they want to be a good neighbor. Stults feels there are ample reason for staff and commissioners to buy into the project, the seller has offered and agreed to a cross parking agreement to satisfy the city requirements, the cleanest approach would be a variance.

Davis asked about times for loading and unloading particularly during business hours.

Stults said deliveries are flexible, deliveries will be modified to traffic patterns in the area times and days of off hours.

Taggard expressed concerns about the drainage in the OTAK report.

Stults said he did not see the report, noting there is a lot of green space if they need to raise or lower the building, drainage will be on them as a national chain cannot afford to create a problem.

Dideum asked if there are ODOT landscape requirements.

Connell said no not like in Seaside, there is a 10' wide landscape strip required.

Dideum asked if Cross Development would own the building.

Stults said Cross Development would own the property, Dollar General would be the operator and required maintenance of the property guaranteeing their performance and image.

Dideum said she has concerns about the building being something else in the future and there was no guarantee that Dollar General would stay there and asked at that point if Cross Development would be the building owner.

Stults said yes. If Dollar General broke the lease they would still own 15 years of lease payments even in bankruptcy.

Dideum asked about comments of being a good neighbor and why they have put in applications to build a Dollar General in Kappa, Astoria and Gearhart and when she hears the term regional she expressed her confusion – regional and neighborhood not being the same terms asking they are putting a Dollar General in every little town along the coast.

Stults says they are not putting a store in every small town, Dollar General is a community store that fits each community it serves. Dollar General does a market study for underserved communities, neighborhoods that lack the basic staples of a mercantile offering lower prices and convenient locations.

Dideum asked if they did not submit completed plans because of county requirements.

Stults said for them to get a septic permit the county does not want to see official submittal until they have gone through the city review.

Sweet said he cannot sign a Land Use Compatibility form until there is approval from the commission which is required before the building process.

Dideum had concerns that completed documents were not submitted; lighting, landscaping, signage – making it difficult for the commission to make a decision. She also asked about his comments regarding cross parking and asked if that was with Mr. Lowenberg and where.

Stults said the agreement would be with Beach Front Properties for cross parking to the north and east.

Dideum asked if the parking spaces in the plaza have already been counted?

Connell said yes spaces have been counted for the permitted uses in the mall. She said shared parking can work but they have not seen any proposal as to number of spaces and hours of operation.

Graff asked who Stults was representing.

Stults said he is representing the owner Cross Development and Dollar General would be the tenant.

Davis also felt there were a lot of incomplete items and asked if that was normal when coming before the commission with an application.

Connell said there is some latitude in how much the commission wants to give up to the staff department heads during the processing, or if the commission wants to know how the different aspects of the development like drainage and landscape may have on the overall request and possibly change in building size. Connell said had the applicant met all the parking requirements they would not be coming before the commission and the process would be handled by staff.

Dideum asked the Fire Chief if a sprinkler system was required in a building of this size.

Chief Eddy said the applicant could meet the requirement in either of 3 ways; build firewalls inside the building, sprinkle system in the building, or bring the water flow to the required amount of 2000 gallons per minute.

Connell asked about how underserved market is defined.

Stults said 10 miles.

Davis said he has stood in line in Safeway behind tourists many times and as a resident of Gearhart he feels underserved.

Correspondence was entered into the record from Anita Barbey & Todd Liebow, Sandstone Tennis Club Inc., 11626 SW Military Lane, Portland, OR 97219 – they expressed concerns of inadequate parking, increased traffic safety hazard on Highway 101, proposed off-street loading design creating a danger to the public, the site is not appropriate for the proposed development and they urge the commission deny the variance.

Testimony was opened to proponents.

Terry Lowenberg, 3457 Highway 101 North Gearhart – the commission has the ability to grant the parking variance as long as the building is what it is, any future tenant would need to come back to the commission to verify adequate parking or they will be denied. The applicant can meet all the criteria; easements, water draining, utility replacement. All the cross documents will be met by either the developer or Lowenberg. He reminded the commission the city lost the grocery store and this is an opportunity to replace the grocery store.

There were no opponents and no neutral comments.

Stults said he would love to leave with a decision from the commission that would allow them to proceed with the proposed development. The development does not hinder property values, does not put any safety issues onto the public, meeting the drainage is not a monumental task, any necessary redesign is not a problem and he asked the commission to not deny them outright but make a decision that will allow them to have a successful project.

The public hearing was closed at 7:35pm.

Discussion followed on possible additional parking, septic design, controlling ponding from run off, noncompliance with the comprehensive plan, question of underserved community, increased traffic, missing application information, change in use.

On **MOTION** by Graff, 2nd by Taggard, by unanimous motion file #17-012V submitted by Cross Development was denied based on findings in the staff report dated September 7, 2017. Said request was to reduce the number of required parking stalls by 40% for property located on the east side of Highway 101 approximately 256 feet north of Pacific way, and further described as Assessors Plat 6 10 10BA, Tax Lot 401. (See attached)

OLD BUSINESS

None

NEW BUSINESS

None

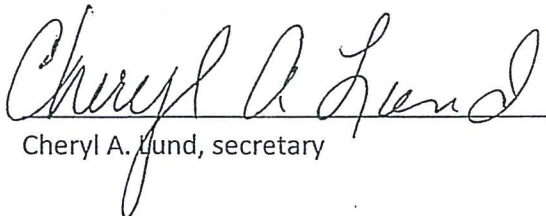
CONCERNS OF THE COMMISSION


None

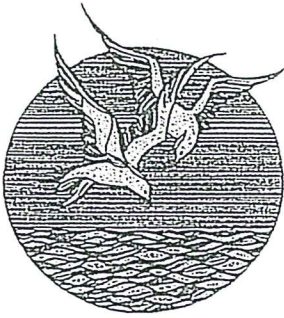
QUESTIONS FOR LAND USE ATTORNEY

None

On **MOTION** by Graff, 2nd by Smith, the meeting was adjourned at 7:53 pm.


Cheryl A. Lund, secretary

10/12/2017 
approved



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT)	FINAL FINDINGS
FOR A PARKING VARIANCE)	AND ORDER
CITY FILE #17-012)	

DENIAL of a Variance to reduce the number of off-street parking stalls from 46 to 27 (40% reduction) for a proposed Dollar General store on Highway 101

Property Owner: Beach Development LLC
3457 Hwy. 101 North
Seaside, OR 97138

Applicant: Cross Development
CD DG Gearhart LLC
4336 Marsh Ridge
Carrollton, Texas 75010

Location: A vacant 0.94 acre parcel; Tax Lot 401 Map 06N10W10BA

Completeness:	08-22-17
Notice Mailed:	08-25-17
Notice Published:	08-25-17
Initial hearing:	09-14-17
120-day deadline:	12-20-17

Exhibits: Applicant's application, site plan, photos, elevations, Drainage Study, Traffic Impact Study, sign plan, landscape plan
Gearhart City Administrator: email with concerns, 8-25-17

Gearhart Volunteer Fire Dept.: comments pending
Gearhart Bldg. Inspector: letter with conditional approval, 8-28-17
Gearhart Police Chief: letter with concerns, 8-28-17
Clatsop Co. Public Health: letter with concerns, 8-30-17
ODOT: letter with conditional approval 8-31-17
OTAK consulting city engineer: letter with comments, 8-30-17
Letter from Sandstone Tennis Club Inc., 9-14-17

Review Criteria: GZO Section 3.5 General Commercial C-2 Zone
GZO Section 6.040 Sign Requirements
GZO Section 6.070 Maintenance of Minimum Ordinance Requirements
GZO Section 6.100 Distance from Property Line
GZO Section 6.130, 140 & 150 Off-Street Parking and Loading
GZO Section 1.160 Access Control on Highway 101
GZO Section 6.220 Outdoor Lighting
GZO Section 8.030 Criteria for Granting Variances
GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities
GZO Article 13 Application, Notice and Hearing Procedures
Gearhart Transportation System Plan (TSP), 2017
Gearhart Comprehensive Plan

I. FINDINGS

- A. Background: Dollar General proposes to construct a 9100 square foot, one-story retail store on the vacant parcel. The site is on the east side of Highway 101 an estimated 360 feet north of the Pacific Way intersection.
- B. Site information: The subject 0.94-acre parcel is flat and undeveloped. There are no floodplain or wetland designations on the parcel.

There is an existing shared driveway onto Highway 101, an estimated half of which is on the subject parcel and the other half is on the parcel to the north. The access serves several businesses in a commercial center to the north, a private tennis club to the northeast and the property owner's business office to the east.

There is an existing septic sewer line from the highway that extends to the shopping center, the tennis club and the business office east of the site. The line is located partially on the subject site. The site survey and draft easement documents refer to three proposed easements for: "A" access, "B" the Beach parcel, "C" the Cross parcel and "D" for septic

connection to the existing line. The easements do not include a map illustration or legal description.

Existing franchise private utility easements are located in the south west corner of the lot and along the highway frontage.

C. Plan and Zone Standards: The site is designated commercial by the Gearhart Comprehensive Plan and is designated General Commercial C-2 by the Gearhart Zoning Ordinance. The Dollar General store is a permitted retail use in the C-2 zone.

D. Agency Coordination: The proposal was referred to city departments, a consulting city engineer (OTAK), Clatsop County Public Health Department and ODOT. Agency concerns are summarized below.

Public Service and Utility Issues:

1. Water: There is a 6 inch water line adjoining the highway frontage of the parcel. The Gearhart Fire Chief has discussed his concerns with the applicant about water supply and water pressure to the site. The 6 inch main on the highway likely needs to be upgraded to an 8 inch main to service the store. The applicant suggested an optional reservoir tank on site and possibly a building sprinkler system to augment the supply and pressure concerns. To date the Chief has been fighting a fire in southern Oregon and no additional information has been provided by the applicant to address water concerns.

2. Fire: The City Building Inspector letter indicates the applicant needs to demonstrate that the required Fire Apparatus Access requirements of the Oregon Fire Code are met.

3. Septic System: Michael McNickle, Clatsop County Public Health Director indicates by letter there is an existing system located behind the proposed building. He is not familiar with the details of the system. He said if it handles more than 2500 gallons of sewage per day then the DEQ has purview over this system (Gary Artman 541-687-7746). If less, this department will need the following documents to conduct a review and approval for the use of the system:

- a) An evaluation of existing system;
- b) An authorization permit from Clatsop County Public Health;
- c) Water use records for a similar-sized Dollar Store; and
- d) A copy of the Operation and Maintenance (O&M) records, and a copy of the O&M contract

4. Streets: One access to the parcel is from an existing driveway onto Highway 101. ODOT comments on the proposal and the Traffic Impact Analysis indicates no objections. ODOT requires a conditional approval that the applicant shall satisfy their driveway approach requirements prior to issuance of an occupancy permit.

5. Storm Drainage: The contracted city engineer OTAK reviewed the applicant's drainage report and provided redlines and comments. The report dated 8-30-17 concludes "the drainage configuration is not a feasible design. The design does not drain the entire site to the detention basins and the basins do not contain any freeboard. In order to get the recommended 12" of freeboard, the East pond's depth would have to increase by lowering the bottom or raising the elevation of the site contributing to the east pond. The west pond could have the pond bottom lowered, surrounding site raised, or pond footprint increased. However, the pond bottom cannot be lowered much due to the invert elevation of the existing drainage system at the proposed outfall. An alternate design should be submitted for approval. Due to the existing drainage system outflowing to the pond to the east, detention for the site is recommended."

6. Safety: The City Police Chief's letter describes traffic safety concerns about the proposed use in relation to its highway access, existing lane configuration, proximity to the signal at Pacific Way and the amount of traffic.

FINDINGS: The Planning Commission finds there are traffic safety concerns and unresolved utility issues regarding the septic system, water pressure, water supply, and storm water drainage.

E. GZO Section 3.5 C-2 Zone

The purpose of the C-2 zone is to provide for a broad range of commercial uses and activities to serve the needs of the City and its visitors. The C-2 zone establishes use and development standards, signage, landscaping, buffer; highway access and clear vision standards as applicable to the request.

FINDINGS: The C-2 zone permits "Retail business establishments excluding new and used car, boat, recreational vehicle or manufactured dwelling sale." The subject request is for a retail store. The parcel is required to have a 25-foot building setback from the front property line. The proposed building is setback an estimated 76' to 83' from the highway property line. Because the parcel is surrounded by land zoned C-2 on all sides, there are no minimum side or rear yard setbacks required by the zone. However, *Section 6.100 Distance from Property Line*, which requires a new structure to be set back 5 feet from a property line. Proposed building setbacks are 76' to 83' from the front, 50' from the north, 90' from the east and 10' from the south property lines. The building is 20'

high, under the 35 foot maximum height limit of the C-2 zone. Therefore the proposed building and location complies with the C-2 zone standards.

F. GZO Section 6.040 Sign Requirements

1. Purpose.

The purpose of this section is to regulate such factors as the size, location, and illumination of signs with the intent of safeguarding and enhancing the City's visual environment, traffic safety and the City's economic well-being.

2. General Requirements

The following general requirements shall apply to all signs:

A. *Signs shall not contain flashing elements or moving, rotating or other such animated parts.*

FINDINGS: The applicant provided a stock sign plan to illustrate the foam polycarbonate materials and black and yellow color scheme. But the dimensions on their plans are not accurate. The applicant indicates the signs will be modified to meet city size and height standards. The proposed signage is internally illuminated and the applicant indicates there is no flashing elements, nor moving, rotating or animated lights.

B. *All signs shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets or adjacent property.*

FINDINGS: The applicant said the signs will be located to avoid glare or direct illumination on adjacent streets or properties.

C. *All signs and sign structures shall be erected and attached totally within the site, except where permitted to extend into a street right-of-way.*

FINDINGS: The applicant said all signs will be located within property lines and out of public ROW.

D. *Signs shall not extend into or over or upon any public street or right-of-way. Except a sign may extend over a public sidewalk provided the bottom of the sign structure shall be at least eight (8) feet above the grade of the sidewalk and the sign does not project more than three (3) feet into the public right-of-way.*

FINDINGS: Same as "C." above.

E. *Signs or sign support structures shall not be located so as to detract from a motorist's view of vehicular or pedestrian traffic, or a traffic sign.*

FINDINGS: The applicant said signs will be located so as not to interfere with motorist's view and will be outside of clear vision triangles at the driveway intersection. The City agrees the ground mounted sign is located outside the clear vision triangle at the driveway intersection with the highway.

- F. *Only one side of a double faced sign is counted in measuring the area of a sign. Sign area does not include foundation supports and other essential structures which do not serve as a backdrop or border of the sign.*

FINDINGS: The applicant said only one side of the double faced ground sign will be counted towards the overall square footage.

- G. *All signs shall be kept in good repair and maintenance.*

FINDINGS: The applicant said there will be an annual maintenance program to check illumination and sign condition.

- H. *It is the responsibility of the property owner to remove any abandoned sign within 30 days of the termination of its use.*

FINDINGS: The applicant said all signs will be removed from the store within 30 days if the store is closed.

- I. *No sign including its supporting structure shall be placed so that its height exceeds eighteen (18) feet.*

FINDINGS: Although the applicant's illustration is taller than 18 feet, the applicant said the sign at this location will not exceed a height of 18'.

- J. *Permanent signs are not permitted on undeveloped site i.e. a lot without a use.*

FINDINGS: The applicant said no signs will be installed on the undeveloped site.

- K. *Signs shall only advertise uses or products on the site where the sign is located.*

FINDINGS: The applicant said the sign will include the name of the store.

1. Subsection 4. B. Sign requirements for the C-2 zone: *Permitted and conditional uses shall have permanent signs limited to one free standing sign per business not to exceed 32 square feet, and/or one sign, flush to the building, limited to 2 feet high by 12 feet long.*

FINDINGS: The applicant said they propose one free-standing sign that is 32 square feet at 18' height and one wall sign on the front façade that is 2' high x 12 feet long. If the store is approved an approved sign plan shall be obtained from the city prior to sign installation.

G. GZO Section 6.070 Maintenance of Minimum Ordinance Requirements

No lot area, yard, or other open space or off-street parking or loading area which is required by this ordinance shall be reduced below the minimum required for it by this ordinance.

FINDINGS: This section of the Gearhart Zoning Ordinance implies a reduction in the required number of parking stalls is not permitted. The applicant proposes a 40% reduction from the required 46 to 27 parking spaces. In addition, Article 9 Variances provides off-street parking variance criteria addressed later in this report.

H. GZO Section 6.100 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 5 feet from the property line.

FINDINGS: The proposed building is 50 feet from the north property line, 10 feet from the south property line and 90 feet from the rear property line. Therefore the building setbacks meet this standard.

I. GZO Section 6.160 Access Control on Highway 101

For property fronting Highway 101 the following additional criteria applies:

1. *One driveway per 300 feet of highway frontage is allowed. Frontages of less than 300 feet shall be allowed one driveway.*

FINDINGS: Driveway access to the proposed store is from an existing driveway that is shared with other businesses. ODOT requires the applicant to apply for a new approach permit and a design plan to construct a modified left turn lane to ODOT satisfaction. This should be a condition of approval.

2. *Driveways on properties with one or two driveways allowed must be located adjacent to a side property line. Access easements must be granted to the property adjacent to the driveway. Half-width driveways may be allowed.*

FINDINGS: The existing driveway adjoins the north property line of the site and will be expanded to serve the proposed store. A sketch and description of the driveway easement serving adjoining parcels shall be finalized prior to issuance of a building permit. This should be a condition of approval.

3. *New driveways on properties located adjacent to properties that have existing property line driveways must be located adjacent to and utilize the existing driveway and use the same or an expanded curb cut.*

FINDINGS: The proposed driveway is a shared driveway that will be expanded to the south to incorporate access to the proposed store. The pavement proposal to widen the existing entry by 15' is subject to ODOT approach permit approval. The new pavement into the site will widen to 28' then narrow to 24'5" near its east terminus.

4. *Curb cuts shall not exceed 15 feet for one-way drive, 24 feet for a two-lane two-way drive, or 36 feet for a three-lane two-way with a turn lane drive.*

FINDINGS: It appears the ultimate curb-cut width at the highway will be 80' wide. Modification of the curb cut on a state road is subject to ODOT approval. The existing driveway does not meet the maximum 36' width requirement.

5. *Parking lots located in front of a structure fronting on a highway shall be located adjacent to at least one side property line and access easements shall be granted to the adjacent property owner for access through the parking lot.*

FINDINGS: The driveway is adjacent to an existing driveway on the north property line. An easement for shared access shall be completed and recorded prior to issuance of a building permit.

6. *If a new parking lot is located to the front of a structure on a property adjacent to a property(s) with an existing parking lot, the new parking lot shall be located adjacent to the existing parking lot(s)*

FINDINGS: A portion of the new parking lot is adjacent to the existing retail center parking lot to the north.

J. GZO Section 6.220 Outdoor Lighting

Lighting fixtures shall be shielded or recessed into the building design to avoid casting glare onto adjacent property or upward into the night sky.

FINDINGS: The application does not include a detailed outdoor lighting plan.

K. GZO Section 6.130 to 6.150 Off Street Parking and Loading

No off-street parking is required in a C1 Zone except for residential dwellings and neighborhood cafes. In all other zones, and for residential dwellings and neighborhood cafes in the C1 zone:

- (1) *At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with the requirements of this section and zone designation standards listed in Article 3 unless greater requirements are otherwise established.*

FINDINGS: The proposed store is 9100 square feet and is required to have one parking space per 200 gross square feet, for a total of 46 spaces. The applicant proposes 27 spaces, therefore does not meet the minimum requirement.

- (2) *If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this section.*

FINDINGS: Proposed parking spaces are not being provided in connection with an existing use. This criterion is not applicable.

- (3) *Where square feet are specified the area measured shall be the gross floor area primary to the functioning of the particular use of property but shall exclude space devoted to off-street parking or loading.*

FINDINGS: The gross square footage of the building is the basis for the parking requirement and the 46 spaces has been calculated in accordance with this standard.

- (4) *Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.*

FINDINGS: This is not applicable because the required parking for the request is based on building size not on the number of employees.

- (5) *Fractional space requirement shall be counted as a whole space.*

FINDINGS: In this case the required 45.5 spaces are rounded up to 46.

- (6) *Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet for standard spaces, and eight (8) feet by sixteen (16) feet for compact spaces.*

FINDINGS: Parking spaces on the west side of the lot are 9' wide x 20' deep and are 9' x 18' on the north side in compliance with the minimum standard stall size.

- (7) *For uses requiring four or more spaces, up to fifty percent (50%) of the spaces may be compact in size.*

FINDINGS: No compact spaces are provided. More stalls could be added if the design included compact spaces.

PARKING SPACES REQUIRED FOR EACH USE:

Commercial

- a. *Retail store, except as provided in subsection (b) below. One space for each 200 square feet of gross floor area. This is the applicable standard as discussed above.*
- b. *Service or repair shop or retail store handling bulky merchandise such as automobiles or furniture. One space for each square feet of gross floor area. This standard is not applicable to the Dollar General store.*

SECTION 6.140 OFF-STREET LOADING REQUIREMENTS

At the time a structure is erected or enlarged, or the use of a structure or parcel of land changed within any zone in the City, off-street loading spaces shall be provided in accordance with the requirements of this section and Section 6.150 unless greater requirements are otherwise established.

Merchandise, materials, or supplies:

Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operation except during periods of the day when not required to take care of parking needs.

FINDINGS: The proposed plan illustrates a semi-truck loading berth about 80 feet long on the north property line just east and separate from customer parking spaces. Trucks exiting the site are required to back out through the parking lot before entering the highway.

Passenger loading zone:

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other public meeting place which is designed to accommodate more than 25 persons at one time.

FINDINGS: This section is not applicable because the subject site is not a school or public meeting place.

SECTION 6.150 OFF-STREET PARKING AND LOADING, GENERAL PROVISIONS

The following general provisions shall govern the application of off-street parking and loading requirements.

- 1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.*

FINDINGS: Continued availability and maintenance of parking and loading spaces shall be enforced by the City if necessary. The Planning Commission is concerned that a future change in building use to a more intensive commercial business will be constrained by a lack of off-street parking in relation to the size of the building and the minimum city parking requirements. A future use in the 9100 square foot building may generate parking needs greater than Dollar General argues are typical for their stores. If this occurs, overflow parking could occur in the parking lots of adjoining uses. A higher occupancy commercial use would also intensify highway traffic hazards entering and exiting the site because of its close proximity to the Pacific Way intersection.

