GEARHART CITY COUNCIL

STAFF REPORT

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October 30, 2018

From: Carole Connell, AICP City Planner

City File #18-005ZMA

Application Purpose: An application for approval of a Comprehensive Plan and Zone Map Amendment to reclassify 10 tax lots (27 acres) from Rural Agricultural RA to a Medium Density R-2 zone designation.

This is a quasi-judicial zone change application for privately owned land. The Planning Commission makes a recommendation to City Council and City Council may approve or deny a zone change. Approval shall be enacted by ordinance.

NOTE: The applicant’s Conceptual Site Plan (Sheet P1.2) provides a conceptual layout for a 25-lot single family subdivision. The plan is conceptual only and all figures used are estimates subject to change. The plan is not a legal part of the zone change decision. Future residential development of the site will require a land division application and Planning Commission approval.

Property Owner: Palmberg Paving Company Inc.

499 ridge Drive

Gearhart, OR 97138

Applicant: Li Alligood, AICP

Otak Inc

808 SW 3rd Avenue Suite 300

Portland, Oregon 97204

Location: East of Highway 101, north of Pacific Way and west of McCormick Gardens Rd and further described as Assessors Plat 61003DC Tax Lots 600, 700, 800, 900, 1000, 1100, 1200 and 1300; and Assessors Plat 61010AB Tax Lots 1100 and 1201.

Pre-App Conference: 10-12-17

Completeness: 08-09-18

Notice Mailed: 08-24-18; 10-18-18

Notice Published: 08-24-18; 10-18-18

Initial PC hearing: 09-13-18, decision on 10-11-18

120-day deadline: 12-07-18

Exhibits: Applicant’s application & narrative; Sheet P1.0 Aerial Existing Conditions; Sheet P1.1 Proposed Zoning; Sheet P1.2 Conceptual Site Plan; Appendix A and Figure 6 Wetland Delineation, Appendix B Traffic Impact Analysis; Appendix C Geotechnical Report; Appendix D DEQ No further action & Preliminary Septic Evaluation by Clatsop County Public Health; Appendix E FEMA FlRM Map 2018

Additional exhibits: Applicant’s Memo 10-2-18 in response to Goal 10 Findings including existing 1994 Gearhart Comp Plan housing data and the Draft Clatsop County Residential Lands Analysis; Applicant’s 10-2-18 Memo in response to neighbor concerns; HGSI Supplemental Geo-tech report, 10-10-18

Division of State Lands (DSL) Letter of Concurrence 7-26-18

ODOT email comment 9-4-18

G. Henricks, Clatsop County email comment 8-31-18

Fair Housing Council letter 9-12-18 and 10-04-18 email

Oregon Coast Alliance letters: 9-13-18 & Sean Malone 10-11-18

Jan Weiting letter 10-6-18

Julie Nichols letter 10-23-18

Applicable Criteria:

* GZO Section 3.2 Medium Density Residential Zone R-2
* GZO Section 3.13 Freshwater Wetland and Lake Zone
* GZO Article 5 Flood Hazard Overlay Zone
* GZO Section 6.330 Transportation Impact Analysis
* GZO Article 11 Amendments
* GZO Article 13 Application, Notice and Hearing Procedures
* Gearhart Comprehensive Plan, 1994
* Gearhart Transportation System Plan, 2017

Agency Coordination: The application includes coordination with the Division of State Lands (DSL), the DEQ (2006-2007) and Clatsop County Public Health. The City also notified Clatsop County Planning, the ODOT, EPA, DSL, Oregon Dept. of Fish & Wildlife and the National Marine Fisheries Service

City Staff Comments:

* The Fire Chief letter dated 8-20-18 indicates no objection to the zone change. A detailed site plan will be required prior to approval of a proposed development to determine compliance with fire access and water supply requirements, and whether or not a secondary access is required.
* The City Manager email dated 9-4-18 said there is nearby water supply, a water system must be designed at the time of development and Pacific Way is in need of repair and widening to support extra traffic.
* The Police Chief letter dated 8-10-18 said the project is within walking distance of Dollar General. He said road improvements are needed on Pacific Way east of Railroad Avenue to McCormick Gardens Rd.
* The City Building Official email dated 8-21-18 indicates concurrence with the Fire Chief’s comments.
* The City Public Works Director email dated 8-21-18 indicates no concerns at this time but will require approval of a water system when a development proposal is submitted.
* Clatsop County Planning email dated 8-31-18 indicated the existing RA zoning is intended to be a buffer between higher density to the west and lower density unincorporated lands to the east, and that this proposal is not consistent with that intent. Further, “what steps might the City require to limit the total amount of development on the 27 acres to 25 – 42 units?”

Clatsop County Public Health Dept.: Staff spoke to Mike McNichol about septic drain field system capacity at the site. Mr. McNichol said they would look at potentially hydric soil constraints at the time of development. He noted if there are problems they can usually be resolved with engineered plans*.*

* ODOT email dated 9-4-18 said “the proposed path and fire access to US 101 will require an easement, a road approach application, and a permit from ODOT. Please work with Richard Kearns for the application and processing for a road approach permit for fire access.”

1. FINDINGS
2. Proposal: The purpose of the request is to approve a Comprehensive Plan and Zone Map Change for 10 parcels under the ownership of Palmberg Paving Company, changing the zone designation from Rural Agricultural RA to Medium Density Residential R-2.

1. Site information: The ten contiguous parcels adjoin residential uses and commercial uses on the highway. The subject land adjoins Pacific Way on the south, McCormick Gardens Road on the east, rural residential land to the north and Railroad Avenue to the west. The site is vacant except for remnants of past paving business operations on the north end. Gearhart’s eastern city limits and the UGB are coincident at McCormick Gardens Road, with the exception of a tax lot that extends east of McCormick Garden Road at the east terminus of Pacific Way.

The site is occupied by a four-acre man-made lake and nine wetlands. The lake is 15 feet deep and has warm water fish. The site is partially in the AE Zone of the 100-year floodplain and is subject to flooding. The elevation of the low lying site is 15 – 20’ and subject to significant inundation in the event of a Cascadia Subduction Zone earthquake caused tsunami. The area in general is boggy with a high water table and “mucky peat” soils.

1. Plan and Zone Standards: The site is designated Low Density Rural Agricultural RA by the Gearhart Plan and Zone Map. Surrounding property in the UGB is zoned RA to the north and south, and C-2 and R-2 to the west. Adjoining land outside the City and UGB is under Clatsop County jurisdiction and is zoned RA-1 by the county with additional Conservation and Rural Land designations.
2. GZO Section 3.0 Rural Agricultural Zone: The existing RA zone permits a single family dwelling on a minimum one-acre lot, with a 30’ building height limit. Accessory structures related to agricultural use are also permitted, as are a manufactured home park or subdivision. Several public or institutional uses are permitted as a Conditional Use in the RA Zone.

The zone allows a cluster development for a parcel with natural resource constraints, and is limited to clustering single family homes on a minimum 10,000 square foot lot. If this option were chosen the existing zone may allow for an estimated 20 single family lots.

1. GZO Section 3.2 R-2 Zone

The purpose of the Medium Density Residential R-2 zone is to provide housing consisting of a mixture of single-family and multiple family housing. The maximum allowable density shall be six (6) dwelling units per acre. Minimum lot sizes for single family are 7,500 square feet; duplex 10,000; tri-plex 12,500 and 4-plex 15,000 square feet. The building height limit is 30’.

FINDINGS: In an R-2 zone the 27 acre site could allow 162 dwellings (27 x 6 = 162). However the applicant finds environmental constraints reduce the actual buildable area to approximately 7.5 acres.

The applicant’s conceptual plan illustrates 25 single family dwelling lots on a 7.5 acre unconstrained area. Based on the Wetland Delineation an estimated 28% of the site is not constrained and is developable. The remaining 72% of the site may be restricted by state permitting, leaving a significant buffer on the north, west and south boundaries.

