



Memorandum

To: Gearhart City Council
From: Li Alligood, AICP, Senior Planner
Copies: Bill Palmberg, Applicant
Date: October 31, 2018
Subject: Additional Information for City Council Review and Consideration
Project No.: 68150

This memo provides additional information for City Council review and consideration to assist with evaluation of the request for a zone change from RA to R2 for the Palmberg Paving property.

The Palmbergs have not made the request for a zone change lightly. The property has been in the family for decades and holds a place of great affection for the entire family. However, the site is no longer in active use and the family made the difficult decision to sell and to pursue a zone change to allow future development that responds to community and market needs.

To confirm that the site was appropriate for the development allowed by the requested R2 zone, the Palmbergs initiated studies performed by licensed professionals – engineers and scientists – to evaluate the appropriateness of the site for development and determine the appropriate route forward. These engineers and scientists evaluated the site and provided studies regarding the mitigation of the contamination previously found on the site; the extent of wetlands and habitat on site; the ability of the soils to support future development; the potential impacts of the requested zone change on the local transportation system; and the suitability of the site for on-site septic systems for use by future development. These studies are included in the original land use application as Appendices A-F. Each of these engineers and scientists has concluded that the site is appropriate for the level of development that would be permitted by the requested zone change.

On October 11, 2018, the Gearhart Planning Commission voted to recommend denial of the requested zone change. As stated by Commissioners during deliberation, the basis for this decision included:

- Belief that future development on the site would not be affordable to Gearhart residents
- Uncertainty about the availability of site access from Hwy 101 and questions regarding the design of road improvements to mitigate additional traffic
- Lack of confidence in the geotechnical engineer's suggested measures for preparing the site for development
- Concerns about the status of site contamination

Because the applicant is not able to provide additional information during Planning Commission deliberation, and therefore was not able to provide additional information, this information is provided below. The Palmbergs respectfully request Council consideration of this information as it reviews the zone change request and reaches a decision.

Housing Costs

The Palmbergs do not intend to develop the site but to prepare it for development by others. Part of this preparation is the current request for a zone change to apply the R2 zone to the site. As stated earlier, significant analysis has been conducted to confirm that the site is appropriate for the contemplated development types. The current RA zoning allows one dwelling unit per acre and would allow a total of 7 homes on the site by right.

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Though application of the R2 zone would not ensure the development of affordable housing, it is generally accepted that allowing infrastructure to serve a higher number of units reduces the per-unit cost for that infrastructure, resulting in lower-cost housing options. The same utility and street infrastructure improvements are needed to serve one home or many homes. The cost of infrastructure remains constant, but the cost of homes does not.

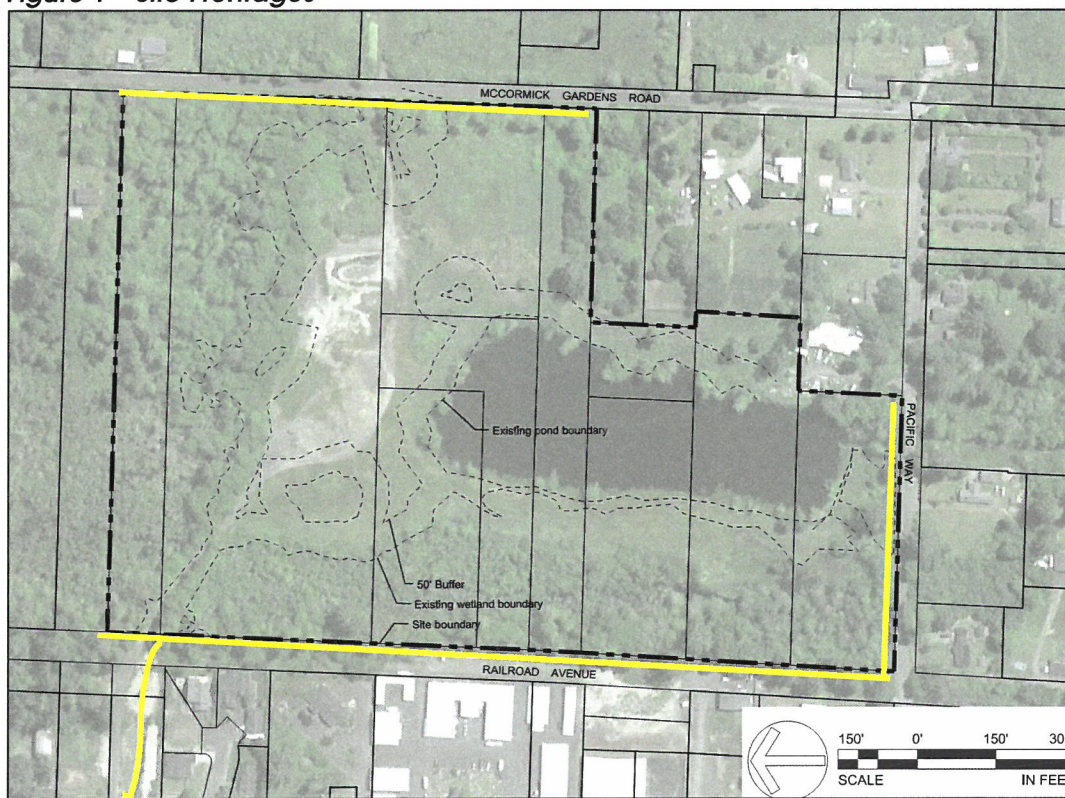
Additionally, the R2 zone allows the development of several housing types, including single-family, duplex, tri-plex, and four-plex buildings. This range of housing types allows the future developer to respond to community needs and develop a housing type that will meet them.

Site Access

The conceptual site design submitted with the application shows access from McCormick Gardens Road. However, the site also has frontage on Pacific Way to the south and the unimproved Railroad Ave to the west. Access to McCormick Gardens Road is the preferred choice due to its current use as a driveway and access point to the site. Access to the south is undesirable because it would require crossing protected wetlands, and access to the west is possible though it would require substantial improvements to Railroad Ave. Though it appears that Railroad Ave terminates at Pacific Way from the south, the unimproved right-of-way continues north for approximately 1/2 mile.

In addition to the subject site, the Palmbergs own a property west of Railroad Ave as well as an easement allowing access to Hwy 101. This access is currently proposed for emergency access only but may be appropriate as full site access. This determination would need to be made by a traffic engineer at the time of development. Figure 1 below indicates the site's public frontages and potential access points.

Figure 1 - Site Frontages



Future Street Improvements

The City of Gearhart recently adopted a Transportation System Plan (TSP), which identifies priorities for investments in bicycle, pedestrian, and vehicular transportation infrastructure (see Figure 7 of the TSP). See Appendix 1 for details.

The TSP includes three projects adjacent to the Palmberg Paving site:

- Planned multi-use trails along Pacific Way, McCormick Gardens Road, and Railroad Ave
- Planned multi-use trail across the northern portion of the Palmberg Paving site, providing an eventual connection from McCormick Gardens Road to Summit Ave
- Planned extension of Railroad Ave north of Pacific Way

The TSP also designates functional classifications for streets within the city. As shown in Figure 8 of the TSP, both Pacific Way and McCormick Gardens Road are designated as Collector Streets and Railroad Ave is designated as a Local Street. See Appendix 2. For comparison, Pacific Way west of Hwy 101 is also classified as a Collector and is partially improved west of College Ave.