2. *Requirements for types of buildings and use not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed.*

FINDINGS: Required parking spaces for the retail store are specifically listed in the parking requirements section so this section is not applicable. However, the proposal does not meet the minimum number of spaces required.

3. *In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately.*

FINDINGS: The proposed store is a single use therefore not subject to this shared stall calculation. Without a variance approval the use does not comply with the minimum parking requirement.

4. *Owner of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases, or contracts to establish the joint use.*

FINDINGS: The applicant does not propose to share the parking with another use nor request shared use of adjoining parking spaces on adjoining parcels therefore this provision does not apply. Dollar General argues that parking needs at stores in other cities do not utilize the amount of spaces required in Gearhart.

5. *Off-street parking spaces for one or two-family dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.*

FINDINGS: The parking spaces adjoin the building and are within 200 feet of the store.

6. *Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.*

FINDINGS: The proposed spaces are separated from the loading area in the rear and are only intended for customers.

7. *A Plan drawn to scale, indicating how the off-street parking and loading requirements are to be met shall accompany an application for a building permit.*

FINDINGS: The applicant provided a parking plan with the variance application.

8. *Design requirements for parking lots and loading areas shall be as follows:*

- A. *Areas used for standing and maneuvering of vehicles shall have graveled or paved surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.*

FINDINGS: The parking spaces are to be paved. The drainage plan has been reviewed by the consulting city engineer who finds the plan is incomplete, inaccurate and the design is not feasible on the subject site.

- B. *Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence, screen or hedge of not less than 5 or more than 6 feet in height except where vision clearance is required.*

FINDINGS: This section is not applicable because the proposed site is not adjacent to a residential zone.

- C. *Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent resident dwelling located in a non-residential zone.*

FINDINGS: A lighting plan has not been provided.

- D. *On parking lots having 4 or more parking spaces, such spaces shall be clearly marked in a permanent manner.*

FINDINGS: If approved the applicant shall provide parking stall striping and curb or bumpers in front of each stall.

- E. *Service drives to off-street parking area shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.*

FINDINGS: The proposed plan includes adequate entry and back up aisles that are 24 – 26 feet wide. A separate loading dock in the rear of the lot requires backing into all parking spaces when exiting the site.

- F. *Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection.*

FINDINGS: The proposed 80' wide driveway and approach area meets the 20' triangular area clear vision requirement.

L. SECTION 6.160 ADDITIONAL CRITERIA FOR ACCESS CONTROLS ON HIGHWAY 101

For property fronting Highway 101 the following additional criteria applies.

- I. *One driveway per 300 feet of highway frontage is allowed. Frontages of less than 300 feet shall be allowed one driveway.*

FINDINGS: The existing driveway location has had prior approval and will be widened to provide adequate access to the site, subject to ODOT approval.

2. *Driveways on properties with one or two driveways allowed must be located adjacent to a side property line. Access easements must be granted to the property adjacent to the driveway. Half-width driveways may be allowed.*

FINDINGS: The existing half width driveway is proposed to be widened for the store and access will continued to be shared with adjoining uses to the north and east, subject to completing easement descriptions and recording the easements at Clatsop County.

3. *New driveways on properties located adjacent to properties that have existing property line driveways must be located adjacent to and utilize the existing driveway and use the same or an expanded curb cut.*

FINDINGS: The proposed driveway is an expansion of the existing driveway in accordance with this section.

4. *Curb cuts shall not exceed 15 feet for one-way drive, 24 feet for a two-lane two-way drive, or 36 feet for a three-lane two-way with a turn lane drive.*

FINDINGS: The curb cut will be a total of 80 feet wide. Once on site the driveway will be an estimated 38' wide, exceeding the maximum of 36 feet for a three lane two-way drive. The wide driveway does not comply with the 36-foot maximum.

5. *Parking lots located in front of a structure fronting on a highway shall be located adjacent to at least one side property line and access easements shall be granted to the adjacent property owner for access through the parking lot.*

FINDINGS: This provision is satisfied as described in Section 6.150 above

6. *If a new parking lot is located to the front of a structure on a property adjacent to a property(s) with an existing parking lot, the new parking lot shall be located adjacent to the existing parking lot(s).*

FINDINGS: This section is satisfied as described in Section 6.150 above.

M. GZO SECTION 6.161 LANDSCAPING REQUIREMENTS ADJACENT TO U.S. HIGHWAY 101

1. *All new sub-divisions shall provide landscaping to buffer the sub-division from Highway 101. A landscape plan and time schedule for the implementation of the plan will be submitted as a part of the development application to the Planning commission for approval.*

FINDINGS: The proposal is not a land subdivision therefore this section is not applicable.

2. *A landscaping plan shall be submitted to the City Administrator for approval before building permits are issued for any new development on lots adjacent to Highway 101.*

FINDINGS: The applicant submitted a landscape plan on the highway frontage. The groundcover is rock with an underlying fabric weed barrier. The plant materials include two-foot high shrubs and grasses (5spirea, 20fescue) and 6 dwarf mugo pine trees. On the south property line adjoining the building a lawn and fescue strip and a wood privacy fence are proposed.

3. *As a minimum requirement, a 10-foot wide strip of landscaping adjoining the Highway right-of-way shall be provided.*

FINDINGS: At the narrowest portion the highway strip is no less than 10 feet wide.

4. *Landscaping requirements adjacent to US Highway 101:*

- (1) *As a minimum requirement, a 10-foot wide strip of landscaping shall be provided adjoining the Highway right-of-way.*

FINDINGS: Same as above.

- (2) *A landscaping plan shall be submitted to the City Administrator for approval before building permits are issued for any new development on lots adjacent to Highway 101. The landscaping plan shall include a maintenance schedule with a provision for routine placement of plants that fail to survive. Landscaping plans shall comply with the standards of Section 6.060 Clear Vision Area.*

FINDINGS: The plan has been submitted for approval. The plan defines soil preparation, planting, maintenance and plant replacement provisions to be completed by a landscape contractor and approved by the city. The plan does not interfere with the clear vision of drivers.

- (3) *All new subdivisions shall provide a landscaping area to buffer the subdivision from Highway 101. A landscape plan and time schedule for the implementation of the plan shall be submitted to the City as part of the development application to the Planning Commission.*

FINDINGS: The proposal is not a subdivision so this section is not applicable.

- (4) *Required landscaping areas shall preferably consist of native plant species which are compatible with the weather of the coastal environment and the soils types of the site. Examples of native plants are described by the book "Plants of the Pacific Northwest Coast by Pojar and MacKinnon" and on the list from "The Western Gardener" available at City Hall. In addition to native plants, edible plants, fruits, vegetables, and nuts shall also be permitted.*

FINDINGS: Spirea betulifolia is a native spring flowering shrub 3 feet high, and should replace the proposed spirea glauca. Festuca californica

is a native fescue grass, forms a tight clump of blue gray leaves 2 – 3 feet high and should replace the smaller festuca bumalda.. Mugo pines are native trees of Spain, Central Europe and the Balkans. The pines should be replaced with a native deciduous street tree.

- (5) *With Planning Commission review, applicants may request that non-native plants be placed on the list of acceptable plants within required landscaping areas.*

FINDINGS: The applicant has not requested that the non-native plants be placed on the preferred list of plants.

- (6) *No plants prohibited by the City of Gearhart shall be permitted.*

FINDINGS: There are no noxious weeds or plants proposed in the landscape strip.

- (7) *All structures, including any fence, shall be set back ten feet from the property line adjacent to US Highway 101.*

FINDINGS: The plan indicates there are no structures on the highway frontage.

N. GZO Section 8.030 Criteria for Granting Variances

A Variance to requirements of this ordinance with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation and evidence submitted by the applicant all three (3) of the following expressly written findings are made:

Approval Criteria

- 1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Ordinance; and*

FINDINGS: Dollar General argues their stores in other cities have a low level of parking needs, currently estimated at 10 vehicles per hour. The applicant did not address future traffic and parking volumes. They cite that dimensional constraints of the subject parcel and historic low parking demands justify a variance to reduce the number of parking spaces by 40%.

The Planning Commission finds that a future retail use in the proposed 9100 square foot building could generate a significantly higher parking demand. A change in use that needs more than 27 parking spaces could result in overflow parking in the parking lots of adjoining uses. A higher occupancy commercial use would also

intensify highway traffic hazards entering and exiting the site because of its close proximity to the Pacific Way intersection. If the site is not an adequate size for the Dollar General store unless parking requirements can be substantially reduced, the parcel is not the place to locate. The Planning Commission finds it is in their best interest to plan for an anticipated increase in traffic volumes by literally interpreting the minimum parking space requirement for the new building.

2. *That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the street; and*

FINDINGS: The granting of the variance reducing the number of stalls by 40% will not result in parking or loading of vehicles on the public highway because parking is prohibited on the highway. The Commission finds this criterion is met.

3. *That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this ordinance or policies contained within the Comprehensive Plan.*

FINDINGS: The City Police Chief indicates concern over the proposed development at this site because he regularly experiences highway safety hazards near the intersection of Pacific Way and Highway 101. The Planning Commission finds the proposal is inconsistent with several Comprehensive Plan policies.

The following Comprehensive Plan policies are relevant to the request.

- *“The City will work to achieve a level of commercial development that supports the needs of the residents of Gearhart, rather than serving a regional commercial center role, or providing for major tourist destination facilities. (page 1)*
- *Where extensions are required to the existing system, the City will require the customers requesting service to pay the entire cost of the extension. (page 11)*
- *Fire hydrants are required for all system extensions according to the City’s standards and will be paid for by the customer requesting service. (page 12)*
- *The City will establish minimum fire flow requirements for fire protection and may institute a system of charges or other requirements on a case-by-case basis the existing system is unable to meet the fire protection requirements or where a customer will place an undue fire demand on the water system. (page 12)*
- *To provide for continued surface water quality and adequate drainage within the City of Gearhart. (page 13)*

- *The City of Gearhart will construct and maintain storm drainage facilities as required. The emphasis will be on facilitating the percolation of rainwater into the soil at locations subject to flooding rather than constructing a complete storm drainage system.*
- *Surrounding land use and traffic generation patterns will be considered during the initial stages of planning for any new development along Highway 101. (page 15)*
- *Along the Coast Highway access control techniques will be used in conjunction with ODOT to coordinate traffic and land use patterns, and to help minimize the negative impacts of growth. Area-wide needs supersede site specific needs. (page 15)*
- *In the event of significant new development proposals for land adjacent to the Coast Highway the City will work with ODOT through the District Engineer to ensure unimpeded traffic flow and safety to the fullest extent possible. (page 15)*
- *Adequate parking for residential and commercial uses will be maintained through enforcement of zoning ordinance parking requirements. (page 15)*

FINDINGS: The Planning Commission finds the above Comprehensive Plan policies are relevant to the proposal. In summary, a transportation policy states adequate parking for a commercial use will be maintained through enforcement of city parking requirements. In this case, the large 9100 square-foot building is a permanent structure with a long life that will change in use over time. The building should be provided with the minimum parking required for its size in order to adequately serve the proposed and subsequent commercial uses. The Dollar General store is a nationwide retail box store designed to serve customers in the region. Gearhart policy strives to serve the needs of its residents, not the region. New development in Gearhart is required to provide adequate water, septic, storm drainage and fire protection at the expense of the developer. Acceptable public utility plans have not been provided. Adequate water supply and water pressure to the site is essential and currently not available. Further, Highway 101 has significant drainage problems that create hazardous driving conditions much of the year. The contract City engineer has deemed the proposed drainage plan infeasible. The City must be assured by the developer that a feasible water service plan and a storm drainage plan can be designed and accommodated on the site. According to the Gearhart Transportation System Plan, 2017 highway traffic is projected to increase. Today, factors such as proximity to the Pacific Way intersection, traffic speeds, driver distractions and water ponding create hazardous driving conditions at peak times. Gearhart policy strives to minimize the negative impacts of growth and new land use patterns.

The Planning Commission finds the proposal is inconsistent with the above stated Gearhart plan policies.

O. GZO Article 13 Application, Notice and Hearing Procedures

The Variance application was filed and deemed complete, public notice was mailed and published on August 25, 2017. A public hearing by the Planning Commission was conducted on September 14, 2017.

II. SUMMARY CONCLUSION

The Planning Commission finds the request to reduce off-street parking from 46 to 27 spaces is inconsistent with several Comprehensive Plan policies and the variance criteria. Further, the proposed plan is incomplete or inadequate as follows:

1. An acceptable plan for adequate water supply and water pressure to the site has not been provided;
2. A site storm water drainage plan that effectively controls storm water from the site has not been provided;
3. A septic system plan has not been provided;
4. Utility and access easements have not been defined;
5. An outdoor lighting plan has not been provided;
6. The landscape plan lacks imagination and aesthetics. A revised plan is recommended utilizing native plants and native deciduous trees.

III. DECISION

Based on the above findings and the public testimony on September 14, 2017 the Planning Commission decided to DENY City File #17-012V.

Signed: Virginia Dideum
Virginia Dideum, Planning Commission President

Date: 9/19/17

DATE MAILED: 09 20 17 CZ

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.

Cheryl Lund

From: Peter Watts <Peter.Watts@jordanramis.com>
Sent: Wednesday, October 04, 2017 2:27 PM
To: Chad Sweet; Carole Connell
Cc: Angela Johnson
Subject: FW: Ray Romine Update

Peter O. Watts | Attorney

Jordan Ramis PC | Attorneys at Law

Direct: 503-598-5547 Main: 503-598-7070

From: Peter Watts
Sent: Wednesday, October 04, 2017 2:27 PM
To: 'Greg Hathaway'
Cc: Angela Johnson
Subject: RE: Ray Romine Update

Hi Greg-

Chad was able to have a round table discussion with the City's Building Official Mark Brien, Public Works Director Mark McFadden, and Fire Chief Bill Eddy, ("the parties") to discuss the latest request from Mr. Romine. The city has a Water Master Plan, which provides that 8 inch pipe is the standard pipe. The parties do not believe that a two inch pipe located in the right away is an option that the city can approve, and I agree with their analysis. The standards are dictated by the Oregon Fire Code and Oregon Building Code. The relevant OARs, regarding alternate construction standards, were updated and joint guidance was provided by the Oregon Fire Chiefs Association, the Oregon Fire Marshals Association, and the Oregon State Fire Marshal in late 2016. Given the recent changes in the law it is possible that Mr. Romine is not aware of the new standards. This is not a city code issue, it is a state Fire Code, and state Building Code issue.

As a city, Gearhart is required to facilitate fire protection at the time of development. All parties looked at the Oregon Fire Code and Oregon Building Code and believe that a hydrant is required. I took a look at the OFC as well, and do not believe that an alternative such as sprinklers can be used. Under the new OARs, alternatives can only be used if water supply is not available through development. In this case the 8 inch water main is available and can be brought to the area adjacent to this latest development by Mr. Romine. An alternate construction standard, like the one proposed by Mr. Romine, can only be used after an official determination is made regarding the inadequacy in firefighting water supply requirements. The fire chief does not believe that he can make the determination, and based on my reading of the relevant laws this is not a close case.

The city has the plans from HLB Otak for the 8 inch water main extension and hydrant installation. Upon the city's initial investigation the 8 inch pipe and hydrant plan looks acceptable. Let me know if you have any questions.

Peter

Peter O. Watts | Attorney

Jordan Ramis PC | Attorneys at Law

From: Greg Hathaway [mailto:greg@hathawaylarsen.com]
Sent: Tuesday, October 03, 2017 3:28 PM
To: Peter Watts
Subject: Ray Romine Update

Hi Peter,

I spoke with Ray yesterday regarding the call that we had in the morning. Here's what I found out:

1. The \$50,000 to \$60,000 estimate (per Jeremy Rust's letter) was a rough estimate done by Ray—not an engineering firm. This amount was based on an 8" inch line that the City said was required to serve the two new residences.
2. Ray confirmed that the City required an 8" line for his earlier homes but also indicated that the size of line was not set forth in any City regulation.
3. Ray confirmed that he believes (and his engineers believe) that a 2" water line is sufficient to serve the two proposed homes. The estimated cost to provide this improvement is \$6,000.

So, with that clarification, the question is what sized line is appropriate to serve the two homes? It appears the City is saying an 8" line is appropriate and Ray is saying that a 2" line will suffice.

Can you please have a conversation with Chad and determine if we can narrow the issue to the size of the line? If so, we need to know if Chad and the City agree to a 2" line. Ray also indicated that no fire hydrant is necessary for one of the homes, and he will install an indoor sprinkling system in the other which is apparently allowed.

We need to get this issue resolved so that the City will allow Ray to proceed with his construction.

Let's talk tomorrow if you are around.

Thanks.

Greg

Gregory S. Hathaway
Partner



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From: Peter Watts [<mailto:Peter.Watts@jordanramis.com>]
Sent: Monday, October 2, 2017 11:41 AM
To: Greg Hathaway <greg@hathawaylarson.com>
Subject: Rust Letter

Peter O. Watts | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

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Cheryl Lund

From: Peter Watts
Sent: Thursday, September 28, 2017 2:06 PM
To: Cheryl Lund
Subject: FW: Ray Romine

Peter O. Watts Attorney
Jordan Ramis PC Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

From: Greg Hathaway [mailto:greg@hathawaylarsen.com]
Sent: Tuesday, September 26, 2017 11:41 AM
To: Peter Watts
Subject: RE: Ray Romine

Hi Peter,

We were never able to connect before the Planning Commission hearing. Ray Romine advises that the Planning Commission continued his application to October 12th. Ray indicated that Chad advised him at the hearing that he thought the issue was resolved. Ray also advises that he is unable to proceed with construction until this issue is resolved. Are you available this week to continue our conversation and see where this issue stands and make sure it's resolved so that Ray can proceed with construction. Please let me know some times that could work.

Thanks.

Greg

Gregory S. Hathaway
Partner



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Email: greg@hathawaylarson.com

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From: Greg Hathaway
Sent: Thursday, September 14, 2017 2:21 PM
To: 'Peter Watts' <Peter.Watts@jordanramis.com>
Subject: RE: Ray Romine

Great. Is that your direct line?

Gregory S. Hathaway
Partner



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From: Peter Watts [<mailto:Peter.Watts@jordanramis.com>]
Sent: Thursday, September 14, 2017 2:17 PM
To: Greg Hathaway <greg@hathawaylarson.com>
Subject: RE: Ray Romine

I'll be available via cell in about five minutes. Chad seems to think that Ray had HLB do the planning and estimates. He says he has not seen final numbers, and is not sure if Ray has them.

Peter O. Watts Attorney

Jordan Ramis PC Attorneys at Law

Direct: 503-598-5547 Main: 503-598-7070

From: Greg Hathaway [<mailto:greg@hathawaylarson.com>]

Sent: Thursday, September 14, 2017 12:07 PM

To: Peter Watts

Subject: RE: Ray Romine

Hi Peter,

Are you around early this afternoon to talk about the Romine matter? I was tied up this morning and could not connect with you. I just tried to leave you a voice mail message but your mail box is full.

Thanks.

Greg

Gregory S. Hathaway

Partner



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From: Greg Hathaway
Sent: Wednesday, September 13, 2017 2:47 PM
To: 'Peter Watts' <Peter.Watts@jordanramis.com>
Subject: Ray Romine

Hi Peter,

I spoke with Ray today regarding our last conversation. He advises that OTAK has never done a cost estimate regarding the water main. He is not sure where the \$30,000+ is coming from. I am leaving for a meeting outside the office for the rest of the day in Lake Oswego. Can we talk tomorrow morning to see if we can reach an agreement before tomorrow night's meeting with the Planning Commission or agree to continue the partition hearing.

Please let me know.

Thanks.

Greg

Gregory S. Hathaway
Partner



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City of Gearhart

Planning Dept

10/12/17

RE: 120 Deadline Extension, application 17-008P

Applicant Ray Romine, Romine Construction LLC does hereby extent the 120 day planning deadline by 60 days.

Thank you

A large, stylized handwritten signature in black ink, appearing to read 'Ray Romine', is written over the 'Thank you' text. The signature is highly cursive and loops around the text.

Ray Romine

Cheryl Lund

From: Carole Connell
Sent: Wednesday, October 25, 2017 3:21 PM
To: romine4@charter.net
Cc: 'Cheryl Lund'; Chad Sweet; 'Peter Watts'; Angela Johnson
Subject: Npvenber 9 Planning Commission meeting

Ray,

Please be informed your continued partition hearing will be on the Commissions November agenda. If there is no resolution by December 14 a third continuance will be necessary, unless the Planning Commission decides to make a decision by then. As a reminder, in accordance with Section 13.080 and the application instructions you are liable for all incurred staff time and expenses that exceed the original application fee.

Please feel free to contact me if you have questions.

Carole Wells Connell AICP
Land Use Planner
4626 SW Hewett Blvd.
Portland, OR 97221
503-297-6660 office/971-227-0634 cell
connellpc@comcast.net

Romine

Cheryl Lund

From: Carole Connell
Sent: Friday, October 13, 2017 11:06 AM
To: romine4@charter.net; greg@hathawaylarson.com
Cc: 'Peter Watts'; Angela Johnson; Cheryl Lund; Chad Sweet; 'Gini Dideum'
Subject: 2nd 120-day waiver for Romine Partition

Follow Up Flag: Follow up
Flag Status: Flagged

Ray,

Re: City file# 17-008 Land Partition

Please be informed the Gearhart Planning Commission accepted your second 120-day waiver extension request at their meeting last night. The original 120-day deadline was October 25, 2017. At their September 14 meeting you requested a 60-day extension to December 24. The legal matter regarding your partition application has not been resolved. Therefore, last night at the City's request you granted an additional 60-day extension to February 22, 2018. The hearing has been continued and we will put the application back on the Planning Commission agenda as soon as possible.