1. GZO Section 6.330 Traffic Impact Analysis

In summary, Section 6.330 2.A. requires a Traffic Impact Analysis (TIA) when a change in a zoning designation will generate more trip ends, more than 25 trips during the AM and PM peak hours or more than 300 daily trips; and has potential impacts to residential areas and local roadways.

FINDINGS: The applicant provided a TIA prepared by Access Engineering, 3-22-18 because the proposed zone change could result in development that will increase the trips to and from the site. The analysis describes the traffic impact based on the highest density development scenario of 20 duplex lots or 40 dwellings and 3 four-plex lots or 12 dwellings. Page 10 of the TIA report provides a summary of conclusions.

At the time of a proposed subdivision to divide the property the applicant will be required to comply with the transportation requirements of the Gearhart Transportation Plan, Zoning and Subdivision Ordinances.

1. GZO Section 6.300 Transportation Improvements

All new residential development is required to build streets internal to a development project, as well as improvements to existing abutting streets based on the street classification of the Gearhart Transportation System Plan. The City Manager has the authority to waive the requirements if warranted based on specific criteria, or require a fee-in-lieu for 100 % of the estimated street improvement costs. The monies would be placed in a fund dedicated to the future construction of the improvements.

FINDINGS: Pacific Way and McCormick Gardens Road are designated collector streets. The TSP indicates the streets are in fair condition, are substandard in right-of-way width and pavement width. The TSP plans for street widening, paving and a pedestrian trail on these two streets, either by development of abutting land or by a city capital improvement project.

1. GZO Section3.13 Freshwater Wetland and Lake Overlay Zone

The purpose of this zone is to conserve significant freshwater wetlands and lakes. The zone overlays and restricts the use on identified wetlands. Low intensity uses which do not result in major alterations are appropriate, such as low intensity recreation, passive restoration measures, wetland rehabilitation activities, enhancement of native vegetation, removal and replacement of invasive non-native vegetation. Conditional uses include active restoration, docks, walkways and paths. Removal of vegetation is prohibited unless approved by permit in accordance with the zone standards. Development, construction or alteration within the FW Zone or within 25’ of the zone requires approval of a development permit from the City.

FINDINGS: The Freshwater and Lake Overlay Zone does not permit housing on an identified wetland. The applicant has provided a certified Wetland Delineation from Pacific Habitat Services. The wetlands are identified on Figure 6 of the applicant’s report. Of the 27 acre study boundary, 12.66 acres are wetland and 4.69 acres are waters of the State/US. At the time of a specific development proposal the applicant’s concept plan provides an example of a developable area boundary that complies with protection of the wetlands.

The Division of State Lands (DSL) Letter of Concurrence finds nine identified wetlands. Wetlands A, B & H and the pond are subject to state Removal-Fill Law which requires a permit for cumulative fill or annual excavation of 50 cubic yards or more. Any filling of wetlands will require permitting and approval from DSL. Further, permitting by the Corps of Engineers for purposes of the Clean Water Act is required prior to a future land use development approval.

The applicant’s conceptual plan illustrates a 50-foot buffer from each wetland and considered undevelopable. The 50-foot buffer is a commonly applied distance that complies with LCDC Goal 5 “safe harbor” natural resource regulations. The applicant indicates the City and the County will determine the appropriate buffer width at the time of development.

Gearhart Zoning Ordinance Section 3.1380 restricts wetland development by requiring a 25-foot wide development buffer from a designated wetland. In addition Section 6.175 Riparian Vegetation requires a 25’ buffer from the “unnamed lake” on the property. If the proposed buffer can be reduced from 50’ to 25’ the amount of developable area will increase.

1. ARTICLE 11 Amendments

AmeNDMENT APPROVAL Criteria

A decision must be based on adequate findings demonstrating compliance with each of the following Zone Map Amendment approval criteria, A - E.