Finally, the TSP establishes cross-sections for each street classification, and clarifies the components of a full street improvement. These components include various combinations of a walkway, planted buffer/drainage strip, either a shoulder or on-street parking, and vehicle lanes. See Appendix 3.

As shown in Figure 10 of Appendix 3, the required right-of-way for a Collector is 60 ft, and the ultimate cross-section of a Collector includes facilities for pedestrians, bicycles, and vehicles. As shown in Figure 11 of Appendix 3, the required right-of-way for a Local Street is 50 ft and includes facilities for pedestrians and vehicles. The Pacific Way and McCormick Gardens Road rights-of-way are currently 40 ft. wide. Both will eventually need to be widened and improved to the ultimate Collector cross section; this widening and improvement will occur when warranted by development.

The improved areas of both streets are currently about 20 ft. wide, or about half of the right-of-way width, and many future improvements may occur within the existing right-of-way (e.g. not require dedication of site area to the public right-of-way). Typically, the right-of-way can be identified by the presence of public infrastructure such as street lights, electrical vaults, stop signs, and other utilities. See Figure 2 below for an example. This image shows the Pacific Way right-of-way adjacent to the project site. A 20-ft. width is paved, and the remainder is in an unimproved state but will eventually be constructed to Collector Street standards.

Figure 2 - Unimproved Pacific Way right-of-way



Soil Conditions

According to the October 11 staff report, the 1979 background report of the City of Gearhart's Comprehensive Plan describes the soils found in the subject area as "mucky peat," and stated that they are generally not suitable for urban development. Commissioners agreed during deliberation that "mucky peat" soil was impossible to develop. However, a geotechnical engineer has evaluated the site and determined that development on the site is indeed geotechnically feasible, so long as his recommendations are followed. See Appendix D of the original land use submittal. These recommendations include:

- Overexcavation of the site
- Compacting soils in-place
- Installation and compaction of engineered fill

It is not common for infill development sites to require overexcavation and compaction; as stated in the geotechnical report and subsequent memo, if conducted according to the geotechnical engineer's recommendations, the site can be safely developed with single-family and multifamily buildings.

Site Contamination

As noted in earlier memos, the Palmbergs entered a Voluntary Cleanup Program (VCP) with the Oregon Department of Environmental Services (DEQ) in 2001 to identify and remediate contaminants on site. The DEQ monitored remediation activities on the site and issued a No Further Action (NFA) determination in 2007. The NFA stated that the levels of contamination on the site were below levels that were dangerous for residential use.

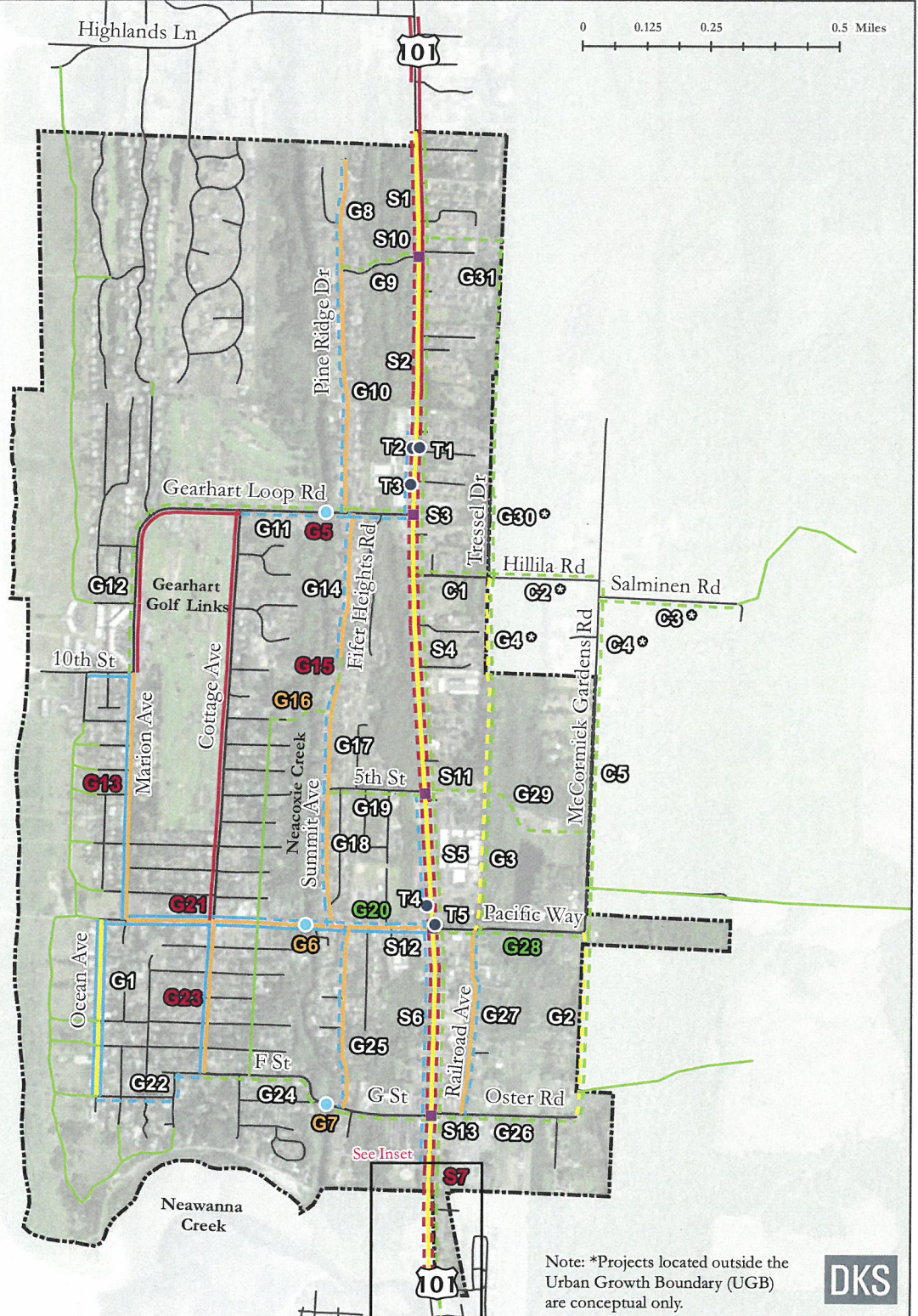
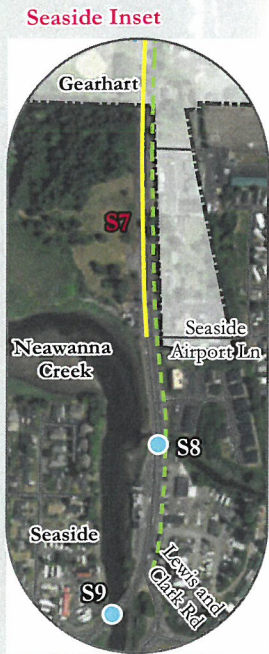
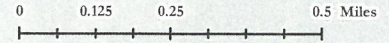
During deliberation, several Planning Commissioners stated that they had concerns about the legitimacy of the NFA and were concerned that additional contamination had "bubbled up" in the meantime. Discussion with DEQ staff who conducted the evaluation and issued the NFA indicated that contamination is encapsulated in the soil, so it is not affected by soil saturation or other conditions. In addition, DEQ staff confirmed that the DEQ standards for contaminant testing have not changed since 2007 and the 2007 NFA is still in effect.