*Carole Wells Connell AICP
Gearhart City Planner
4626 SW Hewett Blvd.
Portland, OR 97221
503-297-6660 office/971-227-0634 cell
connellpc@comcast.net*

Cheryl Lund

From: Cheryl Lund
Sent: Friday, September 15, 2017 1:38 PM
To: 'Romine4@charter.net'
Cc: Carl Anderson (simsol@charter.net); Carole Connell (connellpc@comcast.net); Chad Sweet (chadsweet@cityofgearhart.com); David Smith (rdsmith236@gmail.com); Jeremy Davis (jdavis@englundmarine.com); Russ Taggard (nmt57@msn.com); Terry Graff (trygraff@aol.com); Virginia Dideum (gdideum@hotmail.com)
Subject: waive 120 day

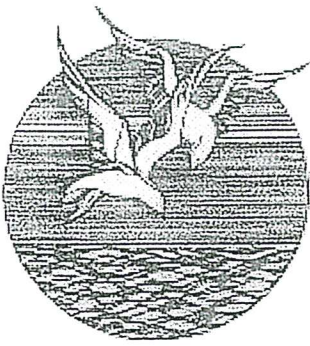
Good afternoon Ray – this is a reminder you are to provide a written copy of your statement to waiving the 120 deadline for application #17-008P and extend the deadline by 60 days.

120-day decision date is 10-25-17 the 60-day extension brings the deadline to December 24th.

Calculating backwards allowing for enough time for the city council to hear an appeal, if necessary, on December 6, 2017, allowing for 7 days for staff to draft the final order, a 15 day appeal period, and 20 days for legal notice you will need to appear at the October 12 planning commission meeting to meet your agreed upon deadline.

Sincerely
Cheryl Lund
planning@cityofgearhart.com

Ray Romine
09 20 17
CL



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

October 12, 2017

MEMBERS: Carl Anderson, Virginia Dideum, Richard Owsley, David Smith, Russ Taggard

STAFF: Carole Connell, Chad Sweet, Mark Brien Building Official

Minutes

The regular meeting of the Gearhart Planning Commission for October 12, 2017 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Smith, 2nd by Owsley, the minutes of September 14, 2017 were unanimously approved.

There was no financial report.

STAFF REPORTS

Connell noted Commissioners now have copies of the approved Transportation System Plan.

Sweet report on short term vacation rental noting: 58-60 applications have been approved, 6 applications are pending parking approval, 15 are in the process of safety upgrades, and 3 applications have taken no action, totaling 81 in process.

Council met in a work session to discuss Dune Vegetation beginning the review process with items they could all agree on. In November the discussion will be on items that do not have full agreement on and begin working through those to start crafting an ordinance for the zone code. Dideum asked if dune vegetation would be coming back to the commission for processing, Sweet said it would be up to the council to decide how it will be handled it could come back to the commission.

Sweet reported the fire station committee is looking at other properties in town to supplement the park location; they are working with a site plan to determine feasibility of potential lots.

On **MOTION** by Smith, 2nd by Anderson, Commissioners Jeremy Davis and Terry Graff were unanimously granted excused absences from the October 2017 Commission meeting.

COMMISSIONER REPORTS

Owsley noted this would be his last meeting as his term of office is over and he would not be reapplying for the positions.

Staff and Commissioners thanked Owsley for his service.

Sweet reported there will be an opening in the Planning Commission; advertising will be posted to the Blog, website and newspaper. The Council will vote on a position in the November meeting.

GOALS LIST

No action was taken

CORRESPONDENCE

None

VISITORS COMMENTS NOT RELATED TO AGENDA ITEMS

None.

PUBLIC HEARINGS

Dideum read the disclosure statement into the record for the three public hearings this evening. She asked if there was any exparte contact, conflict of interest or bias. None was declared. She asked if there were any audience challenges to the commission hearing the applications before the commission. None was voiced.

File #17-008P Land Partition submitted by Ray Romine to partition one parcel of land into two (2) lots for property located on Hillila Road approximately 490' west of Highway 101 and further described as Assessors Plat 6 10 3BD, Tax Lot 3300.

Connell reviewed the history of the application process noting the staff report still stands; there is nothing new to report in the resolution of the water issue. The applicant has requested one 60 day extension; the commission must make a decision this evening or the applicant will need to request another extension.

Ray Romine, applicant – 2170 Skyline Drive, Seaside – Romine intended to ask for a continuance as his representative is still working with the City Attorney and staff to resolve the differences. Romine agreed to another 60 day extension.

Staff confirmed with Romine concurrence and for the record the extension was an additional 60 day extension from the original October 25th 120-day deadline adding an additional 60 days after the December 25th extension bringing 120 day deadline to February 23,2018 to work out the water issues.

On MOTION by Taggard, 2nd by Owsley, by unanimous motion the commission allowed the 60-day extension passed the December 25th extension for application #17-008P.

File #17-007V reconsideration of parking variance for Bob & Clare Carson for property located at 226 Ridge Drive and further describes as Assessors Plat 6 10 10BA, Tax Lot 2500.

Connell reviewed her memorandum of October 5, 2017 noting the original application to allow one parking space in the garage was denied. The Carson's have a pending appeal of the decision before the City Council and have requested a reconsideration of their application since they were not able to attend the initial hearing. On July 13, 2017 the commission agreed to reconsider the variance request. Connell noted the police chief report the hedge in front of the house has been trimmed by 3 or 4 feet allowing plenty of room to park in front of the house.

Bob Carson, applicant, 705 Boyer, Walla Walla, WA 99362 – they rented property in Gearhart for 40 years before buying, a demonstrated financial burden is the need to partially vacation rent to recover taxes, insurance and maintenance, another potential financial burden would be to make a 3rd off street parking space anywhere in the yard, another burden is the fact it is difficult to rent to fewer than 6 guests. Carson showed colored photographs pointing out ample space for the parking spots in the garage and driveway for 3 parking spots even though they only allow two cars. He pointed out the entire yard has fences, hedges, shrubs and sprinkler system making it impractical to make a 3rd off street parking space in the yard. He is open to having garage inspections to assure the garage remain available for owner/guest parking.

Dideum asked for clarification noting advertising allowing only 2 vehicles.

Carson – correct, but the current ordinance requires one parking space for every 2 persons over the age of 2 years old. Per his property manager they are not viable for getting much business if they can only rent to 4 adults.

Dideum noted when she drove by the property, today the garage was full and the commission would like to know the garage would be available for parking.

Carson – noted they were painting a bench and a device to conceal the water heater. The original garage was a 2 ½ car garage but having added a stairway it is now a 1 ½ car garage and will accommodate a huge vehicle.

Testimony was open to proponents.

Erin Barker, P O Box 408, Seaside, Oregon – Carson property manager for 6 years, she has always managed properties with the illusion of regulation prior to the ordinance to be good at what they do and be good neighbors. They have never had problems when renting in the past at times it was rented for 8 persons with 4 parking spaces. One bedroom has been turned into a reading room. The house is more house than 4 people can use. Her agency is accustomed to requiring people park in a garage which they do it. The request to use the garage is reasonable and she requests the commission reconsider the reasonableness based on a history of no problems.

Testimony was open to opponents.

Carol Lucas, 702 3rd, P O Box 221, Gearhart, Oregon 97138 – she is concerned about going down a slippery slope and granting exceptions for every other house with a garage. She is of the understand there were 3 approved parking spots.

Connell noted the dimensions of the proposed parking drawing with a car parked behind the two in the driveway in the opposite direction blocked both from backing out do not fit the standard dimensions. The spots needed to be 9 X 18; it was a creative solution that did not work so they asked for parking in the garage.

Testimony was open to neutral comments.

None

Applicant Rebuttal

None

The public hearing was closed.

Discussion followed on parking layout, hedge removal from right of way, financial not being an issue in considering hardship; on **MOTION**, by Anderson, 2nd by Owsley, file #17-007V for property located at 226 Ridge Drive and further described as Assessors Plat 6 10 10BA, Tax Lot 2500 was granted approval to park one vehicle in the garage to fulfill requirements of Section 7.030 Vacation Rental Permit Standards 2) off-street Parking. Motion passed 4-1 (Smith – nay) (See attached)

File #17-013V variance from occupancy requirement for vacation rental submitted by Candace Remer for property located at 871 Hager Street and further described as Assessors Plat 6 10 10CB, Tax Lot 4000 & 4101.

Connell reviewed the staff report stating the applicant is seeking an increase in occupancy from 8 to 16 persons. Sweet added clarification stating he and the fire chief measured the site and it is adequate for 6 vehicles that do not park over the septic system has sufficient fire access, if the request is approved the applicant will need to submit an updated parking plan to verify dimensions. Connell said all 3 variance criteria must be met.

Dideum asked for clarification that a previous application was made and granted.

Connell said the applicant has a valid license for 4 bedrooms 8 occupants.

Smith questioned answers on the application related to bedroom sizes noting applicant requests is based on oversized bedrooms, should the commission be considering a criteria for bedroom size? The applicant submitted detailed information on bedroom size but no details on septic system, drain fields or parking dimensions.

Connell said there are no criteria for bedroom size; she said the bedrooms are not that big they have just put more beds in the rooms. Clarification was made the house has four bedrooms two rooms measuring 16' x 16', one at 11.5' x 17.3' and one room at 7' x 14.5'.

Smith said in his experience he has not come across criteria designating bedroom size.

The applicant was not present.

Testimony was open to proponents.

None

Testimony was open to opponents.

Susan Adkison, 5382 SW Wichita St, Tualatin, OR 97062, home on E Street – she is glad the city is regulating rentals, when managed properly the neighbors can bare the impact. She stated the Remer home already has more renters beyond the 8 approved, the area also has 3 rental properties of significant size, there can be as many as 50 guest renters on the street tipping the balance of residential properties, small family renters are respectful, large group dynamics forget common courtesy and their impact on surrounding neighbors of parking, traffic congestion and speed, fireworks; a party mentality compromising the livability of the neighborhood. With a potential burden to the septic system and the proximity to the estuary a system failure could be disastrous. Giving a concession regarding occupancy would open the door to others and undo an important part of the regulations.

Claire McIntyre, 912 Little Beach Drive, P O Box 2056, Gearhart, Oregon, 97138 – speaking against the request as it would overburden the community; with four sizable rentals in the neighborhood they are impacted by increased traffic and noise Hager and H Street are the only access to the neighborhood, she expressed concerns about burdening a septic system that is right on the estuary. Quality of life has been restored to the neighborhood due to the new vacation rental standards the proposed increase in occupancy tips the balance of the residential feeling. Large groups tend to dominate and overtake the residential environment making living there unpleasant for neighbors living around them. If the commission grants concession on this property others will want the same consideration negating the new regulations. She asked what the Remer's undue hardship is when making this request?

Stephanie Dudley, 924 Little Beach Drive, P O Box 2373, Gearhart, Oregon 97138 – she presented photographs showing the Remer house on the estuary and the open proximity 200 feet from her house, she said noise has been so loud at times they have left their bedroom to sleep on the other side of their house. She said Remer's have developed a party area with a hot tub that drains into the estuary, picnic table and fire pit allowing noise to carries to the Dudley home. She showed a picture of worst case showing 8 cars parked along the Remer property noting the congestion along at best the one way street and concerns should a situation requiring emergency responders be necessary. She showed a picture of a drone/ airplane being used by one of the guest impacting the estuary, her property and the Seaside Airport flight path. She showed a picture of a bonfire started inches from the dune grass in front of her house on July 7, 2016 at 1205 am by 16 guys who when they left did not put out the fire. She showed a picture of fireworks being lit in the estuary in October noting this type of activity goes on year round, she also said a firework has been set off on the Remer deck that hit the Dudley house. She said activities on the Remer property impact properties to the east.

John Dudley, 924 Little Beach Drive, P O Box 2373, Gearhart, Oregon 97138 – he confirmed the photographs were taken in 2016. There are no 2017 photos since the establishment of the ordinance the occupancy has been reduced to 8 the problems no longer exist. Dudley disagreed with the applicant's assurance that the neighbors are shielded from guest's noise. In 1972 Frank Strange bought the Lodge adjacent to his property, when activities grew to impact the nearby neighbors Strange never thought of the bottom line but a solution that would be a good fit for the neighborhood, recently they have stopped hosting large events, reduced occupancy by 30% and are focusing on a client base of small families that wish to stay longer. Less is more. He expressed concerns for traffic safety, congestion, and septic health, he said the city does not allow on street parking and asks if on street parking would be allowed for the Remer's?

Dianne Widdop, 1236 Fifer Heights, P O Box 2116, Gearhart, Oregon 97138 – the short term rental ordinance was enacted by a unanimous vote of the city council after several years of public hearings, work sessions and weekly conversations with residents and investment property owners. The ordinance was written as a compromise that would cause the least amount of impact in the effected neighborhoods and being within the standards of a single family home, it is not the city's problem if an investment owner is not able to make the desired profit on his rental.

Carol Lucas 702 3rd Street, P O Box 2221, Gearhart, Oregon 97138 – she said the Ridge Path used to go all the way to the estuary, several years ago the city lost the traditional assess to the estuary which was either on or adjacent to the Remer property, with discussion of hardship she feels it is a hardship for the whole town to not have access to little beach.

Jeanne Mark, 1209 N Cottage, P O Box 2627, Gearhart, Oregon 97138 – Said there are 5 STRs in this area a quarter-mile in radius, a lot of commercial activity in a designated R1 zone. ORD 901 was crafted after several years of deliberation and needs to be upheld, Ordinance 901 worked at striking a balance of commercial activity in the R1 zones. The R1 residents deserve to have their rights respected. She asked the commission deny the request and uphold Ordinance 901 it is appropriate and fair.

The testimony was open to neutral comments

None

The public hearing was closed.

Following discussion on bedroom size, room vs. sleeping area and septic system capacity, on **MOTION** by Anderson, 2nd by Owsley, based on the findings in the staff report by unanimous motion file #17-0013V submitted by Candace Remer requesting a variance to an increase vacation rental occupancy from 8 to 16 persons for property located at 871 Hager and further described as Assessors Plat 6 10 10CB, Tax Lots 4000 & 4101 was denied. (See attached)

OLD BUSINESS

None

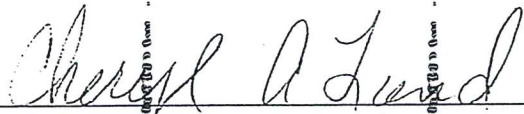
NEW BUSINESS

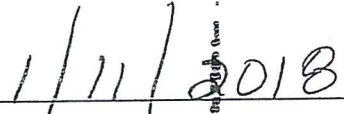
None

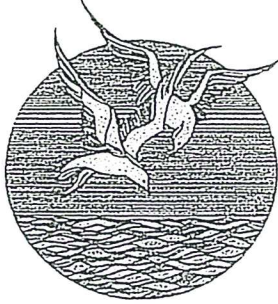
CONCERNS OF THE COMMISSION

Dideum stated she would not be at the November commission meeting; Commissioner Smith will be in charge.

The meeting was adjourned at 7:40 pm


Cheryl A. Lund, secretary


approved



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER TO RECONSIDER DENIAL OF) FINAL FINDINGS
A PERMIT FOR A VRD PARKING VARIANCE) AND ORDER

CITY FILE #17-007V Carson Vacation Rental Parking Variance - RECONSIDERATION

An **APPROVAL** of a Variance seeking relief from vacation rental off-street parking requirements to allow use of the garage for one parking space

Property Owner: Bob & Clare Carson
705 Boyer
Walla Walla, WA 99362

Applicant: Same as Owner

Location: 226 Ridge Drive; Tax Lot 2500 Map 06N10W Section 10BA

Procedures: Completeness: 05-03-17
Notice Mailed: 05-18-17
Notice Published: 05-18-17
Initial Hearing: 06-08-17
120-day deadline: 09-02-17
Denial NOD: 06-13-17
Appeal Filed: 06-23-17
Reconsideration Request: 07-31-17
Notice Published: 09-22-17
PC Reconsider Hearing: 10-12-17

Exhibits: Applicant's application, site plans & photos
Applicant's reconsiderations statement and photos

Gearhart Volunteer Fire Dept.: no comment
Gearhart Building Inspector: letter 5-4-17
Gearhart City Manager: email 5-26 & 5-31-17 and photos
Gearhart Police Chief: comments 5-4-17 & 7-13-17
Gearhart Public Works: no comment
Letter from Charlie & Ruth Kero: 5-31-17

Applicable Criteria: GZO Section 3.1 Low Density Residential Zone R-1
GZO Section 6.130 Off-Street Parking Requirements
GZO Section 7.030 Vacation Rental Permit Standards and Procedures 1)
Maximum Occupancy Calculations a.2) Off Street Parking; and 4) Off-
Street Parking Requirements
GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities
GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to allow use of the existing garage for one of three required off-street spaces to meet occupancy and parking requirements for a 3-bedroom vacation rental dwelling.
- B. Site information: The subject parcel has frontage on Ridge Drive a narrow local street with no sidewalks. The street ROW width is 30 feet and the pavement width is 18 feet. The site is flat, fully fenced and landscaped. The existing hedge in the front yard between the dwelling and the street has been significantly trimmed back from the right-of-way, providing a practical extra parking space for the dwelling. The drain field is south of the dwelling in the side yard. Because of the unusually short lot depth, the front yard area is smaller than a typical standard lot.
- C. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated Low Density Residential R-1 by the Gearhart Zoning Ordinance. The GZO Article specifies 7 Vacation Rental Standards and Procedures.
- D. Agency Coordination: City departments were notified and responded as follows:

The City Building Official said “the applicants are proposing to utilize their garage as one of the required off-street parking spaces. During my inspection of the dwelling, the garage did have a vehicle parked inside and was clearly not being used as storage. Since the owners in fact use the garage for parking, and the substantial impact it would have on

their yard, landscaping, and privacy hedges to create another off-street parking space, I believe a variance would be appropriate in this case.”

The City Police Chief illustrated on the applicant’s aerial site plan that the hedge is located in the street right-of-way where utilities are located. The Chief noted on July 13, 2017 the hedge has been trimmed back 3 to 5 feet.

The City Administrator said (summarized) the permit application provides three parking stalls of adequate size if one in the garage is approved. He said the three bedroom dwelling could attract more than one family and people may find it inconvenient to park in the garage when they arrive if cars are already parked in the driveway. The front hedge has grown and is encroaching in the right-of-way whereas in the past it was smaller and there was additional space for parking. He said aesthetically use of the garage would allow for the lawn and landscaping to remain as is, making for a more residential feel.

On May 30, 2017 the City Administrator measured the site and found the driveway length is 18 feet from the garage to the property line. Again on June 1 the City Administrator took photos and measurements illustrating the property pin in relation to the street and hedge.

E. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential R-1 zone is to provide for low density single family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses.

FINDINGS: The site is zoned low-density residential R-1 and the subject dwelling is a permitted single family residential use. The applicant applied for a vacation rental permit for 3 bedrooms whereby permit issuance depends on use of the garage for one parking space.

F. GZO Section 6.130 Off-Street Parking Requirements

A single family residence is required to have a minimum of two off-street parking spaces that are either graveled or paved. The parking space shall be located on the same lot with the dwelling. See Section 7.030 below for vacation rental parking requirements that override the standard parking requirements for a single family dwelling.

FINDINGS: The subject dwelling met the zone requirement for two off-street parking spaces when the house was built because it had a two-car garage. Subsequent to a

remodel there are now three paved spaces, one in the garage and two in the driveway. The applicant estimates the driveway depth is 18'. Further, in accordance with Section 6.150 Off-Street Parking and Loading – General Provisions:

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

FINDINGS: The parking was satisfied for the original single family dwelling because the minimum of two garage spaces and two driveway spaces were provided. The recently adopted vacation rental standards increased the parking requirements, requiring one space per bedroom. The existing parking on the site is not in conformance with the vacation rental requirements because two outside spaces are provided where three are required for the 3-bedroom dwelling.

G. GZO Article 7 Vacation Rental Standards and Procedures

Section 7.030 Maximum Occupancy Calculation

2) Off-Street Parking: One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.

FINDINGS: The vacation rental permit for 3-bedroom occupancy requires 3 off-street parking spaces that are on-site and outside and do not include the garage. The allowance for smaller compact spaces does not apply in this case because the property has less than four spaces proposed.

The application indicates the two exterior driveway spaces are 9' x 18'. The City Administrator's confirmed the distance from the garage door to the property line is 18 feet. The total driveway width is 17' - 18' for two 9' wide stalls. The applicant proposes to provide one 14' x 22' stall in the garage which exceeds the standard stall size.

Section 4. Off-Street Parking Requirements

- a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.030 (1) (a) (2) above, and are not required to be paved.
- b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street means within private property boundaries.

FINDINGS: The proposed parking plan meets the outside location requirements for two spaces. The Planning Commission finds the garage space is practical in this case. Further, the right-of-way obstruction by the hedge has been removed and provides an additional space. The proposed parking plan is required to be posted for renters and all spaces are to be available.

H. GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities

A Variance to the requirements of this ordinance with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation and evidence submitted by the applicant, all three (3) of the following expressly written findings are made:

- 1. Prove that neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Ordinance; and

FINDINGS: Ridge Drive is a local street with a 30' ROW and a pavement width of 18.5 feet. Current traffic volumes on the street are low. Ridge Drive connects to 5th Street. The Gearhart Transportation System Plan (TSP) indicates that traffic volumes in the city are projected to increase. Further, 5th Street from Summit Drive to the highway is proposed to provide a highway crossing for bicycles, pedestrians and emergency evacuation. An increase in traffic on 5th Street could increase traffic on Summit Drive and Ridge Drive.

The physical circumstances on the site would require partial removal of established landscaping and an established hedge between the front of the house and Ridge Drive in order to create an additional outside parking space wholly on the property. The site was originally developed for a 4-bedroom dwelling with a two-car garage and a driveway onto Ridge Drive. The dwelling was remodeled

by incorporating one of the two garage parking spaces into the interior living area. The applicant plans to advertise their dwelling as a 3-bedroom rather than 4 bedroom rental due to the parking limitations on the site.

The Planning Commission finds that Ridge Drive is narrower than most thru-streets in the vicinity and that the lot depth of the parcels on the block is shorter than standard. These dimensions create a situation where the land area in front of the homes on this street combined with the narrow street-right-of-way result in reduced land area in the front yard for vehicle parking. In this case, the low traffic volume on Ridge Drive and the site's physical limitations support use of the garage to provide additional parking on site for rental guests.