* 1. The amendment shall be consistent with the Comprehensive Plan.

FINDINGS: The subject land is inside the Gearhart Urban Growth Boundary therefore is planned for future development. Comprehensive Plan policies relevant to this zone change request are:

Residential Plan Policies:

1. *The City will preserve and maintain the predominantly residential character of Gearhart through appropriate zoning and land use development regulations.*
2. *The City will not designate additional property for commercial development.*
3. *The City, through provisions in its Zoning Ordinance shall allow for needed housing types such as manufactured dwellings, duplexes, multi-family dwellings, and residential care facilities and residential homes.*
4. *The City will cooperate with efforts of the Clatsop County Regional Housing Authority, the Northwest Housing Association, the Area Agency on Aging, the Oregon Housing and Community Services Agency and other entities in their efforts to ensure decent affordable housing and housing rehabilitation in the Gearhart Area.*
5. *The City will not tolerate discriminatory housing practices.*

FINDINGS: In response to the above Comprehensive Plan policies:

* The zone change to residential R-2 maintains the predominantly residential character of Gearhart;
* The zone change does not add commercial development opportunities;
* The zone change to R-2 allows for several housing types, excluding vacation rentals;
* The zone change provides an opportunity, but not a guarantee, for development of more affordable housing units such as duplexes, tri-plexes and multi-family units, which would support regional housing goals and prohibit discriminatory housing practices.

Natural Resource Policies

1. *The City will protect identified freshwater wetlands from conflicting uses and activities such as filling, drainage and tree removal through the application of a Freshwater Wetland Zone designation.*

FINDINGS: The Freshwater Wetland and Lake Overlay Zone designation applies to a significant amount of the site that will be protected from development as described above

Flood Hazard Plan Policies

1. *The City will rely on the requirements of its Flood Hazard Overlay Zone to regulate development in flood hazard areas to ensure that provisions of the National Flood Insurance Program are met.*

FINDINGS: The applicant’s Appendix B is the current FEMA FIRM Map 2018 for the area. The map indicates the property is included in FIRM Zone A and AE. A future development proposal will be required to comply with GZO Article 5 Flood Hazard Overlay Zone standards and provisions. The base floor of a new structure will be required to be at least one-foot above the base flood elevation (BFE). The applicant’s geotechnical engineer indicated dwellings may require the first floor to be elevated above ground level to meet flood hazard standards in this area

Transportation Plan Policies

1. *Improve connectivity for people walking or biking by completing gaps in the current network of pedestrian and bicycle facilities.*
2. *Protect the function of existing and planned roadways as identified in the adopted Transportation System Plan (TSP) by ensuring that all development proposals, plan amendments, and zone changes are consistent with the planned transportation system.*
3. *Consider the impacts on existing or planned transportation facilities in all discretionary land use decisions and require applicable development proposals, as defined in the Zoning Ordinance to prepare a traffic impact analysis unless a waiver is granted by the City Manager or designee.*

FINDINGS: The subject zone change applies a new land use designation to the 10 parcels, but does not approve a development. In the future, a development proposal shall comply with Gearhart TSP plans and policies. The site has frontage on Railroad Avenue (60’ ROW), McCormick Garden Road (40’ ROW) and Pacific Way (40’ROW). Roadway dedications, road and pedestrian improvements and connections and a secondary access will be carefully considered in accordance with the TSP requirements for new development.

The Concept Plan illustrates a single access from McCormick Gardens Road via an 800’ cul-de-sac street with two half cul-de-sacs, and a 25’ wide shared use path from the cul-de-sac terminus west to Railroad Avenue.