Appendices

1. TSP Figure 7: Planned TSP Investments
2. TSP Figure 8: Functional Classification
3. TSP Figures 10 and 11: Street Cross-Sections

Appendices

Narrative Appendices



Note: *Projects located outside the Urban Growth Boundary (UGB) are conceptual only.



Revised July 26, 2017

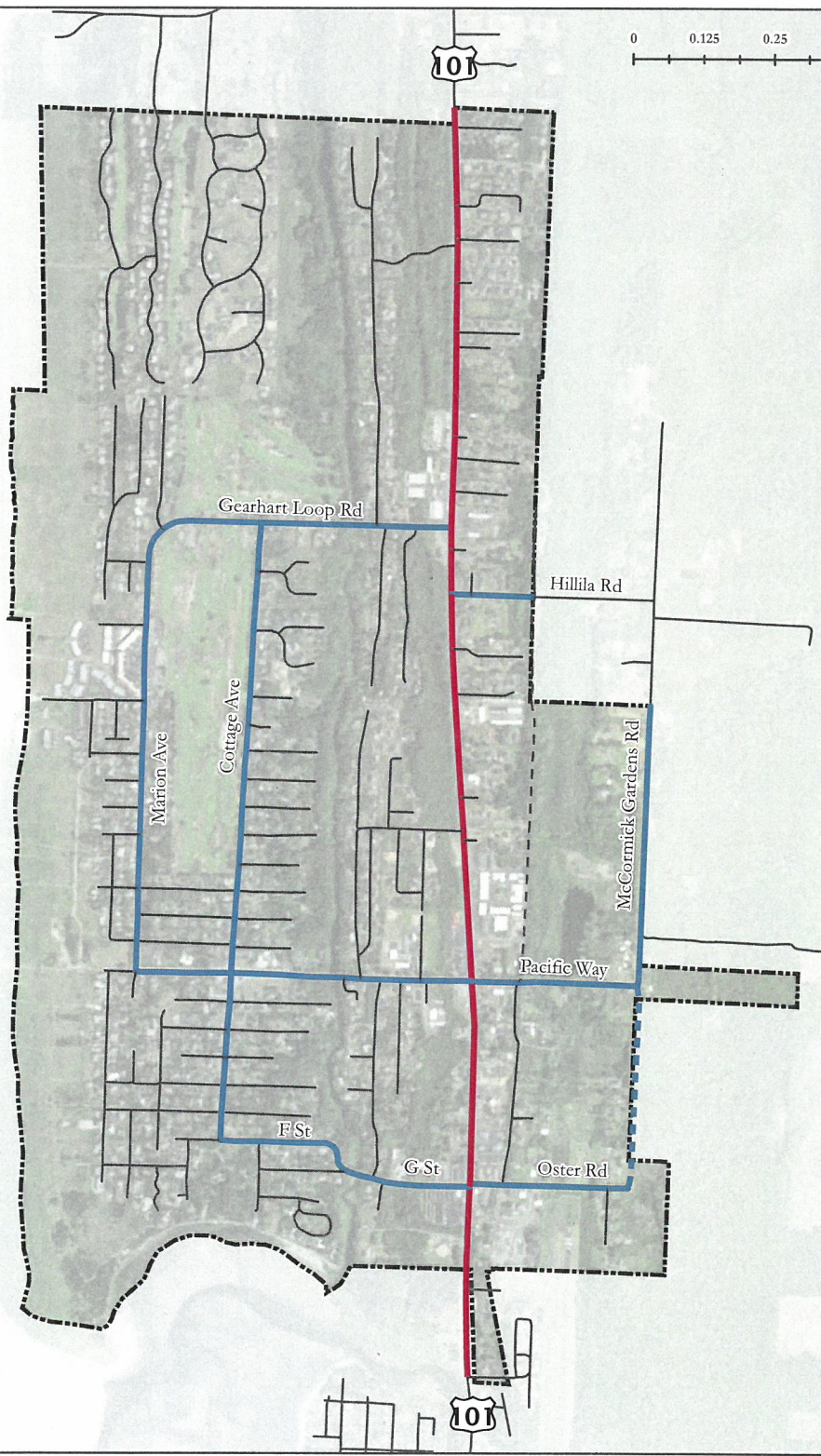
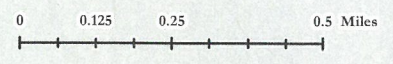
Legend:

- Planned Street Improvement
- Planned Street Extension
- Planned Intersection Improvement or Study
- Planned Bus Stop Improvement
- Planned Bridge or Culvert Improvement

Pedestrian, and Bicycle Facilities:

- | Existing | Planned |
|---------------------------------------|---|
| — | — Sidewalk |
| — | — Bike Lane or Shoulder
Bikeway (> 5 feet) |
| — | — Trails |
| — | — Planned Shared Street |

- Project included in the Financially Constrained Plan (Package 1)
- Priority project with additional funding (Package 2)
- Priority project with additional funding (Package 3)
- Project included in the Aspirational Plan (Package 4)



Revised May 6, 2017



Legend:

Functional Classification

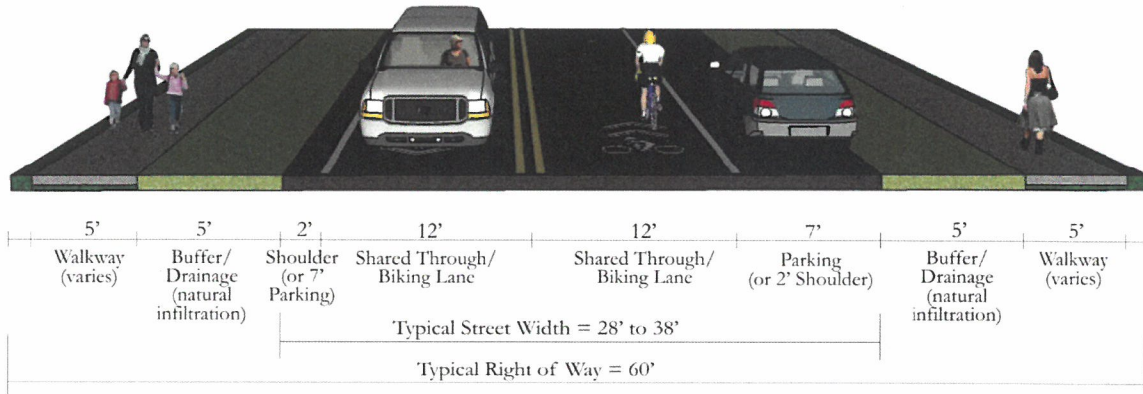
Existing	Planned (Conceptual Alignments)	
		Principle Arterial Streets
		Collector Streets
		Local Streets