The Planning Commission finds evidence was provided by Charlie and Ruth Kero who live two houses to the north that "...parking at the Caron property has been a problem for thru traffic with cars and boat impeding the roadway..." The Commission finds the applicant significantly trimmed the front hedge so that guests may now park in the right-of-way instead of partially in the street. Permitting use of the garage will also reduce overflow parking in the street. Therefore the Commission finds the site specific circumstances warrant granting a variance allowing use of the garage for one on-site parking space

2. Prove that the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the street; and

FINDINGS: The Planning Commission finds the narrowness of the street and the limited depth of front yards on Ridge Drive limit the amount of front yard space available for parking. The Commission finds granting a variance to allow one garage space will reduce the parking or loading of vehicles on the street that may interfere with the free flow of traffic. Further, although the dwelling has 4 bedrooms the applicant stated they advertise just 3 bedrooms in order to reduce the amount of guest vehicles. The recent hedge trimming created an additional outside space adjoining the front yard so that vehicles will not be parked on the pavement.

3. Prove that the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this ordinance or policies contained within the Comprehensive Plan

FINDINGS: The Planning Commission finds that a potential safety hazard created by excess guest vehicles will be reduced if the applicant is permitted to provide one parking space in the garage.

The following Comprehensive Plan policy is relevant to the request.

- *“The City will recognize the importance of the City’s residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions;”*

FINDINGS: The City adopted standards and procedures for vacation rental dwellings to protect residential neighborhoods from the negative impacts of the transient rental of property and to discourage increased levels of traffic and similar disruptions. A neighbor resident indicated parking at the Carson’s has been a problem for thru traffic due to vehicles impeding the roadway because the hedge location in the street right-of-way.

The Planning Commission finds upon reconsideration and additional notice to the neighbors there were no objections after the hedge was trimmed. The Commission finds it is unreasonable in this case to require major modification of the established landscaping in the front yard for an additional outside space when one space can be made available in the garage.

III. DECISION

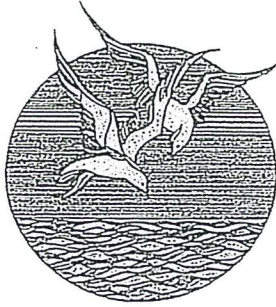
Based on the findings in this decision on October 12, 2017 the Planning Commission decided reconsider and APPROVE a variance allowing one of the required parking spaces to be in the existing garage.

Signed: Virginia Dideum
Virginia Dideum, Planning Commission President

Date: 10/25/2017

DATE MAILED: 10/26/2017

APPEAL: In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138

(503) 738-5501 • (503) FAX 738-9385

BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT FOR
VACATION RENTAL OCCUPANCY VARIANCE

FINAL FINDINGS
AND ORDER

CITY FILE #17-013 *Occupancy* Remer Vacation Rental ~~Parking~~ Variance

A **DENIAL** of a Variance seeking relief from vacation rental occupancy requirements in order to increase the occupancy from 8 to 16 persons in a 4 bedroom dwelling

Property Owner: Candace & David Remer
2929 1st Avenue Penthouse 8
Seattle, WA 98121

Applicant: Same as owner

Location: 871 Hager Street, 0.4 acre parcel; Tax Lot 4000 & 4101 Map
06N10W Section 10CB

Completeness: 09-08-17
 Notice Mailed: 09-22-17
 Notice Published: 09-22-17
 Initial hearing: 10-12-17
 120-day deadline: 01-06-17

Exhibits: Applicant's original application & narrative
 Applicant's 4th revised parking plan 9-28-17
 City Rental Permit file, site plan and aerial photo

Hager Street ROW aerial photo
Clatsop County Public Health Department Certificate of Compliance, 6-28-17; email clarification 10-6-17
Gearhart Fire Chief: comments 9-28-17
Gearhart Building Inspector: comments 9-28-17
Gearhart City Manager: comments 9-25-17
Gearhart Police Chief: no comment 9-11-17
Gearhart Public Works: no comment
Public testimony: Mike Cranston 9-13-17 object
Harold & Jane Gable 9-27-17 support; see minutes and record for hearing testimony on 10-12-17

Applicable Criteria:

- GZO Section 3.1 Low Density Residential Zone R-1
- GZO Section 7.030 Vacation Rental Permit Standards and Procedures
Maximum Occupancy Calculations a.1) Bedrooms/Occupancy
- GZO Section 9.040 Variances
- GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to approve a variance that allows doubling the occupancy limit from 8 to 16 persons for a 4-bedroom vacation rental dwelling. The applicant currently has an approved vacation rental permit for 4 bedrooms and a maximum 8 person occupancy.
- A. Site information: The waterfront property includes two parcels totally 0.41 acres in size. The dwelling has a private setting buffered by a large setback from the street, mature vegetation and open space on two sides.

The front façade of the residence faces Hager Street with access to the street by an estimated 124-foot gated driveway to the front property line. On the west side of the graveled parking area there is a new septic drain-field system.

The subject parcel has frontage on Hager Street, designated a local street. The gated driveway is located on a sharp corner of the street, a narrow street with an estimated driving width of 15 – 20 feet and a ROW width of 60 feet. The private driveway is in the Hager Street ROW. The original public trail to Little Beach was partially located in the ROW before the adjoining property owner fenced off the south terminus of the trail.

B. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated Low Density Residential R-1 by the Gearhart Zoning Ordinance. The GZO Article 7 specifies Vacation Rental Standards and Procedures. Surrounding properties are zoned R-1.

C. Agency Coordination

The Building Official inspected and approved the rental for potentially six complete sleeping areas/bedrooms on 9-28-17. He also informed staff that the building code residential classification for the dwelling is not affected by occupancy which means the commercial building code does not apply to the subject request.

The Fire Chief letter dated 9-28-17 said there is off-street parking for 6 vehicles. He said "no parking" signage shall be posted from the entry gate to the parking area to prohibit blocking the driveway." He said the entry gate is too narrow to allow fire engine access through the gate, which would cause a possible life safety issue if a fire were to occur.

The City Manager said it was the Planning Commission and City Council's desire to address the impact of transient lodging in the residential zones within Gearhart.

The Police Chief had no comment.

Clatsop County Public Health Dept.: A Certificate of Compliance for the dwelling's septic system was issued on June 28, 2017. In a 8-30-17 phone conversation with Mike McNickle, Clatsop County Health agent he said the new septic system is designed for a 4-bedroom dwelling not to exceed a capacity of 450 gallons of water per day. However, the county does not review on-going water usage records to verify usage. He said if the system fails it will set off a loud alarm and the sewage may back-up into the home. He said the city could report water usage to the county and if water usage exceeds 450 gallons per day the system is no longer in compliance. On 10-6-17 he clarified "the maximum number of bedrooms allowed with the system as installed is four, and that means only 8 people maximum (2 people per room and 55+/- gallons per day per person). Anything over that, then it is outside the system's ability to handle the wastewater flow."

D. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential R-1 zone is to provide for low density single family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses.

FINDINGS: The R-1 zone is a low density residential zone. The single family residence is a permitted use in the R-1 Zone. Surrounding land uses are single family dwellings zoned R-1, with the exception of the Lodge at Little Beach.

Article 7 Section 7.020 Special Standards governing Vacation Rentals subsection 2 states that “vacation rental dwellings are similar to a commercial business use and therefore are not a permitted use in the RA, R-1, R-2 and RCPD zones.” However, subsection 4 permits a one-time opportunity for property owners to file an application for a rental permit. The applicant filed for and was granted a permit with an 8-person occupancy limit and septic approval for a 4-bedroom rental.

E. GZO Article 7 Vacation Rental Standards and Procedures

Section 7.030 Maximum Occupancy Calculation

a. Occupancy of the rental will be calculated using the three criteria below. Final occupancy will be set by the most limiting criterion. In accordance with the provisions of Article 9 Variances, an applicant may file an application for a variance to the Maximum Occupancy Calculation Standards.

- 1) Bedrooms/Occupancy: The maximum occupancy for a vacation rental permit shall be two persons over the age of 2 years old per bedroom. Occupancy includes occupants sleeping on the property.

FINDINGS: The City has issued a vacation rental permit for the subject 4 bedroom dwelling with a maximum occupancy of 8 persons over the age of 2. The applicant requests variance approval to allow an occupancy of 16 persons.

- 2) Off-Street Parking:

One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.

FINDINGS: The subject vacation rental is required to have 4 off-street parking spaces for the 4-bedroom dwelling. The applicant's parking diagram (revised 9-28-17) illustrates there are 6 (9 x 15) parking spaces, which exceeds the 50%

compact limit. The Fire Chief and City Administrator said there is sufficient area for 6 vehicles.

2) Septic System Capacity:

Septic systems must be inspected and the inspection must be reviewed and approved by the Clatsop County Public Health Department. Cesspools are prohibited for use with transient rentals.

FINDINGS: The applicant recently installed a new septic system and the drain-field is located on or a few feet below the driveway near the dwelling. The septic system is designed for a 4 bedroom dwelling which means an 8 person maximum occupancy. The system is not designed for 16 people. The system may be located within 50 feet of the Necanicum River estuary.

2. Section 4. Off-Street Parking Requirements

- a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.030 (1) (a) (2) above, and are not required to be paved.
- b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street means within private property boundaries.

FINDINGS: A scaled parking plan has not been provided. The Fire Chief states there is sufficient parking area to accommodate 6 vehicles to be parked on the property. The parking area is graveled and adjoins the septic system, although it is not clear if parking will occur on the septic drain-field. The number of vehicles parked on-site at any given time cannot be easily enforced. Testimony at the public hearing included photos of the driveway full of parked vehicles and additional guest vehicles parked outside the gate on the street right-of-way.

F. GZO Section 9.030 Criteria for Granting Variances

A Variance to requirements of this ordinance with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance decks and walls, and other quantitative requirements, may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant all three (3) of the

following expressly written findings are made: No variance may be granted which will permit a use not permitted in the applicable zone.

FINDINGS: The occupancy limit is a quantitative requirement so Article 7 allows for a variance request to occupancy requirements, therefore the variance request is valid. But the applicant must prove all of the variance criteria have been met.

1. Prove the request is necessary to prevent a hardship to the applicant; and

FINDINGS: The Planning Commission finds an occupancy variance is not necessary to prevent a hardship. Based on the factors below, there is no evidence that the applicant will suffer a hardship unless on a nightly rental basis 16 people are permitted to occupy the single family dwelling.

a. Relevant factors to be considered in determining whether a hardship exists include:

(1). Physical circumstances related to the property involved;

FINDINGS: The applicant indicates three large bedrooms in the dwelling justify adding beds for additional occupancy. The Planning Commission disagrees that the size of a bedroom is a factor to allow an occupancy increase. The Commission finds there are no physical circumstances related to the property that create a hardship for the applicant to justify doubling the occupancy for the single family dwelling. On the contrary there are numerous negative impacts caused by large group rentals because of the physical location and physical characteristics of the property.

The off-street parking for large groups has been shown to be inadequate, exacerbated by the narrow, dead-end street. Disruptions such as noise, unattended bonfires and other impacts from large groups affect the residents in the neighborhood, many of whom are permanent residents. The negative impacts conflict with the purpose of low-density residential zoning. The septic system is near the estuary and does not have a capacity for more than 8 occupants. There is no physical circumstance that creates a hardship to the applicant who has a vacation rental permit consistent with the number of bedrooms and septic capacity of the dwelling.

(2). Whether reasonable use can be made of the property without the variance;

FINDINGS: The Planning Commission finds that reasonable use of the property as a residence or a rental has been and can continue to be made without a variance to the occupancy limitation.

(3). Whether the hardship was created by the person requesting the variance;

FINDINGS: The Planning Commission finds the applicant has already been granted a vacation rental permit by the city and installed a septic system with an occupancy limit of 8 persons, based on 2 per bedroom. The applicant has since decided they want to double the occupancy limitation to 16. The hardship was created by the person requesting the variance.

2. Prove the proposed development that will result from the granting of the variance will not be injurious to the adjacent area in which the property is located; and

FINDINGS: The Planning Commission finds testimony from property owners in the area indicates there are numerous negative impacts to the area. Views and privacy from adjacent property are significantly affected by an increase in occupants. Fire safety and septic capacity cannot be guaranteed if the occupancy is doubled. Noise and other disruptions increase if the number of vehicles and activities of renters is doubled. Adequate on-site parking for 16 occupants cannot be guaranteed.

a. Relevant factors to be considered in determining whether the proposed development will be injurious to the adjacent area include:

The physical impacts such development will have such as:

(1) Views from adjacent property;

FINDINGS: The Planning Commission finds the existing land use and zoning is residential in the adjacent area. Views from adjacent properties are significantly affected by large groups, illustrated by photos provided at the hearing by a neighbor within 200 feet (Dudley) who said "the power of a larger group is dominating". From the east and the south there is an open view of the dwelling, the patio and the bonfire area.

(2) Privacy available to adjacent property;

FINDINGS: The Planning Commission finds the privacy of neighbors is negatively impacted from the applicant's rental dwelling, their outdoor patio and

the bonfire area. There is no fencing or landscaping to buffer large party groups from neighbors. A requirement to add buffering could interfere with oceanfront views for the applicant and the Lodge at Little Beach. The Dudley's provided a photo of a drone airplane operated by a renter of the applicant that flew very close to their home. This kind of disruptive activity could not be mitigated by a fence or hedge buffer. The occupancy limitations adopted by the city are designed to minimize the negative impacts from vacation rentals.

(3) Ability to provide and maintain public improvements such as streets, utilities and drainage;

FINDINGS: The Planning Commission finds the subject variance request may result in a failed septic system, an increase in fire incidents and parking overflow onto the public street thereby potentially compromising public services. The existing septic system is not designed for 10 occupants. The septic system is located in close proximity to the estuary. Hager Street is the only street access in and out of the neighborhood for all residents on the street.

(4) Potential for geologic hazard; and

FINDINGS: The Planning Commission finds approval or denial of the subject variance request will have no bearing on the potential for geologic hazards on the site or in the area.

(5) Noise Generated.

FINDINGS: The Planning Commission finds the request to double the rental occupancy will result in more noise from vehicles, large group gatherings, fireworks, airplanes the septic alarm and other disruptions.

3. Provide the request is necessary to enable reasonable use of the property; and

FINDINGS: The Planning Commission finds there is not enough evidence to support that a variance from the rental occupancy limitation is necessary to enable reasonable use of the property as a residence or a vacation rental.

4. Prove the request is not in conflict with the Comprehensive Plan.

FINDINGS: The Planning Commission finds a relevant policy in the Comprehensive Plan that requires vacation rentals to be compatible with the residential character of Gearhart, as follows:

- *“The City will recognize the importance of the City’s residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions;” and;*

FINDINGS: The Planning Commission and City Council spent considerable time over a three-year period to develop vacation rental controls in order to protect residential neighborhoods from the negative impacts of transient rentals in Gearhart. The dwelling is located in a large, strictly low density residential R-1 zone with a single narrow street access in and out. Every resident in this area must pass the subject dwelling at a narrow pinch point corner. An increase in traffic levels and disruptions caused by vacation rentals already occurs in this area due to the dense development pattern east of the site and the narrow street.

In response to the Comprehensive Plan policy the applicant said “we see no safety hazard or any other condition that would affect the Comprehensive Plan by granting the variance.”

But the Commission finds that if 16 people occupy the dwelling it will be difficult to limit and enforce the number of vehicles on-site. Vehicles will continue to park in the narrow street right-of-way. The influx of numerous vehicles arriving at once, repeatedly, is inconsistent with the patterns of a typical single family use. Approval will increase the potential for septic system failure or damage by vehicles; will increase the potential for fire incidents and will increase noise and other disruptions that come from a party house. These conflicts will be exacerbated in the future as the city grows.

The intent of the Comprehensive Plan is supported by the vacation rental occupancy limitation, which was enacted to protect the low density residential neighborhood from negative impacts. The Planning Commission finds granting a variance conflicts with the Comprehensive Plan policy.

III. DECISION

Based on the findings in this decision on October 12, 2017 the Planning Commission decided to DENY a variance to double the occupancy from 8 to 16 persons in the 4 bedroom dwelling.

Signed: Virginia Dideani
Virginia Dideani, Planning Commission President

Date: 10/25/2017

DATE MAILED: 10/26/2017

APPEAL: In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section

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Cheryl Lund

From: Chad Sweet
Sent: Tuesday, October 31, 2017 5:37 PM
To: Peter Watts; Mark McFadden
Cc: Cheryl Lund; Carole Connell; Angela Johnson
Subject: Re: Ray Romine

Because of Mr. Romine's development the city requires a fire hydrant. A 3 inch line is not acceptable for a hydrant.

Also, the city intends to extend the water main beyond Mr. Romine's property in the future. A smaller 3 inch connection will not suffice for the type of water supply we will need. Mr. Romine has installed an 8 inch water main and hydrant through his previous 2 developments and the city will require that the 8 inch water main be installed to this third development.

Chad

On Tue, Oct 31, 2017 at 4:52 PM Peter Watts <Peter.Watts@jordanramis.com> wrote:

We'll make sure to get that to you.

Peter O. Watts | Attorney

Jordan Ramis PC | Attorneys at Law

Direct: [503-598-5547](tel:503-598-5547) Main: [503-598-7070](tel:503-598-7070)

From: Cheryl Lund [<mailto:planning@ci.gearhart.or.us>]
Sent: Tuesday, October 31, 2017 4:48 PM
To: Carole Connell; Peter Watts; Chad Sweet
Cc: Angela Johnson
Subject: RE: Ray Romine

REMINDER I will need your hours into this project so I can bill Mr. Romine at the completion of the project.

Carole has given him a reminder that he will owe for staff time.

CL

From: Carole Connell [mailto:connellpc@comcast.net]
Sent: Tuesday, October 31, 2017 3:46 PM
To: 'Peter Watts' <Peter.Watts@jordanramis.com>; 'Chad Sweet' <chadsweet@cityofgearhart.com>
Cc: 'Angela Johnson' <Angela.Johnson@jordanramis.com>; 'Cheryl Lund' <planning@ci.gearhart.or.us>
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If we're prepared to make a decision and revise the staff report, I need to have that completed by this Thursday 5 pm. Regardless, the PC must make a decision on Nov 9 because neither Chad or I will be here for a December meeting. After that we run out of 120-day waiver time. We could send the PC a revised report separately after the packets are published on Friday. I would like to avoid handing out anything new at the hearing.

Thanks

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Attached is the latest from Mr. Hathaway.

Peter O. Watts | Attorney

Jordan Ramis PC | Attorneys at Law

Direct: [503-598-5547](tel:503-598-5547) Main: [503-598-7070](tel:503-598-7070)

From: Greg Hathaway [mailto:greg@hathawaylarson.com]
Sent: Wednesday, October 25, 2017 10:35 AM
To: Peter Watts
Subject: Ray Romine

Hi Peter,

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Please review with Chad. I am hopeful that this information allows the City to accept Wyatt's opinion so staff can modify its Staff Report for the Partition. Also, Mr. Romine needs to complete construction of the homes. It's my understanding that he cannot proceed further until the City completes an inspection. Can you please have the City complete that inspection so he can move forward.

I look forward to hearing from you.

Thanks.

Greg

Gregory S. Hathaway

Partner



Hathaway Larson LLP

1331 NW Lovejoy St., Suite 950

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Telephone: 503-303-3103 (Direct)

Email: greg@hathawaylarson.com

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Martindale-Hubbell Peer Review – AV[®] Preeminent (Highest Rating)

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

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Cheryl Lund

From: Chad Sweet
Sent: Tuesday, November 14, 2017 4:09 PM
To: Cheryl Lund
Subject: Fwd: Ray Romine
Attachments: image001.png; image001.png

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

From: Chad Sweet <chadsweet@cityofgearhart.com>
Date: Thu, Nov 2, 2017 at 8:29 AM
Subject: Re: Ray Romine
To: Carole Connell <connellpc@comcast.net>
Cc: Cheryl Lund <plannin@ci.gearhart.or.us>

Peter is responding to Hathaway today.

On Thu, Nov 2, 2017 at 7:46 AM Carole Connell <connellpc@comcast.net> wrote:

Cheryl,

For the Romine topic, please include this string of emails plus the Hathaway/Romine email attachment on 10-31. I'll forward that in case you need it.

CC

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Cc: Cheryl Lund; Carole Connell; Angela Johnson
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Peter O. Watts Attorney

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Gregory S. Hathaway

Partner

Hathaway Larson LLP

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Telephone: 503-303-3103 (Direct)

Email: greg@hathawaylarson.com

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by *Chambers USA* in Real Estate: Zoning/Land Use

Selected to "Oregon Super Lawyers" in Land Use/Zoning

Martindale-Hubbell Peer Review – AV® Preeminent (Highest Rating)

Selected to "Best Lawyers in America" in Land Use/Zoning Law

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698 Pacific Way | Gearhart, Oregon 97138
Office: (503) 738-5501 | Fax: (505) 738-9385
chadsweet@cityofgearhart.com

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Cheryl Lund

From: Peter Watts
Sent: Tuesday, November 28, 2017 10:34 AM
To: Cheryl Lund
Cc: Angela Johnson
Subject: RE: Attachments

Under Review Criteria I think we add Oregon Fire Code Chapter 5, Appendix C, and Chapter 33 (enclosed)
Also change the Fire Code reference under the Water Supply bullet on page 10 from Appendix B to Appendix C.

Otherwise looks good!

Peter O. Watts | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

From: Cheryl Lund [mailto:planning@ci.gearhart.or.us]
Sent: Monday, November 27, 2017 4:58 PM
To: Peter Watts; Angela Johnson
Subject: RE: Attachments

Here is a copy of the signed order and cover letter – they will go out in tomorrow's mail.

Thanks to both of you – have a good evening
Cheryl

From: Peter Watts [mailto:Peter.Watts@jordanramis.com]
Sent: Monday, November 27, 2017 4:43 PM
To: Cheryl Lund <planning@ci.gearhart.or.us>; Angela Johnson <Angela.Johnson@jordanramis.com>
Subject: RE: Attachments

Okay, then that should work.

Peter O. Watts | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

From: Cheryl Lund [mailto:planning@ci.gearhart.or.us]
Sent: Monday, November 27, 2017 3:45 PM
To: Peter Watts; Angela Johnson
Subject: RE: Attachments

The 3rd attachment was Chapter 33 – no change.....

From: Peter Watts [mailto:Peter.Watts@jordanramis.com]
Sent: Monday, November 27, 2017 3:44 PM

To: Cheryl Lund <planning@ci.gearhart.or.us>; Angela Johnson <Angela.Johnson@jordanramis.com>
Subject: RE: Attachments

We only got two of those.

Peter O. Watts | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

From: Cheryl Lund [<mailto:planning@ci.gearhart.or.us>]
Sent: Monday, November 27, 2017 3:43 PM
To: Peter Watts; Angela Johnson
Subject: RE: Attachments

..INCLUDE ALL 3?