The applicant provided a Traffic Impact Analysis (TIA), Appendix B by Access Engineering LLC that analyses impacts of the maximum R-2 development possible on the constrained site. Maximum development consists of 20 duplex lots and three four-plex lots for a total of 40 duplex dwellings and 12 apartments. At this density the scenario would generate 70 peak hour trips, compare to the RA zone development potential. The transportation engineer concludes “the worst-case high density scenario where all trips are assigned to reach Hwy 101 and Pacific Way found the intersection will still function well above the ODOT mobility standard and the Gearhart mobility standard through the Gearhart TSP horizon year of 2040.” See Traffic Impact Analysis Conclusions and Recommendations on page 10.

The TIF report addresses traffic impact at the intersection of Pacific Way and Highway 101. The report does not address conditions of abutting city streets. Residents that use the abutting streets testified the streets are narrow, often flooded and unsafe and that additional vehicle trips will negatively impact and further degrade existing substandard road conditions.

Additional Findings regarding Comprehensive Plan Compliance

1. Following the initial public hearing before the Planning Commission, the applicant, agencies and staff prepared additional findings to address concerns raised by neighbors, The Fair Housing Council and The Oregon Coast Alliance.

1. State Goal 10 Housing

Goal 10 Housing & ORS 197.175(2) (a) requires a jurisdiction to prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission (LCDC). The Fair Housing Council and ORCA said the proposal does not consider the Goal 10 requirements.

Subsequently, the applicant addressed the Buildable Lands Inventory. See applicant’s memo dated 10-2-18. In summary, the Goal 10 compliance checklist provided by the FHC indicates the City is required to comply with Goal 10; that the City has a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) adopted in 1994 indicate 91% of the 1990 dwelling units were single family; and that based on the draft 2018 Clatsop County Affordable Housing Analysis there is an adequate supply to meet housing demand, but more than half of current Gearhart households cannot afford to purchase or rent homes in Gearhart. The analysis does not yet evaluate the housing need by dwelling type.

The applicant’s memo responding to Goal 10 requirements was forwarded to the Fair Housing Council. On October 4, 2018 Jennifer Bragar, the President of the Fair Housing Council (FHC) in collaboration with the Housing Land Advocates (HLA) provided a second response to the Palmberg Zone Change that appears to rescind their initial objections, as follows:

*“HLA and FHCO have reviewed your memorandum with draft Goal 10 findings.  Thank you for your effort, your review of the out-of-date HNA and bringing the discussion up to date with reference to the soon-to-occur County- wide Goal 10 planning efforts.  These are the kind of Goal 10 findings that will allow planners to measure whether housing goals will be reached in the long term.  As your caveat at the end suggests – there is no guarantee that affordable housing or dense housing will be built at this site – but with these findings, the problem is identified and the City is taking steps to try to alleviate some of the concerns.*

*Hopefully, more findings like this will inspire the City and County-wide planning effort to consider additional tools to help alleviate the affordable housing crisis – minimum densities, additional density bonuses for providing permanently affordable housing in the mix, and other types of incentives, as well as allowing cottage type development that helps focus on design and density at the same time.*

*We appreciate that the City and applicant took our concerns seriously – if the density does materialize, it will be a lasting legacy for the property owner to provide housing in his community for generations to come.”*

1. Soils

The 1979 Background Report of the Gearhart Comprehensive Plan on page 3 & 9 describes three “mucky peat” soil types in the subject area as “generally not suitable for urban development because of the high water table and the low load supporting capacity subject to subsidence. Impacts can be addressed in the development of a comprehensive ground water management plan. Peat and organic soil are extremely compressible and generally considered entirely unsuitable for supporting structural foundations.”

Now, roughly 40 years later the applicant has provided a site specific Preliminary Geotechnical Engineering Report, prepared by HGSI Hardman Geotechnical Services Inc., June 7, 2018, to evaluate the subsurface conditions at the site.

Eight (8) test pits were done in the upland area identified for potential development.