Urban Growth Boundary

The Standards

Figure 10: Collector Street

Designated Shared Street



Non-Designated Shared Street

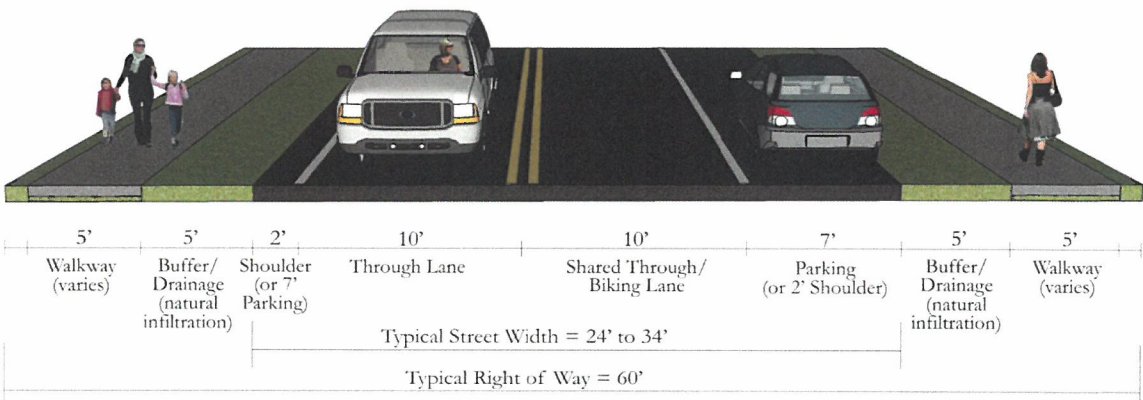
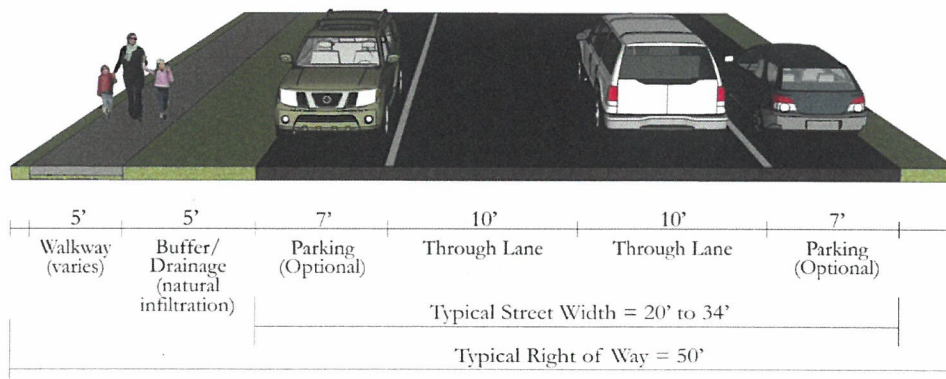


Figure 11: Local Street





Memorandum

To: Carole Connell, Planner, City of Gearhart
From: Li Alligood, AICP, Senior Planner
Copies: Bill Palmberg
Date: October 2, 2018
Subject: Response to comments received during 9/13/18 Planning Commission hearing
Project No.: 68150

This memo responds to questions asked and concerns raised during the September 13, 2018, Planning Commission hearing on the requested zone change for the Palmberg property.

Generally, community concerns included:

- Concerns about changes to the neighborhood character
- Traffic impacts of new development on surrounding roads
- Development impacts on existing McCormick road drainage issues
- Status of site remediation

Each of these items is addressed below.

Neighborhood Character

Though the site is located at the edge of the city limits, it is also located next door to an established commercial area and is about ½ mile via McCormick Gardens Rd and Pacific Way from Hwy 101 and the retail and commercial services located there. Future residents of the site (and existing residents of the neighborhood to the east) could be able to walk ¾ miles to City Hall via the bicycle and pedestrian connections envisioned by the City's Transportation System Plan. The combination of natural appeal and access to the highway and downtown make this a very appropriate location for additional housing units and provides a transition between the commercial development to the west and the rural residential development to the east.

The site is currently vacant, and the wildlife drawn by the pond and wetlands is enjoyed by many neighbors. It is true that any development of this site, under either the current zoning or requested zoning and whether with one house or many, will change the immediate area and will introduce new residents to the neighborhood. However, there are some key site characteristics will remain in place regardless of how many housing units are built there: the wetlands around the edges of the site and the pond adjacent to Pacific Way are protected from development; and development will be limited to the area previously used for paving company activities. In fact, new development will be at least 850 ft. from Pacific Way, at least 250 ft. from the northern property line, and at least 300 ft. from the western property line (Railroad Ave). For comparison, existing buildings to the east and south are between 20 and 150 ft. from the property lines. New buildings would be subject to the same height limits as the RA zone (30 ft.). In combination with height restrictions, the wetlands and pond around the perimeter of the site will soften visual impacts of development.

Traffic Impacts

As noted in the March 22, 2018, Traffic Impact Analysis (TIA) prepared by Access Engineering, new development on the site will result in additional traffic on Pacific Way. The conceptual site plan has proposed access from

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McCormick Gardens Road, using already improved roadways. This access meets the City's policies and regulations related to the zone change, but future development would require upgrades to both streets to add travel lanes, pedestrian facilities, and bicycle facilities to accommodate increased usage.

Railroad Ave is also a public right-of-way and could provide alternative access to the site. Future development on the site may consider alternative access points to reduce traffic on Pacific Way and McCormick Gardens Road. However, Railroad Avenue is currently unimproved and use of that street for access would add significant cost to the development of the site and may cause additional issues because of its proximity to Hwy 101.

The TIA compares a "worst-case" traffic generation scenario with the existing site. Because the site is currently vacant, almost any other use will result in an increase in traffic. The TIA calculates the number of "peak hour" trips that would be generated from a "worst-case" scenario. "Peak hour" trips are those trips that occur during normal commuting hours when traffic levels are highest; the "worst case scenario" is the highest possible intensity of development under the proposed zoning but does *not* necessarily reflect a feasible or desirable development. The goal is to demonstrate what would happen to the function of existing intersections if the worst-case scenario occurred.

The current zoning contemplates development of 7 houses on the site, or 1 per acre. The traffic generated by the "worst-case scenario" development on the site was evaluated against the amount of traffic that would be generated by 7 houses and the level of service established by the Gearhart Transportation System Plan. The TIA determined that the "worst-case" scenario of 52 housing units would generate 48 trips during the AM peak hour (7:45 to 8:45am) and would generate 70 trips during PM peak hour (3:30 to 4:30pm), and that the peak hour trips would not impact the subject intersections more than development under the existing RA zone would. See Table 7 of the TIA.

McCormick Gardens Road Drainage

Several members of the public expressed concern about drainage issues on McCormick Gardens Road. This road is a two-lane road under Clatsop County jurisdiction but is included in the Gearhart Transportation Plan.