From: Peter Watts [<mailto:Peter.Watts@jordanramis.com>]
Sent: Monday, November 27, 2017 3:42 PM
To: Cheryl Lund <planning@ci.gearhart.or.us>; Angela Johnson <Angela.Johnson@jordanramis.com>
Subject: RE: Attachments

Those two attachments work.

Peter O. Watts | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

From: Cheryl Lund [<mailto:planning@ci.gearhart.or.us>]
Sent: Monday, November 27, 2017 3:36 PM
To: Angela Johnson; Peter Watts
Subject: RE: Attachments
Importance: High

Updated information.

I could not open any of the attachments so I went to the fire chief, he said Chad gave you wrong information. The attached Appendix C is from 2014 – looks pretty much the same.

Chief Bill said what you probably need is Chapter 5 – he highlighted 501.4

Bill also said no one has talked to him about the fire requirements – attorneys or applicant – he is here now if you want any clarification.

A quick look at the order and I don't see the sections mentioned so I will work on getting the signature block and PC vice chairman to sign it.

I will wait to put into the mail tomorrow so unless I hear otherwise I will include the 3 attachments I got from Bill Cheryl

From: Angela Johnson [mailto:Angela.Johnson@jordanramis.com]
Sent: Monday, November 27, 2017 2:56 PM
To: Cheryl Lund <planning@ci.gearhart.or.us>; Peter Watts <Peter.Watts@jordanramis.com>
Subject: RE: Attachments

I just sent you Chad's original email, which contained them.

ANGELA JOHNSON, JD | Paralegal
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5555 Main: 503-598-7070

From: Cheryl Lund [mailto:planning@ci.gearhart.or.us]
Sent: Monday, November 27, 2017 2:54 PM
To: Peter Watts
Cc: Angela Johnson
Subject: RE: Attachments

Help – attachments are telling me they are 'secured' and I cannot print....

From: Peter Watts [mailto:Peter.Watts@jordanramis.com]
Sent: Monday, November 27, 2017 2:47 PM
To: Cheryl Lund <planning@cityofgearhart.com>
Cc: Angela Johnson <Angela.Johnson@jordanramis.com>
Subject: Attachments

Peter O. Watts | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5547 Main: 503-598-7070

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WYATT
FIRE PROTECTION, INC.
9095 S.W. Burnham
Tigard, OR 97223

Ray Romine
Romine Construction, LLC
2170 Skyline Drive
Seaside, Oregon 97138

October 24, 2017

Re: Hillila Water Line Extension

Dear Mr. Ray Romine:

After reviewing the plans for the Hillila Water Line Extension that you provided, it is my opinion that a 3" main in the street will be adequate to provide water for residential sprinkler systems designed to meet the requirements of NFPA 13D for any houses on Parcel 2.

It should also be noted that NFPA 13D does not require an outside hose flow, normally from a fire hydrant, and systems are routinely designed and installed in areas where there are no fire hydrants available.

Please do not hesitate to contact me if you have any questions or need additional information.

Thank you,

Ashley Nishihara, EIT
Fire Protection Designer

HARTMAN CONSTRUCTION CO.

PO Box 158
Warrenton, OR 97146

Estimate

Date	Estimate #
10/24/17	159

Name / Address
RAY ROMINE 2170 Skyline Dr Seaside Or 97138

Item	Description	Cost	Total
Fire Hydrant	Fire Hydrant -- Install materials & labor	9,000.00	9,000.00
Blow Off	Blow off -- Install & labor	3,000.00	3,000.00
Water Service	Water Service -- Install 2 water services materials & labor	1,700.00	1,700.00
WATER LINE	Water Line -- Install 330' water main	22,150.00	22,150.00
LOCATION	Location : Hilllila Ln. Gearhart + Permits + Engineering \$9,000.-		
Total			\$35,850.00 + 9,000.- #44,850.-

IIARTMAN CONSTRUCTION CO.

PO Box 158
Warrenton, OR 97146

Estimate

Date	Estimate #
10/24/17	160

Name / Address
RAY ROMINE 2170 Skyline Dr Seaside Or 97138

Project

Item	Description	Cost	Total
WATER LINE	Water Line -- Install 160' water main	5,650.00	5,650.00
Water Service	Water Service -- Install 2 water servives	1,700.00	1,700.00
Blow Off	Blow off -- Install blow off	3,000.00	3,000.00
WATER LINE	Water Line -- Install 2 / 160' 2" water services	1,000.00	1,000.00
LOCATION	Location : Hillila Ln.		
		Total	\$11,350.00

Cheryl Lund

To: Carole Connell (connellpc@comcast.net)
Cc: Chad Sweet (chadsweet@cityofgearhart.com); Bill Eddy
(gearhartfd@cityofgearhart.com)
Subject: Romine fire requirements

Carole – per your request for fire requirements for subdivisions, in a conversation between Chief Eddy and Chad this morning the requirement is a hydrant every 500' with a capacity of 1000 gallons. The home sprinkler option is only available if those quantities are not available. In the case of Romine with the water main extension the 500' 1000 gallons can be achieved.

Cheryl

Kennedy/Jenks Consultants

421 SW 6th Avenue, Suite 1000
Portland, Oregon 97204
503-423-4000
FAX: 503-295-4901

City of Gearhart Water Master Plan

21 January 2017

Prepared for

City of Gearhart
698 Pacific Way
P.O. Box 2510
Gearhart, OR 97138

K/J Project No. 1676009*00

Additional storage capacity is not required if the City's population growth remains within the projected population. The City should re-evaluate the need for extra storage in 15 years if its population growth rate is greater than projected.

5.1.4 Fire Flow Pipeline Improvements

In collaboration with the City and the results of EPANET modeling, three water projects have been identified to maintain adequate water pressure throughout the system under fire flow demand: Marion loop construction, Hillila Loop construction, and Hwy 101 pipe replacement. The new water lines will also eliminate dead-ends and reduce stagnation of water within the system. Table 5.1 shows the cost to repair the top priority pipes identified by the City in the next 20 years.

Table 5.1: Fire Flow Pipeline Improvements

Project Cost per year (based on FY 2015-2016)	Total Estimated Cost
Marion Loop Construction	\$90,000
Hillila Loop Construction	\$390,000
Highway 101 Pipe Replacement	\$3,710,000

5.1.4.1 Marion Loop Construction

The City has completed the Marion Loop pipeline survey and intends to install 400 feet of 8-inch PVC pipe. The project is estimated to cost \$90,000 and will be funded through the water reserve fund in 2017.

5.1.4.2 Hillila Loop Construction

The City plans to construct the Hillila Loop pipeline in the next twenty years, likely using 8-inch PVC pipe. The project is estimated to cost \$390,000 and will be funded through the water reserve fund in 2022.

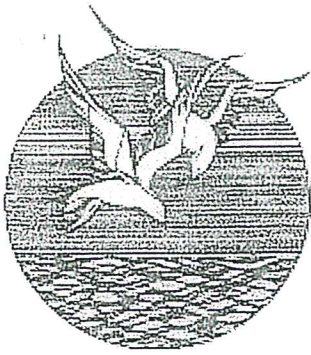
5.1.4.3 Highway 101

The City plans to replace approximately 9,950 linear feet of AC waterline along Hwy 101. The existing pipe varies from 6-inch to 10-inch AC pipe and will be upsized to 18-inch C900 PVC. Because the cost to replace is \$3.7 million, we recommend the project be split into four smaller projects. Due to funding concerns, the project is projected to start in 2033.

However, the cost to construct the pipeline may be significantly reduced if an opportune project such as Hwy 101 reconstruction were to occur.

5.1.5 Aged Pipe

As mentioned in Section 3 and 4, the City's aged distribution system is prone to leaks and major pipeline failures. Table 5.2 shows the cost to replace the top priority pipes identified by the City in the next 20 years.



copy prepared
11/11/2018

CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

November 9, 2017

MEMBERS: Carl Anderson, Jeremy Davis, Terry Graff, David Smith and Russ Taggard.

STAFF: Carole Connell, Chad Sweet, Chief Bill Eddy and Mark Brien Building official

Minutes

The regular meeting of the Gearhart Planning Commission for Thursday, November 9, 2017 was called to order at 6:00 pm by Vice-president David Smith.

On **MOTION** by Graff, 2nd by Davis, by unanimous motion Virginia Dideum was granted an excused absence from the November 9, 2017 Commission meeting.

Smith noted there are no minutes or financial reports in the packet.

On **MOTION** by Anderson, 2nd by Taggard, by unanimous motion approval of the November 2017 commission minutes were delayed until they are provided.

STAFF REPORTS

Chad Sweet reported on a pending work session with the City Council to discuss Dune Vegetation, he noted work session date and time would be posted on the City Blog.

Sweet also noted there is still a Planning Commission vacancy with the retirement of Richard Owsley. Two applications have been received, the Council will meet in December to vote on a new appointment.

STR vacation rentals are moving forward, all but approximately 10 homes in the R1/R2 zones are licensed. He foresees no big issues with licensing the rest of the properties.

In the election to repeal and replace Ordinance 901 the results are still unofficial there were 492 no votes and 178 yes votes.

Carole Connell reported staff would not be available for the December commission meeting, there are no hearings scheduled, the commission president had voiced interest in cancelling the meeting. By consensus of Commissioners the December 2017 Planning Commission meeting was cancelled.

CORRESPONDENCE

Correspondence was reviewed from John & Margaret Green regarding the dune vegetation committee and correspondence from Oregon Parks and Recreation Department regarding unauthorized dune grading. No action was taken by the Commission.

VISITORS COMMENTS

None

PUBLIC HEARINGS

Smith read the hearing disclosure statement for both public hearings before the Commission.

Land Partition #17-008P submitted by Ray Romine to partition one parcel of land into two (2) lots for property located on Hillila Road and further described as Assessor's Plat 7 10 34CA, Tax Lot 3300 was open at 6:10 pm. Smith asked if Commissioners had any exparte contact, conflict of interest or bias to declare. None was voiced. He asked if there were any audience challenges to the Commission hearing the application before the Commission. None was voiced.

Connell reviewed the history of application noting this being the third continuance, the conditions of approval have not changed. Since there will be no Commission meeting in December another waiver extension will be needed by the applicant. The water main extension requirement which was decided by the applicant and staff in August has been in discussion with Romine, his attorney and the City Attorney to resolve. Staff is making a recommendation the Commission make a decision to approve the application subject to the 9 conditions of approval from the staff report dated August 3, 2017.

Graff asked what the status of the water was now.

Connell said the applicant no longer agrees to the 8-inch water extension due to cost and is proposing a 3-inch line, the attorneys are at an impasse. The Commission has had the application for 4 months and it needs to move on because there is always the option to appeal. Connell reviewed the condition specific to the water main requirement. Romine is proposing a 3-inch line, which the city water plans and needs for fire hydrant and water pressure. A 3-inch line is not acceptable.

Taggard asked if the application is approved is the project dead until he meets the conditions.

Connell said yes, the applicant will need to come back to the Commission for a final plat which includes a survey in its final form as required by the county for creating a new lot.

Graff questioned granting approval if the application is refusing to comply with the conditions.

Sweet noted there is a 'stop order' on the home under construction that will not be lifted until there is a resolution to the water supply, the water supply issue will prevent any additional homes from being constructed and the final plat approval from being signed.

Graff asked is the city is negotiating a service less than is required now.

Sweet -no. The city is holding fast on the requirements.

Davis asked if denied what are his options.

Connell – an appeal to the city council.

On **MOTION** by Graff, 2nd by Davis, a motion was made to deny land partition application #17-008P submitted by Ray Romine to partition one parcel of land into two (2) lots for property located on Hilllila Road and further described as Assessors Plat 7 10 34CA, Tax Lot 3300, based on the water service issue and staff recommendation for an 8-inch water main that the applicant refused to do.

Mark Brien clarified based on an agreement at the preconstruction meeting and getting to a point in construction without having an approved water source a verbal *stop order* was issue, the site has not been posted but by default the project is at a standstill until there is an approved water source.

Chief Eddy clarified where the city looks at the development as a 2-lot partition in compliance with fire code requirements he must look at the project as a whole, an 11-lot subdivision. If the development is done upfront requirements of water and fire turnaround are taken care of, if the project is done one lot at a time you could get around the land partition rule but you cannot skirt the fire regulations it will be an 11-lot subdivision requiring the water supply.

Smith noted previously hearing the applicants report.
There were no opponents, proponents or neutral comments.

Applicants Rebuttal

Romine did not consider the building official demanding he get out of his office as giving him a stop work order. He agrees with fire chief from a zoning and planning perspective this is a simple two lot partition. Wyatte Engineering did engineering for fire code for the 2 houses and came up with something less than a 2-inch line, he feels he is being generous offering a 3-inch line. He noted

acceptable solutions to fire code include wells with pumps and sprinkled systems inside of houses that do not meet flow requirements. The city requirement of an 8-inch water main results in about \$55,000 work versus \$11,000 for a 3-inch line resulting in a "taking" by the city. The water line proposed by the city is too large and too costly to serve two homes. It is not his responsibility what the city wants to do in the future, his responsibility is to the two homes.

The public hearing was closed at 6:30pm.

Smith called for a vote on the **MOTION TO DENY**. Motion passed 3-2 Anderson – nay, Graff – aye, Davis – aye, Taggard – aye, Smith – nay. (See attached)

Land Partition #17-014 submitted by CKI on behalf of Ben Johnson to partition two parcel sof land into two (2) légal lots for property located at the east end of Gronmark Lane and further described as Assessors Plat 7 10 34CA Tax Lots 1801 & 1900 was called to order. Smith asked if Commissioners had any exparte contact, conflict of interest or bias to declare. None was voiced. He asked if there were any audience challenges to the Commission hearing the application before the Commission. None was voiced.

Connell reviewed the staff report, the wetland determination survey just received, the conditions of approval and recommended approval of the preliminary plat. Anderson pointed out typos on the first page of the staff report that will be corrected.

Dean Keranen of CKI, P O Box 2699, Gearhart, Oregon representing Ben Johnson of Sunrise Homes – Keranen said it was a simple two lot partition, the question for the commission would be if a wetland delineation would be necessary or the determination would be sufficient, difference is a determination being the first step necessary for a delineation.

Graff asked if a delineation is something the commission needs to approve.

Connell said according to the ordinance it is something the city is allowed to decide. Sweet said based on a 2011 survey done by CREST there are known wetlands on the property, following a site review it is pretty obvious where the wetland begins and ends and he would recommend accepting the determination. Per conversation with the owner Sweet recommended a *silt net* be erected during the construction process to assure nothing crosses that line.

Davis asked if they would be required to get a determination at some point.

Sweet said no. Connell clarified the commission *may* require a delineation.

Graff asked if it was expensive to get a delineation.

Connell said about twice as much, the applicant paid \$2500 for this determination and a delineation would cost about \$4500.

Keranen said the road is 25 feet away from the wetlands.

Sweet said if the intent was to build right next to the wetland a delineation would be recommended. Connell added they have asked for building envelope to be noted before the plat is finalized.

Johnson said the proposed buildings are approximately 36' x 35' and 38' x 35' both will fit on the flat portion of the lots.

Graff asked if the applicant was in agreement with all of the proposed conditions.

Keranen – yes.

There were no proponents, no opponents, no neutral comments and no rebuttal by the applicant.

The public hearing was closed at 6:55 pm.

Chief Bill Eddy stated the difference in this application and the Romine application is there is a hydrant within 500' of the new 2 lots as required by fire code and a main extension is not required. The ISO insurance rating for Gearhart is 3 - the lower the rating the better for all Gearhart property owners, this is achieved by maintaining tight access standards to municipal water systems and hydrants. The applicant also put in an apparatus turnaround making it a lot easier for the homes.

Connell recommended changing condition #1 to read "Any excavation, fill or construction within 25 feet of the wetland requires engineered plans and city approval. The applicant shall identify the building envelope for each dwelling on the proposed parcels." And changing condition #7 to add at the end of the first sentence "....and install silt fencing protection."

On **MOTION** by Taggard, 2nd by Graff, based on the findings in the city staff report the proposed Preliminary Partition Plat, File #17-014P subject to the conditions of approval as modified in #1 and #7 was unanimously approved. (See attached)

OLD BUSINESS

Goals list – it was recommended by staff to remove line 22 and 23 as projects completed. Discussion is to be continued at the January 2018 Commission meeting.

NEW BUSINESS

None


CONCERNS OF THE COMMISSION

None

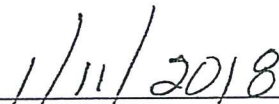
QUESTIONS FOR THE LAND USE ATTORNEY

None

On **MOTION** by Graff, 2nd by Taggard, the meeting was adjourned at 7:10 pm



Cheryl A. Lund, secretary



approved

BEFORE THE PLANNING COMMISSION
OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT)
FOR A TENTATIVE PARTITION) FINAL FINDINGS
PLAN) AND ORDER

DENIAL of a request for a Tentative Land Partition to create one new single family home site with access to Hillila Road

FILE NUMBER: #17-008P Ray Romine

REQUEST A request by Ray Romine for City approval of a two-lot Land Partition to create one new single family home site

FILE NUMBER: File# 17-008P Romine

OWNER: Ray Romine
2170 Skyline Drive
Seaside, Oregon 97138
romine4@charter.net

APPLICANT: Same as above

SURVEYOR: OTAK Inc.
Dale Barrett
4253-A Hwy 101 North
Gearhart, OR 97138

LOCATION: North side of Hillila Road, North half of Tract A, Map 6-10-3BD
Tax Lot 3300, Heritage Dunes Subdivision

EXHIBITS:

1. Applicant's land partition application form; Preliminary Partition Plat, OTAK 3-14-17
2. OTAK wetland boundary map illustration 7-19-17
3. DSL Wetland Delineation concurrence letter, 8-3-16
4. Gearhart Wetland Inventory map
5. Gearhart Police Chief: no comment 7-10-17
6. Gearhart Fire Department: letter with conditions 7-12-17

7. Gearhart Public Works: with condition 7-24-17
8. Gearhart Building Inspector: agrees, with Fire Chief 7-25-17
9. Gearhart City Administrator: see wetland inventory; water service required to site.
10. Clatsop County: No reply received
11. City of Gearhart Water Master Plan, Section 5.1.4

PROCEDURES: Application deemed complete: 6-26-17
 Notice sent: 7-21-17
 Notice published: 7-21-17
 Initial Public Hearing: 8-10-17
 Continuances: 8-10-17, 9-14-17, 10-10-17
 120-day decision due: 02-02-18

I. **APPLICABLE REVIEW CRITERIA**

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 13.020 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 36 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

Gearhart Water Master Plan

Section 5.1.4 – Fire Flow Pipeline Improvements

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on Hilllila Road, a county road which is paved and has 40 feet of right-of-way. Parcel 2 has direct access to Hilllila Road. The proposed Parcel 1 will have access to Hilllila by a dedicated driveway easement across Parcel 1. The partition plat includes a 10-foot wide roadway dedication on the parcel's Hilllila Road frontage.

3. Site Characteristics: The tree-covered site is in the flood hazard zone "X". Wetlands exist on the west boundary. The east end rises in elevation in a dune formation. The abandoned rail right-of-way is privately owned where it adjoins the east boundary of the subject site. Parcel 2 has been graded and a dwelling is near completion. The dwelling on Parcel 2 is setback from the delineated wetland. Parcel 1 is a future home site.
4. Agency comments: Comments were received from the City Administrator, Gearhart Fire Department, Public Works and Building Official. There were no concerns reported by City Police Chief or Clatsop County.
5. Procedure: Approval of a land partition shall be in accordance with the application and procedural requirements of GZO Article 11 Administrative Provisions and the Gearhart Subdivision Ordinance.

III. FINDINGS

1. GZO Section 3.1 Low Density Residential R-1: The R-1 zone permits a maximum of 4 dwelling units per acre. The minimum lot size is 10,000 square feet. Lot coverage maximum is 35% and building height maximum is 30 feet or two stories, whichever is less.

FINDINGS: The subject parcel is .96 acres and is proposed to be divided into two 20,946 square foot parcels for 2 single family dwellings. The two proposed parcels exceed the minimum 10,000 square foot lot size. The City Building Official reviewed the construction plans for the dwelling under construction regarding setbacks, height and lot coverage for Parcel 2. A future dwelling on Parcel 1 will be required to meet the same R-1 standards.

Wetland: In a prior 2014 approval the parcel owner was required to perform a site specific wetland delineation to determine if the subject parcel can be developed. The wetland delineation was provided to DSL by Ecological Land Services. DSL approved the delineation in their letter dated 8-3-16. On June 30, 2017 the City Planner and the DSL representative met on site to verify the wetland flagging in relation to the dwelling under construction. DSL was satisfied with the setback of the dwelling and found there had been no wetland fill. There was no additional correspondence from DSL.

2. GZO Section 3.1380 Development Standards in the FW Zone:
 - a) Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City.

The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.

- b) All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and / or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.
- c) When property proposed for development is wholly or partially within areas identified as wetlands within the City's FW Zone boundary, the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.
- d) When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and / or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.
- e) When excavation is permitted, a signed stamped report and plan review by a qualified professional such as licensed engineer and / or a licensed engineering geologist shall be required that recommends that the excavation shall cover no more area than the minimum necessary to accomplish the proposed activity, that the excavation will not increase sedimentation or flooding to the site or downstream properties, and that the activity will not cause adverse impacts to the site and surrounding area.

FINDINGS: The Planning Commission finds a wetland has been identified on the west side of the site. The DSL has concurred with the applicant's wetland delineation. The applicant's site map dated 7-19-17 illustrates the wetland

boundary on Parcel 1 and 2. The City and DSL approved the dwelling location on Parcel 2 based on the required 25' wetland boundary setback. The proposed 25' access and utility easement provides the required setback for dwellings on both parcels. However, as a condition of approval a future building permit on Parcel 1 shall be accompanied by proof of the minimum 25' setback from the wetland as well as excavation and fill plans.

3. Article 6 Supplementary Provisions

- a) Section 6.030 Street access: requires a minimum of 25 feet of frontage.

FINDINGS: The Planning Commission finds that Parcel 2 has an estimated 233 feet of frontage on Hillila Road. Parcel 1 has an estimated 25.5' of Parcel 2's frontage for use as a private driveway easement. An easement can be a substitute for actual street frontage. The Commission finds an easement to a maximum of one parcel is a reasonable alternative to a public street.