In conclusive remarks the report identifies “the primary constraints of localized and unpredictable undocumented fills, and relatively shallow groundwater with the potential of caving sands in trench excavations”. However, their results indicate the proposed development is geo-technically feasible provided the recommendations in the report are followed. The proposed residential structures may be supported on shallow foundations bearing on competent undisturbed native soils, and/or engineered fill, designed and constructed as recommended in the report. The report assumes residential structures will have raised floors and crawlspaces. The report recommends consulting HGIS during the preparation of the grading plan to ensure that geotechnical issues are addressed and to assist in optimizing the grading plan to minimize the amount of undocumented fill removal needed.

HGIS provided a subsequent memo to clarify the site is capable of supporting multi-family as well as single family structures.

1. Oregon Coast Alliance (ORCA)

ORCA sent two letters in opposition to the zone change. They allege the applicant has not demonstrated the housing will be affordable, that wetland protection has not been shown, that adequate buffer to the vicinity around the site has not been shown, and that the site is not suitable due to unaccounted for contaminated soils and unknown septic capacity.

1. Contaminated Soils: The application indicates DEQ studied the site and the Independent Cleanup Final Report and found in 2006 that residual petroleum impacts in the plant area were at or below risk-level standards, but that the auto wrecking yard area on tax lot 1000 needed more sampling. Additional investigation in 2007 concluded a No Further Action (NFA) determination is also warranted for tax lot 1000. They said localized areas of soil contamination must be managed accordingly. Soil that is excavated or moved on-site during development must be managed according to County, State and Federal regulations. DEQ issued the NFA determination.

It is City policy that, “City actions shall be consistent with State and Federal hazardous waste regulations”; Comprehensive Plan page 9 policy #5.

1. Buffer: The applicant purports the buffer is largely accomplished by protection of the site’s natural resource constraints, whereby a significant portion of the site is unbuildable and provides a buffer on three sides of the site.
2. Affordable Housing: The current zoning allows single-family dwellings on lots that range from 10,000 square feet to 1 acre. The current zone allows an estimated maximum of 20 single family dwellings on the 27 acre site.

The proposed zoning could accommodate single-family, duplex, tri-plex and four plex dwellings ranging from 25 – 52 dwellings or more. The zone change request increases the number of dwellings permitted, especially attached units that could be rented or sold for less than single-family dwellings on large lots required by the current zone. It is not guaranteed how a future owner will develop the site, but the zone change provides several options for various types and tenures of homes.

The “Clatsop County Housing Study” is underway and includes preliminary housing data for the county and each of its cities. The study is financially supported by the City of Gearhart. Preliminary results for Gearhart have been provided to the City for this application review (attached). The applicant provided additional findings in a memo dated 10-2-18 to address the preliminary data.

1. City purchase 27 acres for public park: The Parks and Recreation section of the Comprehensive Plan Background Report (page 34) indicates a desire to retain a focus on passive recreation in the city, with two goals 1) to extend the Ridge Path to Gun Club Road and 2) to provide a central city park including a children’s park and a covered bandstand and low intensity uses. The report has not been updated in about 40 years. At this time the City does not have a Parks Master Plan to identify future park locations and estimated park costs. The City does not have funding to buy the land for a public park.

(End of Amendment Approval criterion A. Plan compliance; continuation of approval criteria)

* 1. The amendment will meet a land use need.

FINDINGS: City housing plan policies on page 6 of this report intend to ensure affordable housing opportunities will be provided. The County’s Comprehensive Housing Study Memorandum dated 10-2-18 summarizes the methodology and initial results of the county’s draft analysis. On page 3 of the memo Table 1 indicates Gearhart’s R-2 and R-3 zones combined have a capacity for 42 multi- family housing units. The study has not yet determined city housing needs by dwelling type.

Local housing authorities and preliminary study results indicate there is a need for more affordable housing in the north coast region. The graph on page 7 of the report illustrates that 60% to 72% of current Gearhart households cannot afford median rent, average rent or median home prices.

The City of Gearhart is not a social service provider, nor does the city have the resources to directly develop affordable housing projects. But the city can work to plan for increased housing, help developers find the means to create housing and bring partners to the table to facilitate the provision of needed housing.