While it is difficult to predict future drainage patterns, any development on the site will be required to retain runoff on-site – the amount of runoff from the site will not increase from what it is today. In some situations, drainage issues decrease with development because runoff from the site is reduced. Further modeling and studies would be needed before development happens on the site.

Status of Site Remediation

The site was previously used by the Palmberg Paving Company. In 2002, the Palmbergs contacted the Department of Environmental Quality (DEQ) to and entered the DEQ's Voluntary Cleanup Program and conducted site testing. After reviewing the testing results, the DEQ determined that the site was safe for industrial and occupational (employment) uses in 2004 and issued a No Further Action (NFA) determination.

In 2006, the Palmbergs requested additional review to determine whether the site was safe for residential uses. In 2007, the DEQ issued a second NFA determination deeming the site safe for residential use but noted that there were some remaining areas of contamination on tax lot 1000. The NFA states that soil transported off-site from tax lot 1000 must be evaluated and managed, which is consistent with management of contaminated soils. Excavation of the development area of the site will be required to allow compaction of the subgrade for preparation for construction of buildings. The soil excavated from the delineated area of tax lot 1000 can be transported off-site to a disposal site or could potentially be retained on-site and treated.



Memorandum

To: Carole Connell, City of Gearhart Planner
From: Li Alligood, AICP
Copies: Bill Palmberg
Date: October 1, 2018
Subject: Goal 10 Findings for File #18-005ZMA (Palmberg Zone Change Request)
Project No.: 68150

Background

Prior to the September 13, 2018, Planning Commission hearing regarding the zone change request for the Palmberg site, the Fair Housing Council of Oregon submitted a comment requesting that findings be made for the zone change request's compliance with Statewide Planning Goal 10 – Housing (Goal 10). This memo provides suggested findings for compliance with Goal 10.

Goal 10 Findings

The City of Gearhart plans and ordinances do not include findings for Goal 10 compliance. These findings are based on the checklist provided by the Fair Housing Council of Oregon.¹

The City of Gearhart's Buildable Land Inventory (BLI) and Housing Needs Analysis (HNA) were last updated in 1990 and include projections to the year 2010. A draft update to the BLI has identified vacant and buildable lands in Clatsop County, but that data is not yet available for Gearhart and the updated BLI and HNA have not been completed or adopted. The findings below address the adopted 1990 BLI and HNA.

1. *Does the amendment involve a land use designation or the permitted/conditional use of land?*

Response: The proposed zoning map amendment involves a land use designation and is subject to conformance with Goal 10.

2. *Has the jurisdiction adopted a Housing Needs Analysis (HNA)?*

Response: The City of Gearhart adopted an HNA in 1994 as part of a Comprehensive Plan update.

3. *Has the jurisdiction adopted a Buildable Lands Inventory (BLI)?*

Response: The City of Gearhart adopted a BLI in 1994 as part of a Comprehensive Plan update.

4. *Give the HNA and BLI, is there a shortage of certain housing types at present or a predicted shortage in the future?*

Response: The 1990 HNA and BLI determined that Gearhart had adequate residentially-zoned land to support residential demand for single-family and multifamily housing. However, the HNA estimated the 2010 population of Gearhart at 1,288 and the actual 2010 population, per the US Census, was 1,450 – a difference of 60%. Given

¹ Available online at <https://www.housinglandadvocates.org/wp-content/uploads/2018/04/Goal-10-Guidance-Letter-to-Cities-and-Counties-signed.pdf>.

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that the 2010 population exceeded the highest HNA projection by a substantial amount it is likely that the demand for housing is also higher than anticipated by the 1990 reports.

5. *Does proposed zone change meet that need and decrease the shortage?*

Response: The proposed zone change will increase the potential types and tenure of housing units. Currently, the RA zone allows only single-family homes on 1-acre lots. These large lots require extensive infrastructure, which increases the price of the homes. The proposed R2 zone allows single-family homes, along with duplex, triplex, and four-plex homes on lots of at least 7,500 sq. ft. This smaller lot size as well housing variety allows for the development of rental or ownership units at a variety of price points due to efficiencies gained in the provision of infrastructure.

Voluntary Cleanup Pathway Information Packet

October 2017

Environmental Cleanup Program

700 NE Multnomah St.
Suite 600

Portland, OR 97232
Phone: 503-229-5696
800-452-4011

Fax: 503-229-5850
Contact: Tiffany Johnson

www.oregon.gov/DEQ

DEQ is a leader in
restoring, maintaining and
enhancing the quality of
Oregon's air, land and
water.



DEQ

State of Oregon
Department of
Environmental
Quality

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

Voluntary Cleanup Pathway Information Packet

This packet includes:

1. How to sign up for the Voluntary Cleanup Pathway
2. Fact sheet: Voluntary Cleanup Pathway
3. Intent to Participate Form
4. Invoicing for Cleanup Program Costs
5. VCP Cost Recovery Letter Agreement template
6. Fact sheet: Cleanup Process and Criteria
7. Investigating Potential Insurance Assets
8. Fact sheet: Selecting an Environmental Consultant
9. Fact sheet: Protection of Archeological and Cultural Resources
10. Fact sheet: DEQ No Further Action Decisions
11. List of DEQ Technical Guidance Documents
12. Environmental Cleanup Glossary

Voluntary Cleanup Pathway Information Packet

How to sign up for the Voluntary Cleanup Pathway (VCP)

1. Call the DEQ office in your area with any questions or issues you would like to discuss before signing up. Ask for the Cleanup Program Representative.
2. Fill out and send in the "Intent to Participate" form, pages 5 - 8 in this packet. Do not send any money now.
3. You will receive a cost recovery agreement from DEQ. Sign the agreement and return it to DEQ with your \$5,000 deposit.
4. Please advise DEQ if you have particular schedule needs.
5. DEQ will contact you as soon as a project manager is assigned to your project, generally in 90 days or less.

Please review the enclosed information to learn more about doing business with DEQ in Voluntary Cleanup Pathway.

**Eastern Region
Pendleton**
800 SE Emigrant
Suite 330
Pendleton, OR 97801
Phone: 541-276-4063
Toll free in Oregon:
800-304-3513

**Northwest Region
Portland**
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5263
Toll free in Oregon:
800-452-4011

**Western Region
Eugene**
165 E 7th Avenue
Suite 100
Eugene, OR 97401
Phone: 541-686-7838
Toll free in Oregon:
800-844-8467

Voluntary Cleanup Pathway

Background

DEQ's Voluntary Cleanup Program offers two options for owners and operators of contaminated property to voluntarily investigate and, if necessary, clean up their sites: the standard Voluntary Cleanup Pathway and the Independent Cleanup Pathway. Please see the ICP information packet for details on the Independent Cleanup Pathway, which is available on DEQ's website at <http://www.oregon.gov/deq/FilterDocs/ICUPathwayInfoPacket.pdf>.

Both options offer flexibility and allow for more efficient investigation and cleanup to facilitate the use, sale, refinancing and/or redevelopment of contaminated property, while protecting human health and the environment.