- b) Section 6.130 Off-Street Parking: Two off-street parking spaces are required per dwelling.

FINDINGS: The Planning Commission finds that when a building permit is requested the Building Official will require that two off-street parking spaces be provided on each parcel.

- c) Section 6.161 Landscape Plan on Hwy 101: All new subdivisions are required to provide a minimum 10' wide landscaped buffer on lots adjacent to Highway 101.

FINDINGS: The Planning Commission finds that the subject partition does not have frontage on Highway 101.

- d) Section 6.180 Excavation: Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards shall first require an excavation and fill permit from the City Administrator.

FINDINGS: The Planning Commission finds that before vegetation removal, excavation or grading commences on Parcel 1 the applicant shall obtain city approved plans, and this should be a condition of approval.

- e) Section 6.195 Tree Removal: The purpose of this section is to assure that mature trees are removed only when necessary. A tree is defined as at least 12 inches in

diameter at 4.5 feet above grade. Any person planning to cut more than 5 trees within a 12 month period shall first obtain a tree removal permit from the City.

FINDINGS: The Planning Commission finds the application does not describe tree removal plans for Parcel 1. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.

- f) Section 6.200 Protection of Archaeological Sites: The Building Official shall review building permits and the City Administrator shall review other land use actions that may affect a known archaeological site.

FINDINGS: The Planning Commission is not aware of an archaeological site on the subject parcel.

4. Subdivision Ordinance Sections 23 – 36 Land Partitioning submittal requirements

- a) Sections 24 to 36 describe partition plat submittal requirements, review procedures and final plat filing requirements.

FINDINGS: The Planning Commission finds that the relevant data has been provided except that vegetation and tree removal plans, excavation and fill plans or site contours have not been provided for Parcel 1. This information can be provided with the final plat submittal or at the time of a building permit submittal for Parcel 1.

5. Subdivision Ordinance Sections 37-46 General Regulation and Design Standards

- a) Section 37 – Principals of Acceptability

A land division, whether by a subdivision, creation of a street, or a partitioning shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

FINDINGS: The Planning Commission finds the applicant proposes a land partition to create two parcels for two single family dwellings on Hillila Road. Approval is subject to compliance with the design standards of the Gearhart Subdivision Ordinance. The Commission finds Sections 41 Blocks, Section 42 Large Building Sites, Section 44 Land for Public Purposes and Section 45 Unsuitable Land are not applicable in this case.

- b) Section 38 - Streets: A land partition shall conform to the city street design standards.

FINDINGS: The Planning Commission finds no new public or private streets are planned to the two parcels. Instead, access to Parcel 1 is proposed by a 25.5' access and utility easement. The applicant will be required to establish a shared driveway maintenance agreement for the driveway. The driveway must be improved to Fire District specifications. Access from Hillila Road to the existing dwelling on Parcel 2 is also available in the easement.

- c) Section 39 - Recreation and Utility Easements:

FINDINGS: The Planning Commission finds there are no plans for recreation easements on the subject site. A 25.5'-foot access and utility easement is proposed across Parcel 2 to provide utilities to Parcel 1. Existing utilities include natural gas, water, communications and electrical lines. A condition of approval that a water main be installed per city and fire requirements should be required.

- d) Section 40 - Building Sites: Each lot shall be appropriate for the location, environmental features and for the type of development proposed. Each lot shall abut a street for a width of at least 25 feet. Through lots shall be avoided. Lot lines shall run at right angles to the street. Land which the Commission finds unsuitable for partitioning for reasons including flooding, improper drainage, wetlands or other concerns shall be set aside for a use which does not pose a danger or a negative impact.

FINDINGS: The Planning Commission finds proposed Parcels 1 and 2 are appropriately sized and shaped for street frontage. Parcel 1 has street frontage by a legal access easement across Parcel 2. The parcels are not through lots located between two streets. Lot lines run at right angles to the street. There is a known wetland on the west side of the parcels that is unsuitable for any development. The wetland delineation was approved by DSL on 8-3-16. The dwelling on Parcel 2 exceeds the 25-foot minimum setback from the wetland boundary. A dwelling on Parcel 1 will be required to meet the wetland setback.

- e) Section 43 – Water Courses: The land divider shall dedicate a right-of-way for storm drainage purposes, conforming to the lines of any natural water course or channel, stream or creek that traverses the partition, or find an alternative method to dispose of storm water.

FINDINGS: The Planning Commission finds that the proposal does not identify a natural water course on the site and does not include a plan for storm water runoff. At the time of a building permit request the applicant will be required to illustrate the location of roof drains and driveway drainage.

f) Section 46 – Wetlands and Areas Subject to Inundation: The Planning Commission may prohibit the partition of any portion of property which lies within the floodplain or wetlands of any stream or drainage course. These areas shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.

FINDINGS: The Planning Commission finds that the official Gearhart Local Wetland Inventory LWI map illustrates a wetland on the west side of the parcel. The proposed partition provides area for two home sites west of and outside of the designated wetland. Staff requested contours of Parcel 1 to assure proper home placement is available. City staff met with the DSL representative at the site on June 29, 2017 and found the wetlands were flagged. DSL recommended the flagging be confirmed for accuracy. Staff requested the engineer confirm the flagging, and OTAK provided the data on an exhibit dated 7-19-17.

6. Subdivision Ordinance Sections 47 – 50 Improvements

a) Section 47 Improvement Standards and Approval

All improvements must conform to the requirements of the Gearhart subdivision ordinance and any other improvement standards or specifications adopted by the City, and installed in accordance with the following procedure:

- 1) Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission. All plans must be prepared in accordance with the requirements of the city.
- 2) Improvement work shall not be commenced until the City has been notified.
- 3) All required improvements shall be constructed under the inspection and to the satisfaction of the City.
- 4) All underground utilities shall be constructed prior to surfacing of the streets.
- 5) A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.

FINDINGS: The Planning Commission finds that plans for required water improvements do not conform to the standards or specifications of the City, and have not been approved by the city, so this criteria is not met.

b) Section 48 Improvement Requirements:

- 1) Public streets shall be improved.
- 2) Structures necessary for drainage, access and public safety shall be installed.
- 3) Storm water facilities or ground water recharge facilities shall be installed per city specifications.
- 4) Water mains and fire hydrants must be installed per design, layout and location approved by the city.

Water:

The Planning Commission finds, through written and oral testimony, that the applicant refuses to comply with the city's requirements regarding water mains. The application does not comply with the requirements set forth in the City Water Master Plan, which requires, in Section 5.1.4.2, an extension of the main line east of the subject site, using an 8 inch pipe, in order to meet water pressure for fire flow demands.

Before the partition plan was filed City staff indicated in a meeting with the applicant that an 8 inch water main must be extended from its current terminus across the parcel's Hillia Road frontage to serve two homes on the site. The applicant agreed to extend the 8" water main, until a later date when he requested a bid for the cost of the extension. During the hearings the applicant testified he will only extend a 3" line. This fails to comply with the city's required design specifications.

The applicant stated he will connect the two homes to City of Warrenton water service and has their permission to do so. In an email from the City of Warrenton on September 7, 2017 James Dunn said, "The City does not have a written policy, but there is no intent or desire to provide water service in another agency's service area. Furthermore it is common practice not to do so. Mr. Romine has not received permission to connect to the City of Warrenton's water main."

The development also requires a new fire hydrant because the nearest hydrant is located approximately 625 – 650 feet west of the northernmost Parcel 1. This exceeds the maximum distance of 500 feet, as mandated by the Oregon Fire Code. Therefore an 8 inch line is required to service a new hydrant at the parcel. The applicant installed an 8" line to his adjoining parcels he partitioned to the west, but has repeatedly indicated he will not extend the 8" line to the subject partition. The applicant's subject partition is the last one available in a series of adjoining land partitions he has created over several years.

In addition to testimony from Fire Chief Bill Eddy, the Fire Department's initial letter dated July 11, 2017 outlines several access requirements for fire access safety in accordance with Oregon Fire Code (OFC). Prior to approval the applicant must provide information showing compliance with the following:

- Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than 14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.
- Signage: The applicant shall install a "NO PARKING – FIRE LANE" sign on both sides of the access easement, unless the driveway width provides for on-street parking.
- Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
- Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650' to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.

- 5) Underground utilities shall be installed.
- 6) Street lighting per city specifications shall be installed.
- 7) Street signs shall be installed per city specifications.
- 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
- 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The Planning Commission finds that all public and private utilities are available to proposed Parcel 1 and 2, except for city water service pursuant to city requirements.

Underground utilities are required. If applicable, street lighting and street sign locations and specifications shall be determined by City staff. City staff has not indicated a need for drainage improvements or easements. Damage to public streets related to the development shall be restored to existing conditions before the damage.

Because applicant has failed to submit plans for a water main that comply with city requirements and specifications and has expressly testified that he will not comply with city requirements related to the water main and the fire hydrant, this criteria is not met.

- c) Section 49 – Monuments: Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 - Monuments

FINDINGS: The above requirement should be a condition of approval.

- d) Section 50 – Survey Requirements: The surveyed plat shall be set according to ORS 92 and city specifications outlined in Section 50 – Survey Requirements.

FINDINGS: The above requirement should be a condition of approval.

IV. DECISION

The City initially recommended approval of the partition plan subject to conditions to satisfy city standards. Subsequent to three hearing continuances, on November 9, 2017 The Planning Commission DENIED the proposed Tentative Partition Plan because the Planning commission determined that the criteria related to water improvements standards, specifically requirement of an 8 inch water main pipe required for adequate water pressure under fire flow, and the fire hydrant required under the Oregon Fire Code, is not met, and could not be met pursuant to a condition of approval, because the applicant has failed to submit plans showing compliance with the requirements and during his testimony would not affirmatively agree to comply with any condition of approval imposing such requirements.

Signed: 
David Smith, Planning Commission Vice-President

Date: 11/27/2017

DATE MAILED: 11/28/2017

V. APPEAL

In accordance with the Gearhart Zoning Code Section 13.060(2), the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in Section 13.060(3).

BEFORE THE PLANNING COMMISSION
OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT)
FOR A TENTATIVE PARTITION)
PLAN) *FINAL FINDINGS*
AND ORDER
AMENDED 11.28.17

DENIAL of a request for a Tentative Land Partition to create one new single family home site with access to Hillila Road

FILE NUMBER: #17-008P Ray Romine

REQUEST: A request by Ray Romine for City approval of a two-lot Land Partition to create one new single family home site

FILE NUMBER: File# 17-008P Romine

OWNER: Ray Romine
2170 Skyline Drive
Seaside, Oregon 97138
romine4@charter.net

APPLICANT: Same as above

SURVEYOR: OTAK Inc.
Dale Barrett
4253-A Hwy 101 North
Gearhart, OR 97138

LOCATION: North side of Hillila Road, North half of Tract A, Map 6-10-3BD
Tax Lot 3300, Heritage Dunes Subdivision

EXHIBITS: 1. Applicant's land partition application form; Preliminary Partition Plat, OTAK 3-14-17
2. OTAK wetland boundary map illustration 7-19-17
3. DSL Wetland Delineation concurrence letter, 8-3-16
4. Gearhart Wetland Inventory map
5. Gearhart Police Chief: no comment 7-10-17
6. Gearhart Fire Department: letter with conditions 7-12-17

7. Gearhart Public Works: with condition 7-24-17
8. Gearhart Building Inspector: agrees with Fire Chief 7-25-17
9. Gearhart City Administrator: see wetland inventory; water service required to site.
10. Clatsop County: No reply received
11. City of Gearhart Water Master Plan, Section 5.1.4

PROCEDURES: Application deemed complete: 6-26-17
 Notice sent: 7-21-17
 Notice published: 7-21-17
 Initial Public Hearing: 8-10-17
 Continuances: 8-10-17, 9-14-17, 10-10-17
 120-day decision due: 02-2-18

I. APPLICABLE REVIEW CRITERIA

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 13.020 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 36 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

Gearhart Water Master Plan

Section 5.1.4 – Fire Flow Pipeline Improvements

Oregon Fire Code – Chapter 5, Appendix C, and Chapter 33 (enclosed)

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on Hillila Road, a county road which is paved and has 40 feet of right-of-way. Parcel 2 has direct access to Hillila Road. The proposed Parcel 1 will have access to Hillila by a dedicated driveway easement across Parcel 1. The

has repeatedly indicated he will not extend the 8" line to the subject partition. The applicant's subject partition is the last one available in a series of adjoining land partitions he has created over several years.

In addition to testimony from Fire Chief Bill Eddy, the Fire Department's initial letter dated July 11, 2017 outlines several access requirements for fire access safety in accordance with Oregon Fire Code (OFC). Prior to approval the applicant must provide information showing compliance with the following:

- o Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than 14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turn around a fire department apparatus may be required per OFC 503.1.
 - o Signage: The applicant shall install a "NO PARKING – FIRE LANE" sign on both sides of the access easement, unless the driveway width provides for on-street parking.
 - o Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix C (OFC C105).
 - o Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650' to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.
- 5) Underground utilities shall be installed.
 - 6) Street lighting per city specifications shall be installed.
 - 7) Street signs shall be installed per city specifications.
 - 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
 - 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The Planning Commission finds that all public and private utilities are available to proposed Parcel 1 and 2, except for city water service pursuant to city requirements.

Underground utilities are required. If applicable, street lighting and street sign locations and specifications shall be determined by City staff. City staff has not

Part III—Building and Equipment Design Features

CHAPTER 5

FIRE SERVICE FEATURES

SECTION 501 GENERAL

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter. See also Oregon Revised Statutes (ORS) 92.044, 203, 221, 195.065, 368.039, 478.920 and Oregon Administrative Rule (OAR) 918-480-0100.

ORS Chapter 92.044, 203, 221, 368.039, 195.065, 478.920 and OAR Chapter 918 are not a part of this code but are reproduced or paraphrased here for the reader's convenience.

ORS 92.044 is the adoption of standards and procedures governing approval of plats and plans; delegation to planning commission; fees.

ORS 203 is the county bodies; county home rule.

ORS 221 is the organization and government of cities.

ORS 368.039 allows road standards adopted by local government to supersede standards in the fire codes and requires consultation with local fire agency.

ORS 195.065 requires local governments and special districts that provide urban service to enter into urban service agreements. For the purpose of this statute, "urban service" means: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

ORS 478.920 describes elements that may be included in the scope of a fire prevention code adopted by a rural fire protection district, including but not limited to: mobile fire apparatus means of approach to buildings and structures, and providing fire-fighting water supplies and fire detection and suppression apparatus adequate for the protection of buildings and structures.

OAR 918-480-0100 describes the procedure for approving the installation of automatic fire sprinklers where fire apparatus access or fire-fighting water supply do not meet local standards.

501.2 Permits. A permit shall be required as set forth in Sections 105.6 and 105.7.

501.3 Construction documents. *Construction documents* for proposed fire apparatus access, location of *fire lanes*, security gates across fire apparatus access roads and *construction documents* and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when *approved* alternative methods of protection are provided.

Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

SECTION 502 DEFINITIONS

502.1 Definitions. The following terms are defined in Chapter 2:

AGENCY.

FIRE APPARATUS ACCESS ROAD.

FIRE COMMAND CENTER.

FIRE DEPARTMENT MASTER KEY.

FIRE LANE.

KEY BOX.

TRAFFIC CALMING DEVICES.

SECTION 503 FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. See Appendix D.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exception: The *fire code official* is authorized to modify Sections 503.1 and 503.2 where any of the following applies:

1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

APPENDIX C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

The provisions contained in this appendix are adopted by the State of Oregon.

SECTION C101 GENERAL

C101.1 Scope. Fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed.

SECTION C102 LOCATION

C102.1 Fire hydrant locations. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

SECTION C103 NUMBER OF FIRE HYDRANTS

C103.1 Fire hydrants available. The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

SECTION C104

CONSIDERATION OF EXISTING FIRE HYDRANTS

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

SECTION C105

DISTRIBUTION OF FIRE HYDRANTS

C105.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a,b,c} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^d
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers which cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. Reduce by 50 feet for dead-end streets or roads.
- e. One hydrant for each 1,000 gallons per minute or fraction thereof.

CHAPTER 33

FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION 3301 GENERAL

3301.1 Scope. This chapter shall apply to structures in the course of construction, *alteration* or demolition, including those in underground locations. Compliance with NFPA 241 is required for items not specifically addressed herein.

3301.2 Purpose. This chapter prescribes minimum safeguards for construction, *alteration* and demolition operations to provide reasonable safety to life and property from fire during such operations.

SECTION 3302 DEFINITIONS

3302.1 Terms defined in Chapter 2. Words and terms used in this chapter and defined in Chapter 2 shall have the meanings ascribed to them as defined therein.

SECTION 3303 TEMPORARY HEATING EQUIPMENT

3303.1 Listed. Temporary heating devices shall be *listed* and *labeled* in accordance with the *International Mechanical Code* or the *International Fuel Gas Code*. Installation, maintenance and use of temporary heating devices shall be in accordance with the terms of the listing.

3303.2 Oil-fired heaters. Oil-fired heaters shall comply with Section 603.

3303.3 LP-gas heaters. Fuel supplies for liquefied-petroleum gas-fired heaters shall comply with Chapter 61 and the *International Fuel Gas Code*.

3303.4 Refueling. Refueling operations for liquid-fueled equipment or appliances shall be conducted in accordance with Section 5705. The equipment or appliance shall be allowed to cool prior to refueling.

3303.5 Installation. Clearance to combustibles from temporary heating devices shall be maintained in accordance with the *labeled* equipment. When in operation, temporary heating devices shall be fixed in place and protected from damage, dislodgement or overturning in accordance with the manufacturer's instructions.

3303.6 Supervision. The use of temporary heating devices shall be supervised and maintained only by competent personnel.

SECTION 3304 PRECAUTIONS AGAINST FIRE

3304.1 Smoking. Smoking shall be prohibited except in *approved* areas. Signs shall be posted in accordance with Section 310. In *approved* areas where smoking is permitted,

approved ashtrays shall be provided in accordance with Section 310.

3304.2 Waste disposal. Combustible debris shall not be accumulated within buildings. Combustible debris, rubbish and waste material shall be removed from buildings at the end of each shift of work. Combustible debris, rubbish and waste material shall not be disposed of by burning on the site unless *approved*.

3304.3 Open burning. *Open burning* shall comply with Section 307.

3304.4 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a *listed* disposal container.

3304.5 Fire watch. When required by the *fire code official* for building demolition, or building construction during working hours that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.

3304.6 Cutting and welding. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.

3304.7 Electrical. Temporary wiring for electrical power and lighting installations used in connection with the construction, *alteration* or demolition of buildings, structures, equipment or similar activities shall comply with NFPA 70.

SECTION 3305 FLAMMABLE AND COMBUSTIBLE LIQUIDS

3305.1 Storage of flammable and combustible liquids. Storage of flammable and *combustible liquids* shall be in accordance with Section 5704.

3305.2 Class I and Class II liquids. The storage, use and handling of flammable and *combustible liquids* at construction sites shall be in accordance with Section 5706.2. Ventilation shall be provided for operations involving the application of materials containing flammable solvents.

3305.3 Housekeeping. Flammable and combustible liquid storage areas shall be maintained clear of combustible vegetation and waste materials. Such storage areas shall not be used for the storage of combustible materials.

3305.4 Precautions against fire. Sources of ignition and smoking shall be prohibited in flammable and *combustible liquid* storage areas. Signs shall be posted in accordance with Section 310.

3305.5 Handling at point of final use. Class I and II liquids shall be kept in *approved* safety containers.

3305.6 Leakage and spills. Leaking vessels shall be immediately repaired or taken out of service and spills shall be cleaned up and disposed of properly.

SECTION 3306
FLAMMABLE GASES

3306.1 Storage and handling. The storage, use and handling of flammable gases shall comply with Chapter 58.

SECTION 3307
EXPLOSIVE MATERIALS

3307.1 Storage and handling. *Explosive* materials shall be stored, used and handled in accordance with Chapter 56.

3307.2 Supervision. Blasting operations shall be conducted in accordance with Chapter 56.

3307.3 Demolition using explosives. *Approved* fire hoses for use by demolition personnel shall be maintained at the demolition site whenever *explosives* are used for demolition. Such fire hoses shall be connected to an *approved* water supply and shall be capable of being brought to bear on post-*detonation* fires anywhere on the site of the demolition operation.

SECTION 3308
OWNER'S RESPONSIBILITY
FOR FIRE PROTECTION

3308.1 Program superintendent. The *owner* shall designate a person to be the fire prevention program superintendent who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program superintendent shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where guard service is provided, the superintendent shall be responsible for the guard service.

3308.2 Prefire plans. The fire prevention program superintendent shall develop and maintain an *approved* prefire plan in cooperation with the fire chief. The fire chief and the *fire code official* shall be notified of changes affecting the utilization of information contained in such prefire plans.

3308.3 Training. Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program superintendent.

3308.4 Fire protection devices. The fire prevention program superintendent shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be *approved*.

3308.5 Hot work operations. The fire prevention program superintendent shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.

3308.6 Impairment of fire protection systems. Impairments to any *fire protection system* shall be in accordance with Section 901.

3308.7 Temporary covering of fire protection devices. Coverings placed on or over fire protection devices to protect them from damage during construction processes shall be immediately removed upon the completion of the construction processes in the room or area in which the devices are installed.

SECTION 3309
FIRE REPORTING

3309.1 Emergency telephone. Readily accessible emergency telephone facilities shall be provided in an *approved* location at the construction site. The street address of the construction site and the emergency notification telephone number (9-1-1) of the fire department shall be posted adjacent to the telephone.

SECTION 3310
ACCESS FOR FIRE FIGHTING

3310.1 Required access. *Approved* vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

3310.2 Key boxes. Key boxes shall be provided as required by Chapter 5.

SECTION 3311
MEANS OF EGRESS

[B] 3311.1 Stairways required. Where a building has been constructed to a *building height* of 50 feet (15 240 mm) or four stories, or where an existing building exceeding 50 feet (15 240 mm) in *building height* is altered, at least one temporary lighted *stairway* shall be provided unless one or more of the permanent *stairways* are erected as the construction progresses.

3311.2 Maintenance. Required *means of egress* shall be maintained during construction and demolition, remodeling or *alterations* and additions to any building.

Exception: *Approved* temporary *means of egress* systems and facilities.