The subject property is not being developed at this time. However, if the zone is changed to R-2 a developer will have the option to build a variety of dwelling types on the site that are currently not permitted. Subject to wetland and flood plain protection and appropriately engineered excavation and septic system capacity, it is estimated the 7.5 acre area may accommodate up to 52 dwellings including 40 duplex dwellings and 12 apartment dwellings.

The property owner has made it clear their intent is that the site will be developed for single family dwellings. Therefore, the zone change may or may not result in the development of new affordable housing opportunities in Gearhart.

* 1. The uses permitted by the amendment are compatible with the land use development pattern in the vicinity of the request.

FINDINGS: Residential uses allowed by the R-2 zone are compatible with the residential and highway commercial development pattern established west of the site, illustrated on applicant’s sheet P1.1. All other sides of the property are currently zoned RA. The significant acreage prohibited from development on the subject site as conceptually shown by the applicant will maintain a buffer on the north, east and south sides, but not on the east side. Existing development in the vicinity is accessed by McCormick Gardens Road, which is on the east side of the site. The residents believe the zone change is not compatible with the large- lot rural development pattern in the vicinity, and the poor roadways, poor soils and recurring flooding in the area cannot withstand the impact of higher density housing.

* 1. The land is physically suitable for the uses to be allowed in terms of slope, soils, flood hazards and other relevant considerations.

FINDINGS: The application materials indicate nearly 20 acres of the 27 acre parcel is undevelopable due to environmental constraints such as wetlands, a large pond and floodplain. The applicant’s geotechnical engineer concludes that development of the upland portion can be accomplished for new single and multi- family dwellings, subject to controlled excavation with oversight and in accordance with recommended practices. Development can only be accomplished by a clustering of homes on the developable portion as shown on the applicant’s concept plan. Area residents testified the current zoning should not be changed to increase the impact of new development because of the poor roads, soils and drainage caused by flooding.

* 1. Public facilities and services, including transportation systems and access, are available to accommodate the uses proposed.

FINDINGS: The subject property has access to three public streets, city water and city fire services. A future development plan may be required to provide a secondary fire access, pedestrian easements and public street improvements, as well as a water improvement plan, a drainage plan and septic system approval by Clatsop County Health.

1. PLANNING COMMISSION RECOMMENDATION

On October 11, 2018 the Planning Commission decided to recommend denial of the zone change based on the following findings:

1. The zone change is not compatible with the large-lot and uniquely rural agricultural residential character and development pattern of the neighborhood. The adjoining McCormick Gardens Road and Pacific Way are substandard roads that are narrow, poorly drained and often flooded. The Commission found traffic impacts on adjoining roads would not necessarily be resolved by a developer of the site.
2. The mucky peat soil conditions and the high water table characteristics in an area where the average elevation is 15 - 20 feet creates hazardous flooding conditions and significant tsunami inundation susceptibility. The Commission found there was not enough evidence indicating the site is suitable for a higher density housing development that would put more households at risk.
3. The evidence of soil contamination determined by DEQ to be safe for human habitation in 2006 and 2007 may not meet current environmental health standards.
4. The draft Clatsop County Comprehensive Housing Analysis indicates a capacity for 701 housing units in the Gearhart UGB, and a projected growth need for 94 new households by the year 2038. Therefore an increase in density to create more lots is not needed. The Commission agrees there is an affordability problem but finds there is no guarantee that affordable housing can or will be constructed on the site.
5. DECISION OPTIONS

A decision must be based on adequate findings demonstrating compliance with each of the Plan/Zone Map Amendment Approval Criteria A. – E. in section II of this report.

The City Council may make one of the following motions:

1. Move to continue the hearing to a date certain. This will require the applicant to waive or extend the 120-day rule because the Council’s final decision by ordinance is due December 7, 2018;
2. Move to deny the zone change based on the Planning Commission’s findings, or as may be modified by Council;
3. Move to approve the zone change and direct staff to prepare an ordinance with final findings for a first and second reading on December 5, 2018.