Benefits of voluntary cleanups

The VCP is a flexible full-service program that:

- Provides DEQ oversight throughout the investigation and cleanup.
- Ensures that your cleanup meets Oregon's Environmental Cleanup Law.
- Is available for high-, medium- and low-priority sites and all environmental media.
- Is accepted by banks and insurance companies.
- Can provide exemption from permits for some on-site work.

Risks

All sites that enter the VCP are added into DEQ's Environmental Cleanup Site Information database. Sites with a verified release are listed on the state's Confirmed Release List. Sites requiring further action are also added to the Inventory List.

If you enter VCP with a site having high environmental risk, and work falls unreasonably behind the agreed-to schedule, you may be required to enter the Site Response program and sign a consent order to ensure that human health and the environment are protected.

Services

DEQ's Voluntary Cleanup Program issues No Further Action determinations for sites shown not to present unacceptable risks. DEQ also provides the following services:

- Preliminary assessment review.
- Risk-based cleanup standards.

- Operable unit approach, where a portion of the site may be redeveloped while cleanup is still occurring on other sections.
- Report/document review.
- Technical assistance and regulatory guidance.
- Negotiated scope of work.
- Estimating DEQ oversight costs.
- Prospective purchaser agreements.
- Public participation/public involvement.

How to join the program

You can join the Voluntary Cleanup Program by submitting the Intent to Participate form available in this packet and on DEQ's website at <http://www.oregon.gov/deq/FilterDocs/VCUPathwayInfoPacket.pdf>. DEQ's goal is to assign a project manager within 90 days of receiving the Intent to Participate form.

Steps in the process

Some participants have already completed significant work at their sites before entering the program. Others may demonstrate that their sites pose no unacceptable risks, and therefore require no remediation. A typical project goes through the steps below.

- You submit the Intent to Participate form.
- DEQ prepares a cost recovery letter agreement and requests a \$5,000 deposit when a project manager is assigned. An example cost recovery agreement is included in this packet.
- When the agreement is signed and the deposit received, DEQ completes a file review, site visit, and strategy recommendation as needed to assess conditions at your site.
- DEQ works with you to develop an appropriate scope of work and agreement for your project.
- You develop work plans and reports for DEQ approval to: define the problem, determine the risk to human health and the environment, and evaluate potential solutions.
- You propose a remedy to DEQ; we then evaluate it to be sure it meets requirements of the Environmental Cleanup Law, and gather public comments on the proposal.
- You implement the remedy that DEQ selects.



State of Oregon
Department of
Environmental
Quality

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Cleanup Program**
700 NE Multnomah St.
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Fax: 503-229-5850
Contact: Tiffany Johnson
www.oregon.gov/DEQ

- DEQ issues a No Further Action determination once protective conditions have been achieved through remediation and/or institutional controls. This process also includes a public comment period.

Insurance note

Before beginning investigative and cleanup work at a site, responsible parties should evaluate their insurance coverage – including present and past policies – to determine if the insurance might cover part or all of the cleanup costs. They also should be sure to discuss cleanup plans with their insurance agent before beginning cleanup activities. At a minimum, many insurers require notice and an opportunity to review cleanup plans before action is taken, as a condition for coverage of cleanup expenses.

Contacts for Further Information

Additional information and materials related to the Voluntary Cleanup Program are available on DEQ's website at

<http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Voluntary-Cleanup.aspx>.

Information about brownfield redevelopment is on DEQ's website at

<http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Brownfields.aspx>.

Information about Prospective Purchaser Agreements is available on DEQ's website at

<http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Prospective-Purchaser-Agreements.aspx>.

You may also contact a DEQ regional cleanup program representative.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.



State of Oregon
Department of
Environmental
Quality

Voluntary Cleanup Pathway Intent to Participate Form

Oregon Department of Environmental Quality
Headquarters
700 NE Multnomah St., Suite 600
Portland OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Tiffany Johnson

Identification of Site

Site Name: _____

Site Address: _____

Legal Name of Owner: _____

Legal Name of Operator: _____

Mailing Address: _____

Contact Name: _____ Phone: _____ e-mail: _____

Township: _____ Range: _____ Section: _____ Tax Lot(s): _____ Size (acres): _____

Latitude (Lat) Degrees: _____ Minutes: _____ Seconds: _____

Longitude (Long) Degrees: _____ Minutes: _____ Seconds: _____

Method of determining Lat/Long: _____

ECSI Identification Number, if assigned: _____

(Note: If you cannot provide a lat/long for your site, please include a 7.5 topographical map, with the site clearly marked on it, along with this form and we will determine the lat/long for you.)

Summary of Contamination Information

Please provide (or attach) the information below to the extent available.

Current site use: _____

Historic site use: _____

Known or suspected contaminant source(s): _____

Known or suspected contaminant(s): _____

Contaminated media: Soil: Yes No Unknown

Groundwater: Yes No Unknown

Sediment: Yes No Unknown

Surface Water: Yes No Unknown

Indoor Air: Yes No Unknown

Outdoor Air: Yes No Unknown

Anticipated Project Complexity

- Voluntary preliminary assessment** - A Preliminary Assessment (PA) is the initial investigation of a site to determine whether a release of hazardous substances requires further investigation or cleanup to protect public health, safety, welfare and the environment.
- Simple cleanup** sites are those where:
 - (a) hazardous substances are limited to containers or to the unsaturated soil zone only;
 - (b) the extent and type(s) of contamination is well-defined;
 - (c) there are few contaminants of concern; and
 - (d) the selected treatment option is a conventional technology.
- Moderately complex or complex cleanup** - This category includes all sites that do not meet simple cleanup criteria above.
- Unknown**, please explain: _____

Intent to Participate

The undersigned requests oversight by the Department of Environmental Quality (DEQ) of the investigation and cleanup activities of possible contamination at the property described above and requests the site be placed on DEQ's list of sites for oversight.

The undersigned intends to negotiate in good faith a written agreement with DEQ to provide for voluntary oversight. However, this Intent to Participate does not constitute such an agreement, and neither DEQ nor the undersigned will be bound to proceed with voluntary oversight unless such an agreement is executed. The agreement will describe the project activities of each party and will require the undersigned to reimburse DEQ for all of its oversight costs.

As DEQ moves sites from the waiting list to active status, DEQ will notify the undersigned in writing. Following receipt of such a notice (or earlier) the undersigned will submit a report to DEQ summarizing existing conditions, activities and status at the site. The undersigned understands that DEQ will move sites from the list to active status based on various considerations, only one of which will be the timing of the original placement of a site on the waiting list.

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the site. In addition, the undersigned may terminate the Intent to Participate at any time by notifying DEQ in writing.

Please execute this Intent to Participate in the space below and return to:

Department of Environmental Quality
Environmental Cleanup Program
(Regional office address from <http://www.oregon.gov/DEQ/Pages/Offices.aspx>)

Please DO NOT submit a deposit check at this time.

By: _____
(signature of authorized officer)

Name: _____
(print or type)

Title: _____

Company: _____

Date: _____

Telephone: _____



Invoicing for Cleanup Program Costs

Oregon Department of Environmental Quality
Headquarters
700 NE Multnomah St., Suite 600
Portland OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Dawn Ismerio

Who pays and why?