SECTION 3312
WATER SUPPLY FOR FIRE PROTECTION

3312.1 When required. An *approved* water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.

SECTION 3313 STANDPIPES

3313.1 Where required. In buildings required to have standpipes by Section 905.3.1, not less than one standpipe shall be provided for use during construction. Such standpipes shall be installed when the progress of construction is not more than 40 feet (12 192 mm) in height above the lowest level of fire department vehicle access. Such standpipe shall be provided with fire department hose connections at accessible locations adjacent to usable stairs. Such standpipes shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

3313.2 Buildings being demolished. Where a building is being demolished and a standpipe is existing within such a building, such standpipe shall be maintained in an operable condition so as to be available for use by the fire department. Such standpipe shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

3313.3 Detailed requirements. Standpipes shall be installed in accordance with the provisions of Section 905.

Exception: Standpipes shall be either temporary or permanent in nature, and with or without a water supply, provided that such standpipes comply with the requirements of Section 905 as to capacity, outlets and materials.

SECTION 3314 AUTOMATIC SPRINKLER SYSTEM

3314.1 Completion before occupancy. In buildings where an *automatic sprinkler system* is required by this code or the *International Building Code*, it shall be unlawful to occupy any portion of a building or structure until the *automatic sprinkler system* installation has been tested and *approved*, except as provided in Section 105.3.4.

3314.2 Operation of valves. Operation of sprinkler control valves shall be allowed only by properly authorized personnel and shall be accompanied by notification of duly designated parties. When the sprinkler protection is being regularly turned off and on to facilitate connection of newly completed segments, the sprinkler control valves shall be checked at the end of each work period to ascertain that protection is in service.

SECTION 3315 PORTABLE FIRE EXTINGUISHERS

3315.1 Where required. Structures under construction, *alteration* or demolition shall be provided with not less than one *approved* portable fire extinguisher in accordance with Section 906 and sized for not less than ordinary hazard as follows:

1. At each *stairway* on all floor levels where combustible materials have accumulated.
2. In every storage and construction shed.

3. Additional portable fire extinguishers shall be provided where special hazards exist including, but not limited to, the storage and use of flammable and *combustible liquids*.

SECTION 3316 MOTORIZED CONSTRUCTION EQUIPMENT

3316.1 Conditions of use. Internal-combustion-powered construction equipment shall be used in accordance with all of the following conditions:

1. Equipment shall be located so that exhausts do not discharge against combustible material.
2. Exhausts shall be piped to the outside of the building.
3. Equipment shall not be refueled while in operation.
4. Fuel for equipment shall be stored in an *approved* area outside of the building.

SECTION 3317 SAFEGUARDING ROOFING OPERATIONS

3317.1 General. Roofing operations utilizing heat-producing systems or other ignition sources shall be conducted in accordance with Sections 3317.2 and 3317.3 and Chapter 35.

3317.2 Asphalt and tar kettles. Asphalt and tar kettles shall be operated in accordance with Section 303.

3317.3 Fire extinguishers for roofing operations. Fire extinguishers shall comply with Section 906. There shall be not less than one multipurpose portable fire extinguisher with a minimum 3-A 40-B:C rating on the roof being covered or repaired.

SECTION 3318 COMBUSTIBLE TRASH CHUTES

3318.1 General. Combustible trash chutes shall not be used in nonsprinklered buildings.

Exception: Combustible trash chutes are allowed in nonsprinklered Type I or Type II structures prior to the installation of any combustible interior finish or in preexisting noncombustible exterior buildings not exceeding four stories in height [48 feet (14 630 mm)] with approved safety plan.

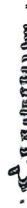
3318.2 Safety plans. An approved safety plan, as applicable to this section, shall address the following:

1. A continuous fire watch (during working hours) stationed at all drop boxes with a continuous means of water application and a means of communication (radio or cell phone).
2. Water application shall be provided at each chute access opening or an approved barrier shall be provided at each opening. The approved barrier shall extend 3 feet (914 mm) to each side of the chute.
3. Where water application is provided at the chute access opening, a trained person shall be continuously

assigned (during working hours) with an approved means of communication.

4. Signage shall be posted at each chute access to read as follows:

NO SMOKING, OPEN FLAME
WELDING OR CUTTING WITHIN
20 FEET (6096 mm) OF CHUTE ACCESS



BEFORE THE PLANNING COMMISSION
OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT)
FOR A TENTATIVE PARTITION) FINAL FINDINGS
PLAN) AND ORDER

APPROVAL of a request for a Tentative Land Partition to create two legal parcels with access to the Gronmark Lane easement

FILE NUMBER: File# 17-014P Johnson

OWNER: Ben Johnson
89125 Stellar Lane
Warrenton, OR 97146

APPLICANT: CKI Surveying
PO Box 2699
Gearhart, OR 97138

LOCATION: East end of Gronmark Lane via private road easement, Map 7 10
34CA Tax Lots 1801 & 1900

EXHIBITS:

1. Applicant's land partition application form, Tentative Partition Plat CKI 11-8-17; Gronmark Ln access easement
2. Wetland boundary determination, SWRA Consultants, 11-7-17
4. Gearhart Wetland Inventory map
5. Gearhart Police Chief: no comment 9-11-17
6. Gearhart Fire Department: letter with conditions 10-10-17
7. Gearhart Public Works: questions & conditions 10-26-17
8. Gearhart City Administrator: OK 10-26-17

PROCEDURES: Application deemed complete: 9-30-17
Notice sent: 10-20-17
Notice published: 10-20-17
Initial Public Hearing: 11-9-17
120-day decision due: 1-19-18

I. APPLICABLE REVIEW CRITERIA

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 11.010 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 26 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on a private access easement extending from Highway 101 east to the proposed Parcel 2. Parcel 1 will have access from the Gronmark Lane easement by a dedicated driveway easement across Parcel 2.
3. Site Characteristics:
The two existing parcels were not created in accordance with city and state land partition requirements. Clatsop County created tax lot 1900 when the railroad right-of-way was abandoned. It is a landlocked, narrow and possibly unbuildable parcel. Tax Lot 1801 was created by deed, not by land partitioning. The proposal reconfigures the two parcels into two full size lots for two dwellings.

Heavily vegetated wetlands exist on the west side of Tax Lot 1801. The east end rises in elevation in a dune formation to the old rail bed. As reconfigured both parcels will have wetland and dune area with the dwellings planned on the east side of each.

4. Agency comments: Comments were received from the City Administrator, Gearhart Fire Department and City Public Works. There were no concerns reported by City Police Chief or Clatsop County.
5. Procedure: Approval of a land partition shall be in accordance with the application and procedural requirements of GZO Article 11 Administrative Provisions and the Gearhart Subdivision Ordinance.

III. FINDINGS

1. GZO Section 3.1 Low Density Residential R-1: The R-1 zone permits a maximum of 4 dwelling units per acre. The minimum lot size is 10,000 square feet. Lot coverage maximum is 35% and building height maximum is 30 feet or two stories, whichever is less.

FINDINGS: Parcel 1 is 11,888 sf and Parcel 2 is 11,906 sf. The two proposed parcels exceed the minimum 10,000 square foot lot size and create 2 dwellings on 23,794 sf (.54 acre). A future dwelling on each parcel will be required to meet the R-1 lot coverage maximum and the minimum property line setback standards.

2. GZO Section 3.1380 Development Standards in the FW Zone:

- a) Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City. The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.
- b) All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and / or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.
- c) When property proposed for development is wholly or partially within areas identified as wetlands within the City's FW Zone boundary, the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.
- d) When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and / or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace

native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.

- e) When excavation is permitted, a signed stamped report and plan review by a qualified professional such as licensed engineer and / or a licensed engineering geologist shall be required that recommends that the excavation shall cover no more area than the minimum necessary to accomplish the proposed activity, that the excavation will not increase sedimentation or flooding to the site or downstream properties, and that the activity will not cause adverse impacts to the site and surrounding area.

FINDINGS: The Planning Commission finds the City and the applicant have identified wetland area on the west side of the site. The City requested that the applicant provide a wetland delineation. The applicant subsequently provided a site-specific wetland determination, which is less in-depth than the delineation. Because the applicant's wetland determination resulted in a smaller wetland boundary than the City's wetland inventory the Planning Commission decided the wetland delineation was not required. Any excavation, fill or construction within 25 feet of the wetland requires engineered plans and city approval. The building envelope for the each parcel and the driveway easement across Parcel 2 for access to Parcel 1 shall be identified in relation to the wetland determination.

3. Article 6 Supplementary Provisions

- a) Section 6.030 Street access: requires a minimum of 25 feet of street frontage.

FINDINGS: The Planning Commission finds that all existing parcels on Gronmark Lane were created without public street frontage, except the parcel abutting the highway. City subdivision standards permit an easement as a substitute for public street frontage. In the current parcel configuration tax lot 1900 (rail ROW) is landlocked. The proposed reconfiguration and legal partitioning of the two parcels also creates a landlocked Parcel 1. To provide access to Parcel 1 the applicant proposes a legal access easement across Parcel 2 that is 25 feet wide.

- b) Section 6.130 Off-Street Parking: Two off-street parking spaces are required per dwelling.

FINDINGS: The Planning Commission finds that when a building permit is requested the Building Official will require that two off-street parking spaces be

provided on each parcel. The two parcels are large enough for two off-street parking spaces and will likely include a 2-car garage.

- c) Section 6.161 Landscape Plan on Hwy 101: All new subdivisions are required to provide a minimum 10' wide landscaped buffer on lots adjacent to Highway 101.

FINDINGS: The Planning Commission finds that the subject partition does not have frontage on Highway 101.

- d) Section 6.180 Excavation: Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards shall first require an excavation and fill permit from the City Administrator.

FINDINGS: The Planning Commission finds that before vegetation removal, excavation or grading commences on either parcel the applicant shall obtain city approved plans, and this should be a condition of approval.

- e) Section 6.195 Tree Removal: The purpose of this section is to assure that mature trees are removed only when necessary. A tree is defined as at least 12 inches in diameter at 4.5 feet above grade. Any person planning to cut more than 5 trees within a 12 month period shall first obtain a tree removal permit from the City.

FINDINGS: The application does not describe tree removal plans. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.

- f) Section 6.200 Protection of Archaeological Sites: The Building Official shall review building permits and the City Administrator shall review other land use actions that may affect a known archaeological site.

FINDINGS: The City is not aware of an archaeological site on the subject parcel.

4. Subdivision Ordinance Sections 23 – 36 Land Partitioning submittal requirements

- a) Sections 24 to 36 describe partition plat submittal requirements, review procedures and final plat filing requirements.

FINDINGS: The Planning Commission finds that the relevant data has been provided except that vegetation and tree removal plans, excavation and fill plans or site contours have not been provided. It is recommended that a building envelope in

accordance with R-1 setback standards be provided. This information can be provided with the final plat submittal or at the time of a building permit request.

5. Subdivision Ordinance Sections 37-46 General Regulation and Design Standards

- a) Section 38 - Streets (a summary of relevant subsections): A land partition shall conform to the city street design standards.

FINDINGS: The Planning Commission finds no new public or private streets are planned to the two parcels. Instead, access to Parcel 2 is provided by the existing Gronmark Lane easement that extends along the west 75 feet of the parcel's south property line. Access to Parcel 1 is proposed by a 25' access and utility easement across Parcel 2. The applicant will be required to establish a shared driveway maintenance agreement for the driveway. The driveway must be improved to Fire District specifications.

Fire Access: The Gearhart Fire Department letter dated 10-10-17 indicates the proposed access road, turnaround design and fire hydrant access shall be in compliance with Fire Department access and water supply requirements. The Fire Chief said the access road and driveway shall be a minimum of 14-foot wide improved surface.

- b) Section 39 - Recreation and Utility Easements:

FINDINGS: The Planning Commission finds there are no plans for recreation easements on the subject site. Access: A 25 foot access and utility easement is proposed across Parcel 2 to provide access and utilities to Parcel 1, and natural gas, water, communications and electrical lines. Water: The City Administrator said there is no indication of the size of the water main pipe being extended and there is no information what size water pipe will be extended to each dwelling. He said the water main extension may need to be designed and submitted to the Clatsop County Health Department prior to installation. A condition of approval regarding water line approvals should be required.

- c) Section 40 - Building Sites: Each lot shall be appropriate for the location, environmental features and for the type of development proposed. Each lot shall abut a street for a width of at least 25 feet. Through lots shall be avoided. Lot lines shall run at right angles to the street. Land which the Commission finds unsuitable for partitioning for reasons including flooding, improper drainage, wetlands or other

concerns shall be set aside for a use which does not pose a danger or a negative impact.

FINDINGS: The Planning Commission finds proposed Parcels 1 and 2 are appropriately sized and shaped. Parcel 1 has private street access by a legal access easement across Parcel 2. The parcels are not through lots located between two streets. Lot lines run at right angles to the street. There is a known wetland on the west side of the parcels that is unsuitable for any development.

d) Section 43 – Water Courses: The land divider shall dedicate a right-of-way for storm drainage purposes, conforming to the lines of any natural water course or channel, stream or creek that traverses the partition, or find an alternative method to dispose of storm water.

FINDINGS: The Planning Commission finds that the proposal does not identify a natural water course on the site and does not include a plan for storm water runoff. At the time of a building permit request the applicant will be required to illustrate the location of roof drains and driveway drainage.

e) Section 46 – Wetlands and Areas Subject to Inundation: The Planning Commission may prohibit the partition of any portion of property which lies within the floodplain or wetlands of any stream or drainage course. These areas shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.

FINDINGS: The Planning Commission finds that the official Gearhart Local Wetland Inventory LWI map and the applicant's wetland determination illustrate a wetland on the west side of the parcels. The proposed partition provides area for two home sites east of and outside of the designated wetland. Prior to any site work flagging the wetland boundaries is required and a silt fence shall be installed.

6. Subdivision Ordinance Sections 47 – 50 Improvements

a) Section 47 Improvement Standards and Approval

- 1) Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission.
- 2) Improvement work shall not be commenced until the City has been notified.
- 3) All required improvements shall be constructed under the inspection and to the satisfaction of the City.
- 4) All underground utilities shall be constructed prior to surfacing of the streets.

5) A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.

FINDINGS: The Planning Commission requires that improvements shall not commence until all utility and plans have been approved and the plat has been recorded. The applicant shall notify the city before work commences and also provide a map to the City showing all public improvements upon completion of installation.

b) Section 48 Improvement Requirements:

- 1) Public streets shall be improved.
- 2) Structures necessary for drainage, access and public safety shall be installed.
- 3) Storm water facilities or ground water recharge facilities shall be installed per city specifications.
- 4) Water mains and fire hydrants shall be installed per city specifications.
- 5) Underground utilities shall be installed.
- 6) Street lighting per city specifications shall be installed.
- 7) Street signs shall be installed per city specifications.
- 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
- 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The Planning Commission finds that public and private utilities are available to Parcel 1 and 2. Street lighting and street signs are not required on private streets. The City Building Official will determine drainage improvements or easements. Damage to public streets (Highway 101) related to the development shall be restored to existing conditions before the damage.

- c) Section 49 – Monuments: Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 - Monuments

FINDINGS: The above requirement should be a condition of approval.

- d) Section 50 – Survey Requirements: The surveyed plat shall be set according to ORS 92 and city specifications outlined in Section 50 – Survey Requirements.

FINDINGS: The above requirement should be a condition of approval.

IV. DECISION

On November 9, 2017 the Planning Commission approved the proposed Tentative Partition Plan based on the findings in this decision and subject to the following conditions of approval:

1. Any excavation, fill or construction within 25 feet of the wetland determination boundary requires engineered plans and city approval.
2. Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards on Parcel 1 shall first require an excavation and fill permit from the City Administrator.
3. In accordance with the Gearhart Fire Department letter, prior to occupancy a minimum 14-foot wide improved surface access driveway to Parcel 1 shall be constructed. In addition adequate fire truck turnaround shall be supplied as approved by the Fire Chief.
4. Water Service: Prior to submittal of the final partition plat indicate the size of the water main pipe being extended from the Gronmark Lane easement and the size of the water pipe to each dwelling. The water main extension may need to be designed and submitted to the Clatsop County Health Department prior to installation.
5. The applicant is required to illustrate the location of roof drains, driveway drainage and possible drainage easements for approval by the City Building Official.
6. The final partition plat shall include declaration of a common private road maintenance agreement between the two parcels to assure the driveway is adequately maintained.
7. Prior to development on each parcel the applicant will be required to flag the approved wetland delineation and install silt fencing protection. Site wetlands shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.
8. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.
9. The applicant shall notify the City prior to commencing street and utility work and shall provide a map to the City showing all public improvements upon completion of those improvement installations. Any damage to Highway 101 as a result of the work shall be restored to existing conditions prior to occupancy approval.

10. Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 – Monuments. The surveyed plat of the partition shall be set according to ORS 92.060 and city specifications outlined in Section 50 – Survey Requirements.

11. This approval is valid for one year from the date this final decision was signed. Within that one year the Partition Plat shall be submitted to the City for approval. If necessary, the applicant may request that the City grant an extension to the one year expiration.

Signed: 
David Smith, Planning Commission Vice-President

Date: 11/27/2017

DATE MAILED: 11/28/2017

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060(2), the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in Section 13.060(3).

BEFORE THE PLANNING COMMISSION
OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT)
FOR A TENTATIVE PARTITION)
PLAN)
FINAL FINDINGS
AND ORDER
AMENDED 11.28.17

DENIAL of a request for a Tentative Land Partition to create one new single family home site with access to Hillila Road

FILE NUMBER: #17-008P Ray Romine

REQUEST: A request by Ray Romine for City approval of a two-lot Land Partition to create one new single family home site

FILE NUMBER: File# 17-008P Romine

OWNER: Ray Romine
2170 Skyline Drive
Seaside, Oregon 97138
romine4@charter.net

APPLICANT: Same as above

SURVEYOR: OTAK Inc.
Dale Barrett
4253-A Hwy 101 North
Gearhart, OR 97138

LOCATION: North side of Hillila Road, North half of Tract A, Map 6-10-3BD
Tax Lot 3300, Heritage Dunes Subdivision

- EXHIBITS:
1. Applicant's land partition application form; Preliminary Partition Plat, OTAK 3-14-17
 2. OTAK wetland boundary map illustration 7-19-17
 3. DSL Wetland Delineation concurrence letter, 8-3-16
 4. Gearhart Wetland Inventory map
 5. Gearhart Police Chief: no comment 7-10-17
 6. Gearhart Fire Department: letter with conditions 7-12-17

7. Gearhart Public Works: with condition 7-24-17
8. Gearhart Building Inspector: agrees with Fire Chief 7-25-17
9. Gearhart City Administrator: see wetland inventory; water service required to site.
10. Clatsop County: No reply received
11. City of Gearhart Water Master Plan, Section 5.1.4

PROCEDURES: Application deemed complete: 6-26-17
 Notice sent: 7-21-17
 Notice published: 7-21-17
 Initial Public Hearing: 8-10-17
 Continuances: 8-10-17, 9-14-17, 10-10-17
 120-day decision due: 02-02-18

I. **APPLICABLE REVIEW CRITERIA**

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 13.020 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 36 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

Gearhart Water Master Plan

Section 5.1.4 – Fire Flow Pipeline Improvements

Oregon Fire Code – Chapter 5, Appendix C, and Chapter 33 (enclosed)

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on Hilllila Road, a county road which is paved and has 40 feet of right-of-way. Parcel 2 has direct access to Hilllila Road. The proposed Parcel 1 will have access to Hilllila by a dedicated driveway easement across Parcel 1. The

has repeatedly indicated he will not extend the 8" line to the subject partition. The applicant's subject partition is the last one available in a series of adjoining land partitions he has created over several years.

In addition to testimony from Fire Chief Bill Eddy, the Fire Department's initial letter dated July 11, 2017 outlines several access requirements for fire access safety in accordance with Oregon Fire Code (OFC). Prior to approval the applicant must provide information showing compliance with the following:

- Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than 14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turn around a fire department apparatus may be required per OFC 503.1.1.
- Signage: The applicant shall install a "NO PARKING – FIRE LANE" sign on both sides of the access easement, unless the driveway width provides for on-street parking.
- Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix C (OFC C105).
- Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650' to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.

- 5) Underground utilities shall be installed.
- 6) Street lighting per city specifications shall be installed.
- 7) Street signs shall be installed per city specifications.
- 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
- 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The Planning Commission finds that all public and private utilities are available to proposed Parcel 1 and 2, except for city water service pursuant to city requirements.

Underground utilities are required. If applicable, street lighting and street sign locations and specifications shall be determined by City staff. City staff has not

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF GEARHART**

IN THE MATTER OF A PERMIT FOR A TENTATIVE PARTITION PLAN)))	FINAL FINDINGS AND ORDER
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DENIAL of a request for a Tentative Land Partition to create one new single family home site with access to Hillila Road

FILE NUMBER: #17-008P Ray Romine

REQUEST: A request by Ray Romine for City approval of a two-lot Land Partition to create one new single family home site

FILE NUMBER: File# 17-008P Romine

OWNER: Ray Romine
2170 Skyline Drive
Seaside, Oregon 97138
romine4@charter.net

APPLICANT: Same as above

SURVEYOR: OTAK Inc.
Dale Barrett
4253-A Hwy 101 North
Gearhart, OR 97138

LOCATION: North side of Hillila Road, North half of Tract A, Map 6-10-3BD
Tax Lot 3300, Heritage Dunes Subdivision

- EXHIBITS:**
1. Applicant's land partition application form; Preliminary Partition Plat, OTAK 3-14-17
 2. OTAK wetland boundary map illustration 7-19-17
 3. DSL Wetland Delineation concurrence letter, 8-3-16
 4. Gearhart Wetland Inventory map
 5. Gearhart Police Chief: no comment 7-10-17
 6. Gearhart Fire Department: letter with conditions 7-12-17

7. Gearhart Public Works: with condition 7-24-17
8. Gearhart Building Inspector: agrees with Fire Chief 7-25-17
9. Gearhart City Administrator: see wetland inventory; water service required to site.
10. Clatsop County: No reply received
11. City of Gearhart Water Master Plan, Section 5.1.4

PROCEDURES: Application deemed complete: 6-26-17
 Notice sent: 7-21-17
 Notice published: 7-21-17
 Initial Public Hearing: 8-10-17
 Continuances: 8-10-17, 9-14-17, 10-10-17
 120-day decision due: 02-02-18

I. APPLICABLE REVIEW CRITERIA

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 13.020 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 36 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

Gearhart Water Master Plan

Section 5.1.4 – Fire Flow Pipeline Improvements

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on Hillila Road, a county road which is paved and has 40 feet of right-of-way. Parcel 2 has direct access to Hillila Road. The proposed Parcel 1 will have access to Hillila by a dedicated driveway easement across Parcel 1. The partition plat includes a 10-foot wide roadway dedication on the parcel's Hillila Road frontage.