Owners and operators of facilities or property contaminated by hazardous substances are responsible, under Oregon law, for cleaning up the site. The Oregon Department of Environmental Quality ensures that the cleanup is done in a way that protects human health and the environment. Oregon law requires that those responsible for the contamination reimburse DEQ's costs of carrying out this responsibility.

What DEQ costs are charged to responsible parties?

Cleanup and hazardous waste laws authorize DEQ to charge all reasonable costs *attributable to or associated with* cleanup or hazardous waste activities at a particular site. DEQ accounts for these costs as *direct* and *indirect* costs.

Direct costs are expenditures made specifically for the site, such as cost to travel to the site, and DEQ staff time directly associated with the site including time spent to:

- Consult with the owner and/or environmental consultants;
- Review data and reports describing the type and extent of contamination;
- Review proposed cleanup actions;
- Provide information about the site and opportunities for the public to comment on the cleanup; and
- Provide comments and/or direction on the preferred cleanup method or remedy.

Indirect costs are those that support the operation of the program in general, but are not directly related to specific projects. Examples of indirect costs are:

- Office space, equipment and supplies;
- Non-site-specific activities of project staff, such as training and program administrative activities;
- Clerical, computer network, time accounting, invoicing and grants management;
- Management and supervision;
- Development of technical guidance and policies; and
- A share of DEQ centralized services, such as accounting, budgeting, human resources, and information systems.

DEQ charges for two types of indirect charges. One is costs incurred by the DEQ Land Quality Division and the other is Land Quality's share of DEQ-wide costs. Both the Land Quality and DEQ agency indirect rates are designed to charge each project its share of all indirect costs.

How are indirect rates established?

DEQ establishes the **Land Quality rate** by calculating the pool of program costs and dividing by the wages and benefits charged to site cleanup work. This produces a factor that can be applied to the salary and benefit charges for each project invoiced.

The **DEQ agency indirect rate** is negotiated annually with the federal Environmental Protection Agency, so that indirect costs can be charged against federal grants and cooperative agreements. EPA requires that this indirect rate be charged to all DEQ activities regardless of funding source.

Rates as of May 2017 are:

Land Quality indirect rate: 206%

DEQ agency indirect rate: 19.85%

As of May 2017, the estimated average hourly rate for employee time, including indirect costs, is \$204.

How are individual site costs calculated?

DEQ's accounting systems record the time each employee works on a project. Staff time is charged to the project using the actual hourly cost of the wages and benefits (such as taxes and health insurance) for each employee. Indirect costs are then added to this hourly rate as a percent of directly-charged personnel costs. Separate costs incurred specifically for that cleanup project, such as supplies and travel expenses, are also recorded and invoiced as direct costs.

Oversight cost estimates

Individuals and businesses cleaning up property with DEQ review or oversight typically enter into some type of agreement with DEQ. The agreement varies depending on the nature of the cleanup or the statutory authority under which the cleanup is carried out. The document specifies the type of oversight or technical assistance to be provided by DEQ and the terms of payment for that oversight.

A written estimate of oversight costs is available for a specified timeframe or phase of a project to responsible parties in the Voluntary Cleanup, Site Response and Hazardous Waste programs. DEQ will also provide, on request, a written explanation when actual costs exceed projected costs by more than 20 percent.

What do invoices look like?

Employee wages, benefits and indirect charges are combined on one line called "personal services." Direct charges for costs such as supplies and travel are listed separately. Current and past due amounts are detailed.

A report that shows the number of direct hours charged by each employee and the nature of the work performed is available from DEQ on request.

The back of the invoice contains a general description of costs and a name and number to call if there are any questions.

When are payments due?

Payments are due 30 calendar days from the date of the invoice. Interest will be charged on past due amounts. DEQ is required by law to pursue collection of unpaid balances by assignment of the debt to the Oregon Department of Revenue or an independent collection agency or directly by recording liens on property owned by the responsible party.

[DATE]

[NAME]
[COMPANY]
[ADDRESS]
[CITY, STATE ZIP]



Re: Voluntary Cleanup Letter Agreement
[PROJECT NAME, ECSI #]

Dear [NAME]:

This letter responds to your request to investigate and/or clean up contaminated property under the review and oversight of the Oregon Department of Environmental Quality (DEQ) Voluntary Cleanup Program. This letter also serves as a Letter Agreement between you and DEQ, regarding DEQ review and oversight of the investigation and/or cleanup of hazardous substances at your property located at [SITE NAME, ADDRESS, CITY], Oregon.

DEQ agrees to review environmental documents submitted by you or on your behalf regarding the investigation and/or cleanup of the above-referenced site, and to review related information available in DEQ's files, and conduct a site visit. DEQ will then recommend a course of action to complete the project. The course of action may include, but not be limited to, additional investigation, risk assessment, remedial action evaluation and selection, and/or a "no further action" determination consistent with the Environmental Cleanup Law. DEQ will provide public notice and opportunity for comment on any remedial action proposal or "no further action" determination in accordance with ORS 465.320. DEQ will also determine, in consultation with you, the form of any further agreement needed to manage the project most effectively.

DEQ requires that persons seeking DEQ review and oversight of investigation and cleanup activities provide a minimum deposit of \$5,000 as an advance against costs that DEQ will incur. The advance deposit must be in the form of a check payable to the Department of Environmental Quality. When you have signed this letter to formalize your request, and your deposit has been received by DEQ, a sub-account of the Hazardous Substances Remedial Action Fund will be established to be drawn upon by DEQ as project costs are incurred.

DEQ project costs will include direct costs and indirect costs. Direct costs include site-specific expenses and legal costs. Indirect costs are those general management and support costs of the State of Oregon and DEQ allocable to DEQ oversight of this Letter Agreement and not charged as direct site-specific costs. Indirect charges are based on actual costs and are applied as a percentage of direct personal services costs. Review and oversight costs will not include any unreasonable costs or costs not otherwise recoverable by DEQ under ORS 465.255.

DEQ will provide you with a monthly invoice, a sample of which is attached. In the event project costs exceed the sub-account balance, DEQ will submit to you an invoice for any costs in excess of the advance. In the event project costs do not exceed the sub-account balance, DEQ will

refund within 60 days of the close of the project any amount of the deposit remaining in excess of the actual costs, or will apply the remaining amount toward oversight of work under any further agreement necessary for the project.

Either you or DEQ may terminate this Letter Agreement by giving 15 days advance written notice to the other. Only those costs incurred or obligated by DEQ prior to the effective date of any termination of this Letter Agreement shall be recoverable under this Agreement. Termination of this Letter Agreement will not affect any other right DEQ may have for recovery of costs under applicable law.

You shall hold DEQ harmless for any claims (including but not limited to claims of property damage or personal injury) arising from activities performed by you and reviewed or overseen by DEQ under this Letter Agreement.