3. Site Characteristics: The tree-covered site is in the flood hazard zone “X”. Wetlands exist on the west boundary. The east end rises in elevation in a dune formation. The abandoned rail right-of-way is privately owned where it adjoins the east boundary of the subject site. Parcel 2 has been graded and a dwelling is near completion. The dwelling on Parcel 2 is setback from the delineated wetland. Parcel 1 is a future home site.
4. Agency comments: Comments were received from the City Administrator, Gearhart Fire Department, Public Works and Building Official. There were no concerns reported by City Police Chief or Clatsop County.
5. Procedure: Approval of a land partition shall be in accordance with the application and procedural requirements of GZO Article 11 Administrative Provisions and the Gearhart Subdivision Ordinance.

III. FINDINGS

1. GZO Section 3.1 Low Density Residential R-1: The R-1 zone permits a maximum of 4 dwelling units per acre. The minimum lot size is 10,000 square feet. Lot coverage maximum is 35% and building height maximum is 30 feet or two stories, whichever is less.

FINDINGS: The subject parcel is .96 acres and is proposed to be divided into two 20,946 square foot parcels for 2 single family dwellings. The two proposed parcels exceed the minimum 10,000 square foot lot size. The City Building Official reviewed the construction plans for the dwelling under construction regarding setbacks, height and lot coverage for Parcel 2. A future dwelling on Parcel 1 will be required to meet the same R-1 standards.

Wetland: In a prior 2014 approval the parcel owner was required to perform a site specific wetland delineation to determine if the subject parcel can be developed. The wetland delineation was provided to DSL by Ecological Land Services. DSL approved the delineation in their letter dated 8-3-16. On June 30, 2017 the City Planner and the DSL representative met on site to verify the wetland flagging in relation to the dwelling under construction. DSL was satisfied with the setback of the dwelling and found there had been no wetland fill. There was no additional correspondence from DSL.

2. GZO Section 3.1380 Development Standards in the FW Zone:
 - a) Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City.

The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.

- b) All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and / or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.

c) When property proposed for development is wholly or partially within areas identified as wetlands within the City's RW Zone boundary, the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.

- d) When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and / or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.

- e) When excavation is permitted, a signed stamped report and plan review by a qualified professional such as licensed engineer and / or a licensed engineering geologist shall be required that recommends that the excavation shall cover no more area than the minimum necessary to accomplish the proposed activity, that the excavation will not increase sedimentation or flooding to the site or downstream properties, and that the activity will not cause adverse impacts to the site and surrounding area.

FINDINGS: The Planning Commission finds a wetland has been identified on the west side of the site. The DSL has concurred with the applicant's wetland delineation. The applicant's site map dated 7-19-17 illustrates the wetland

boundary on Parcel 1 and 2. The City and DSL approved the dwelling location on Parcel 2 based on the required 25' wetland boundary setback. The proposed 25' access and utility easement provides the required setback for dwellings on both parcels. However, as a condition of approval a future building permit on Parcel 1 shall be accompanied by proof of the minimum 25' setback from the wetland as well as excavation and fill plans.

3. Article 6 Supplementary Provisions

- a) Section 6.030 Street access: requires a minimum of 25 feet of frontage.

FINDINGS: The Planning Commission finds that Parcel 2 has an estimated 233 feet of frontage on Hillila Road. Parcel 1 has an estimated 25.5' of Parcel 2's frontage for use as a private driveway easement. An easement can be a substitute for actual street frontage. The Commission finds an easement to a maximum of one parcel is a reasonable alternative to a public street.

- b) Section 6.130 Off-Street Parking: Two off-street parking spaces are required per dwelling.

FINDINGS: The Planning Commission finds that when a building permit is requested the Building Official will require that two off-street parking spaces be provided on each parcel.

- c) Section 6.161 Landscape Plan on Hwy 101: All new subdivisions are required to provide a minimum 10' wide landscaped buffer on lots adjacent to Highway 101.

FINDINGS: The Planning Commission finds that the subject partition does not have frontage on Highway 101.

- d) Section 6.180 Excavation: Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards shall first require an excavation and fill permit from the City Administrator.

FINDINGS: The Planning Commission finds that before vegetation removal, excavation or grading commences on Parcel 1 the applicant shall obtain city approved plans, and this should be a condition of approval.

- e) Section 6.195 Tree Removal: The purpose of this section is to assure that mature trees are removed only when necessary. A tree is defined as at least 12 inches in

diameter at 4.5 feet above grade. Any person planning to cut more than 5 trees within a 12 month period shall first obtain a tree removal permit from the City.

FINDINGS: The Planning Commission finds the application does not describe tree removal plans for Parcel 1. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.

- f) Section 6.200 Protection of Archaeological Sites: The Building Official shall review building permits and the City Administrator shall review other land use actions that may affect a known archaeological site.

FINDINGS: The Planning Commission is not aware of an archaeological site on the subject parcel.

4. Subdivision Ordinance Sections 29 – 36 Land Partitioning submittal requirements

- a) Sections 24 to 36 describe partition plat submittal requirements, review procedures and final plat filing requirements.

FINDINGS: The Planning Commission finds that the relevant data has been provided except that vegetation and tree removal plans, excavation and fill plans or site contours have not been provided for Parcel 1. This information can be provided with the final plat submittal or at the time of a building permit submittal for Parcel 1.

5. Subdivision Ordinance Sections 37-46 General Regulation and Design Standards

- a) Section 37 – Principals of Acceptability

A land division, whether by a subdivision, creation of a street, or a partitioning shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

FINDINGS: The Planning Commission finds the applicant proposes a land partition to create two parcels for two single family dwellings on Hillila Road. Approval is subject to compliance with the design standards of the Gearhart Subdivision Ordinance. The Commission finds Sections 41 Blocks, Section 42 Large Building Sites, Section 44 Land for Public Purposes and Section 45 Unsuitable Land are not applicable in this case.

b) Section 38 - Streets: A land partition shall conform to the city street design standards.

FINDINGS: The Planning Commission finds no new public or private streets are planned to the two parcels. Instead, access to Parcel 1 is proposed by a 25.5' access and utility easement. The applicant will be required to establish a shared driveway maintenance agreement for the driveway. The driveway must be improved to Fire District specifications. Access from Hillila Road to the existing dwelling on Parcel 2 is also available in the easement.

c) Section 39 - Recreation and Utility Easements:

FINDINGS: The Planning Commission finds there are no plans for recreation easements on the subject site. A 25.5'-foot access and utility easement is proposed across Parcel 2 to provide utilities to Parcel 1. Existing utilities include natural gas, water, communications and electrical lines. A condition of approval that a water main be installed per city and fire requirements should be required.

d) Section 40 - Building Sites: Each lot shall be appropriate for the location, environmental features and for the type of development proposed. Each lot shall abut a street for a width of at least 25 feet. Through lots shall be avoided. Lot lines shall run at right angles to the street. Land which the Commission finds unsuitable for partitioning for reasons including flooding, improper drainage, wetlands or other concerns shall be set aside for a use which does not pose a danger or a negative impact.

FINDINGS: The Planning Commission finds proposed Parcels 1 and 2 are appropriately sized and shaped for street frontage. Parcel 1 has street frontage by a legal access easement across Parcel 2. The parcels are not through lots located between two streets. Lot lines run at right angles to the street. There is a known wetland on the west side of the parcels that is unsuitable for any development. The wetland delineation was approved by DSL on 8-3-16. The dwelling on Parcel 2 exceeds the 25-foot minimum setback from the wetland boundary. A dwelling on Parcel 1 will be required to meet the wetland setback.

e) Section 43 – Water Courses: The land divider shall dedicate a right-of-way for storm drainage purposes, conforming to the lines of any natural water course or channel, stream or creek that traverses the partition, or find an alternative method to dispose of storm water.

FINDINGS: The Planning Commission finds that the proposal does not identify a natural water course on the site and does not include a plan for storm water runoff. At the time of a building permit request the applicant will be required to illustrate the location of roof drains and driveway drainage.

f) Section 46 – Wetlands and Areas Subject to Inundation: The Planning Commission may prohibit the partition of any portion of property which lies within the floodplain or wetlands of any stream or drainage course. These areas shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.

FINDINGS: The Planning Commission finds that the official Gearhart Local Wetland Inventory LWI map illustrates a wetland on the west side of the parcel. The proposed partition provides area for two home sites west of and outside of the designated wetland. Staff requested contours of Parcel 1 to assure proper home placement is available. City staff met with the DSL representative at the site on June 29, 2017 and found the wetlands were flagged. DSL recommended the flagging be confirmed for accuracy. Staff requested the engineer confirm the flagging, and OTAK provided the data on an exhibit dated 7-19-17.

6. Subdivision Ordinance Sections 47 – 50 Improvements

a) Section 47 Improvement Standards and Approval

All improvements must conform to the requirements of the Gearhart subdivision ordinance and any other improvement standards or specifications adopted by the City, and installed in accordance with the following procedure:

- 1) Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission. All plans must be prepared in accordance with the requirements of the city.
- 2) Improvement work shall not be commenced until the City has been notified.
- 3) All required improvements shall be constructed under the inspection and to the satisfaction of the City.
- 4) All underground utilities shall be constructed prior to surfacing of the streets.
- 5) A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.

FINDINGS: The Planning Commission finds that plans for required water improvements do not conform to the standards or specifications of the City, and have not been approved by the city, so this criteria is not met.

b) Section 48 Improvement Requirements:

- 1) Public streets shall be improved.
- 2) Structures necessary for drainage, access and public safety shall be installed.
- 3) Storm water facilities or ground water recharge facilities shall be installed per city specifications.
- 4) Water mains and fire hydrants must be installed per design, layout and location approved by the city.

Water:

The Planning Commission finds, through written and oral testimony, that the applicant refuses to comply with the city's requirements regarding water mains. The application does not comply with the requirements set forth in the City Water Master Plan, which requires, in Section 5.1.4.2, an extension of the main line east of the subject site, using an 8 inch pipe, in order to meet water pressure for fire flow demands.

Before the partition plan was filed City staff indicated in a meeting with the applicant that an 8 inch water main must be extended from its current terminus across the parcel's Hillia Road frontage to serve two homes on the site. The applicant agreed to extend the 8" water main, until a later date when he requested a bid for the cost of the extension. During the hearings the applicant testified he will only extend a 3" line. This fails to comply with the city's required design specifications.

The applicant stated he will connect the two homes to City of Warrenton water service and has their permission to do so. In an email from the City of Warrenton on September 7, 2017 James Dunn said, "The City does not have a written policy, but there is no intent or desire to provide water service in another agency's service area. Furthermore it is common practice not to do so. Mr. Romine has not received permission to connect to the City of Warrenton's water main."

The development also requires a new fire hydrant because the nearest hydrant is located approximately 625 – 650 feet west of the northernmost Parcel 1. This exceeds the maximum distance of 500 feet, as mandated by the Oregon Fire Code. Therefore an 8 inch line is required to service a new hydrant at the parcel. The applicant installed an 8" line to his adjoining parcels he partitioned to the west, but has repeatedly indicated he will not extend the 8" line to the subject partition. The applicant's subject partition is the last one available in a series of adjoining land partitions he has created over several years.

In addition to testimony from Fire Chief Bill Eddy, the Fire Department's initial letter dated July 11, 2017 outlines several access requirements for fire access safety in accordance with Oregon Fire Code (OFC). Prior to approval the applicant must provide information showing compliance with the following:

- Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than 14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.
 - Signage: The applicant shall install a "NO PARKING – FIRE LANE" sign on both sides of the access easement, unless the driveway width provides for on-street parking.
 - Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
 - Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650' to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.
- 5) Underground utilities shall be installed.
 - 6) Street lighting per city specifications shall be installed.
 - 7) Street signs shall be installed per city specifications.
 - 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
 - 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The Planning Commission finds that all public and private utilities are available to proposed Parcel 1 and 2, except for city water service pursuant to city requirements.

Underground utilities are required. If applicable, street lighting and street sign locations and specifications shall be determined by City staff. City staff has not indicated a need for drainage improvements or easements. Damage to public streets related to the development shall be restored to existing conditions before the damage.

Because applicant has failed to submit plans for a water main that comply with city requirements and specifications and has expressly testified that he will not comply with city requirements related to the water main and the fire hydrant, this criteria is not met.

- c) Section 49 – Monuments: Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 - Monuments

FINDINGS: The above requirement should be a condition of approval.

- d) Section 50 – Survey Requirements: The surveyed plat shall be set according to ORS 92 and city specifications outlined in Section 50 – Survey Requirements.

FINDINGS: The above requirement should be a condition of approval.

IV. DECISION

The City initially recommended approval of the partition plan subject to conditions to satisfy city standards. Subsequent to three hearing continuances, on November 9, 2017 The Planning Commission DENIED the proposed Tentative Partition Plan because the Planning commission determined that the criteria related to water improvements standards, specifically requirement of an 8 inch water main pipe required for adequate water pressure under fire flow, and the fire hydrant required under the Oregon Fire Code, is not met, and could not be met pursuant to a condition of approval, because the applicant has failed to submit plans showing compliance with the requirements and during his testimony would not affirmatively agree to comply with any condition of approval imposing such requirements.

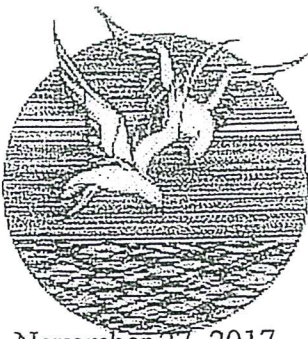
Signed: 
David Smith, Planning Commission Vice-President

Date: 11/27/2017

DATE MAILED: 11/28/2017

V. APPEAL

In accordance with the Gearhart Zoning Code Section 13.060(2), the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in Section 13.060(3).



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

November 27, 2017

Ray Romine
2170 Skyline Dr.
Seaside, OR 97138

RE: Partitioning Request – Ray Romine
Hillila Road 490' east of Highway 101 – Assessors Plat 6 10 3BD, Tax Lot 3300

Dear Mr. Romine:

Enclosed find the signed documents affirming denial of application #17-008P tentative plat partition to partition Tax Lot 3300, Assessors Plat 6 10 3BD into two (2) lots.

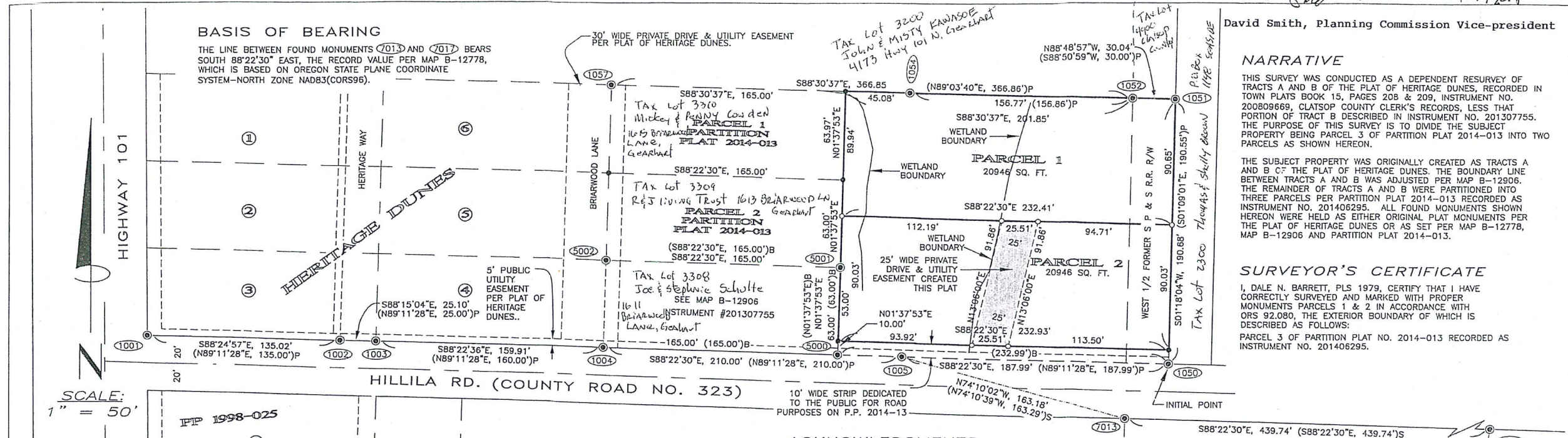
An appeal of the Planning Commission decision may be filed with the city no later than **December 12, 2017** on the appropriate form with the \$250.00 filing fee. An appeal form and a copy of Section 13.060 Appeal from the City of Gearhart zoning ordinance is enclosed for your information.

Sincerely,
CITY OF GEARHART

Cheryl A. Lund
Planning Commission Secretary

Cc: Dale Barrett, OTAK, Inc
Greg Hathaway/ Hathaway Larson LLP
Peter Watts/ Jordan Ramis PC

RO Romine 11/27/2017



David Smith, Planning Commission Vice-president

NARRATIVE

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF TRACTS A AND B OF THE PLAT OF HERITAGE DUNES, RECORDED IN TOWN PLATS BOOK 15, PAGES 208 & 209, INSTRUMENT NO. 200809668, CLATSOP COUNTY CLERK'S RECORDS, LESS THAT PORTION OF TRACT B DESCRIBED IN INSTRUMENT NO. 201307755. THE PURPOSE OF THIS SURVEY IS TO DIVIDE THE SUBJECT PROPERTY BEING PARCEL 3 OF PARTITION PLAT 2014-013 INTO TWO PARCELS AS SHOWN HEREON.

THE SUBJECT PROPERTY WAS ORIGINALLY CREATED AS TRACTS A AND B OF THE PLAT OF HERITAGE DUNES. THE BOUNDARY LINE BETWEEN TRACTS A AND B WAS ADJUSTED PER MAP B-12906. THE REMAINDER OF TRACTS A AND B WERE PARTITIONED INTO THREE PARCELS PER PARTITION PLAT 2014-013 RECORDED AS INSTRUMENT NO. 201406295. ALL FOUND MONUMENTS SHOWN HEREON WERE HELD AS EITHER ORIGINAL PLAT MONUMENTS PER THE PLAT OF HERITAGE DUNES OR AS SET PER MAP B-12778, MAP B-12906 AND PARTITION PLAT 2014-013.

SURVEYOR'S CERTIFICATE

I, DALE N. BARRETT, PLS 1979, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS PARCELS 1 & 2 IN ACCORDANCE WITH ORS 92.080, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:
PARCEL 3 OF PARTITION PLAT NO. 2014-013 RECORDED AS INSTRUMENT NO. 201406295.

ACKNOWLEDGMENTS

STATE OF OREGON >
> S.S.
COUNTY OF CLATSOP >
> S.S.
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2017.
BY RAY ROMINE, PRESIDENT OF ROMINE CONSTRUCTION LLC.

NOTARY PUBLIC - SIGNATURE _____ NOTARY PUBLIC - PRINTED NAME _____

MY COMMISSION NO. _____
MY COMMISSION EXPIRES ON THE _____ DAY OF _____, 2017.

STATE OF OREGON >
> S.S.
COUNTY OF CLATSOP >
> S.S.
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2017.
BY DAVID CLYDE, VICE PRESIDENT OF BANK OF THE PACIFIC.

NOTARY PUBLIC - SIGNATURE _____ NOTARY PUBLIC - PRINTED NAME _____

MY COMMISSION NO. _____
MY COMMISSION EXPIRES ON THE _____ DAY OF _____, 2017.

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON >
> S.S.
COUNTY OF CLATSOP >
> S.S.
I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON _____, 2017, AT _____ O'CLOCK ____M.
AND RECORDED AS INSTRUMENT NO. _____, CLATSOP COUNTY RECORDS.
BY: _____
CLATSOP COUNTY CLERK

PRELIMINARY PARTITION PLAT NO. _____

		PACIFIC COUNTY (360) 642-4454 TILLAMOOK COUNTY (503) 368-5394	PRELIMINARY PARTITION PLAT FOR: ROMINE CONSTRUCTION LLC BEING A REPLAT OF TRACT A & A PORTION OF TRACT B, HERITAGE DUNES NW 1/4 SECTION 3, T6N, R10W, W.M. CITY OF GEARHART, CLATSOP COUNTY, OREGON	REGISTERED PROFESSIONAL LAND SURVEYOR PRELIMINARY NO COPIES SHALL BE MADE OR DISTRIBUTED WITHOUT APPROVAL OF THE SURVEYOR OREGON JULY 15, 1982 DALE N. BARRETT 1979 RENEWS: DECEMBER 31, 2017	
DATE	JOB NO.	EQUIPMENT	FIELD	DRAWN	CHECKED
MAR. 14, 2017	67462A	TRIMBLE R8/TSC3	MSM	JLW	DNB

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT ROMINE CONSTRUCTION LLC IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN ON THE ANNEXED MAP IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92. OWNER DOES HEREBY DEDICATE A 25' WIDE STRIP OF LAND ACROSS PARCEL 2 AS A NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT FOR THE BENEFIT OF PARCEL 1, AS SHOWN HEREON.

RAY ROMINE-ROMINE CONSTRUCTION LLC

AS BENEFICIARY OF A DEED OF TRUST FOR THIS PROPERTY, BANK OF THE PACIFIC HEREBY CONSENTS TO THIS PARTITION, DECLARATION AND DEDICATION IN ACCORDANCE WITH O.R.S. CHAPTER 92.

DAVID CLYDE, VICE PRESIDENT BANK OF THE PACIFIC

NOTE

PROPERTY WITHIN THIS PARTITION PLAT IS SUBJECT TO THE FOLLOWING MATTERS:
1. COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE PLAT OF HERITAGE DUNES RECORDED AS INSTRUMENT #200809667, RECORDS OF CLATSOP COUNTY, OREGON.

owner/ subdivider
RAY Romine - Romine Construction LLC
217c skyline DR.
Seaside, OR 97138
PH (503) 440-9561

SCALE:
1" = 50'

FP 1998-025