This Letter Agreement is not and shall not be construed as an admission by you of any liability under ORS 465.255 or any other law or as a waiver of any defense to such liability. This Letter Agreement is not and shall not be construed as a waiver, release, or settlement of claims DEQ may have against you or any other person or as a waiver of any enforcement authority DEQ may have with respect to you or the property. Upon DEQ's request and as necessary to oversight of your work under this Letter Agreement, you shall provide DEQ with data and records related to investigation and cleanup activities at the property, excluding any privileged documents identified as such by you.

[NAME OF PM] is currently assigned as the DEQ Project Manager for initiating the review and oversight of the investigation and cleanup activities associated with your property. Please refer all inquiries to [NAME OF PM] at [PHONE].

DEQ appreciates your interest in the Voluntary Cleanup Program and looks forward to working with you.

Sincerely,

[NAME]

[Eastern/Northwest/Western Region Cleanup Program Manager]

VCP Letter Agreement

Page 3

If the terms of this Letter Agreement are acceptable to [NAME], please sign in the space provided below and return to us.

Accepted and agreed to this _____ day of _____, 20__.

By: _____

Title: _____

Enclosure

cc:

Cleanup Process and Criteria

Background

This fact sheet describes procedures the Oregon Department of Environmental Quality uses to review and approve cleanups of hazardous substances under Oregon Revised Statute 465.200 et seq. and Oregon Administrative Rules 340-122-0010 to 0140.

Cleanup procedures

Many past releases of hazardous substances are satisfactorily cleaned up without DEQ review and approval of the cleanup action. DEQ's water quality and air quality programs regulate discharges to water or air from a site. Those discharges may need permits from those programs. Federal and state solid waste and hazardous waste laws also apply to cleanup sites.

Property owners often seek review and approval of their cleanup because DEQ issues "No Further Action" determinations for sites that satisfactorily address cleanup requirements. In cases where a past release of hazardous substances poses a significant threat to human health or the environment, DEQ will require cleanup. All work plans and reports prepared for DEQ review and approval must be signed and stamped by a registered geologist or professional engineer licensed to practice in Oregon. Sites are cleaned up in a variety of ways. DEQ offers the following pathways for review and approval of cleanups conducted by property owners:

- **The Independent Cleanup Pathway** addresses sites of low or medium environmental priority. A site owner can complete the investigation and cleanup independently and request final DEQ approval.
- **The Voluntary Cleanup Pathway** is available for sites of low, medium or high environmental priority and cooperative participants. DEQ provides oversight throughout the investigation and selects or approves the remedial action through a collaborative process.
- **The Site Response Program** addresses sites of medium or high priority that may require enforcement actions. DEQ provides oversight throughout the investigation and cleanup, and selects the remedial action.

Fundamental standard for cleanup

All cleanups approved or selected by DEQ must assure protection of public health, safety, welfare and the environment. If the site does not pose an unacceptable risk, as defined by ORS 465.315, remedial action is not required.

Criteria for remedy selection

Protection of public health, safety, welfare and the environment is the standard applicable to all cleanup sites, including Independent Cleanup Pathway sites. For Voluntary Cleanup and Site Response Sites where DEQ selects the remedy, two additional principles guide DEQ's decisions.

First, DEQ evaluates and selects a cleanup remedy based on the following criteria:

- Effectiveness
- Implementability
- Long-term reliability
- Implementation risk
- Reasonableness of cost

DEQ uses these criteria to evaluate cleanup options. Please refer to OAR 340-122-0090 and DEQ guidance documents for additional information.

Second, ORS 465.315 establishes preferences for the type of cleanup to be selected. For example, if current or reasonably likely future uses of water are affected, the cleanup law establishes a preference for treatment. Similarly, if contamination in soil is a highly concentrated "hot spot," the cleanup law establishes a preference for treatment or removal. For contamination that is not a "hot spot" under the cleanup law, there is a preference for selecting the least-expensive protective cleanup option.

Additional information

Additional cleanup program information is at: <http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Voluntary-Cleanup.aspx> or by contacting a cleanup program representative at the regional DEQ office.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland



State of Oregon
Department of
Environmental
Quality

Environmental Cleanup Program

700 NE Multnomah St.
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Contact: Tiffany Johnson
www.oregon.gov/DEQ

at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.



State of Oregon
Department of
Environmental
Quality

Investigating Potential Insurance Assets for Investigative and Cleanup Costs at Contaminated Sites in Oregon

Oregon Department of Environmental Quality
Headquarters
700 NE Multnomah St., Suite 600
Portland OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Tiffany Johnson

Information based on content from DEQ's webpage: <http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Insurance.aspx>.

Many site owners and operators, particularly when faced with third-party claims asserted against them by agencies and adjacent property owners, struggle to pay for investigation and cleanup of contamination from past activities and operations at their properties.

In the past, site owners and operators often purchased comprehensive insurance for their properties and businesses in the form of Commercial General Liability policies. While modern CGL policies have specific language excluding coverage for contamination and pollution, those in effect before 1986 typically lacked such exclusions. Therefore, if a hazardous-substance release occurred before 1986, CGL policies in place from the date of release until 1986 may be a source of funding to perform needed investigation and cleanup.

The Q&A discussion below provides important information about historic insurance policies.

Why are old insurance policies still relevant?

Many policies are "occurrence based," meaning that if a hazardous-substance release occurred during the policy period - no matter how long ago - the policy may pay for site investigation and cleanup.

What's the point of looking for past policies if the named insured has passed away, the business has closed, or the insurer is no longer around?

Insurance policies may be an asset of an individual's estate or a defunct business; if there's reason to believe insurance coverage potentially applies to costs incurred now, the responsible party or the state may be able to ask a court to appoint an appropriate party, e.g., a receiver, to reopen the estate or act on behalf of the defunct business to access coverage. While insurance companies do go out of business, leaving no recourse for past policy holders except as may be available through a state-operated insurance fund, many insurers have changed names, merged with or been bought by another company, or sold or purchased assets and liabilities - including old policies. In such cases, the insurance policies may still be viable.

What if we think there was insurance, but can't find a policy? Coverage would have been 30+ years ago!

Oregon is a “lost policy” state, meaning that even if the insured party cannot produce a copy of the insurance policy, there may be alternate means of proving past coverage – for example, a cancelled check or other business records. Since past insurance policies often had similar, standardized language, it may not be necessary to have an actual copy of an individual policy. It is important to at least find documentation of a policy’s purchase.

I heard something about an “owned-property exclusion.” What’s that?

Pre-1986 CGL policies often contained an "owned-property" exclusion of damage affecting only the insured’s property. In environmental cases, this often means a policy will not cover on-site contamination that affects soil only, which is considered owned property. However, because the state “owns” groundwater and surface water, the owned-property exclusion does not apply to claims for damage to these media. The policies may also cover soil remediation needed to prevent additional damage to surface water or groundwater.

Should I fund site cleanup now, and look into past insurance later?

While DEQ encourages prompt investigation and cleanup at all sites, in Oregon and most states, insurance companies are not always obligated to reimburse costs you incur before notifying them about a claim – even if they would otherwise have been responsible for covering these costs. Therefore, it’s best to search for records of old insurance sooner rather than later, and notify all potential insurance companies in writing of your actual or potential liability for site contamination.

I am a small business; isn’t insurance archeology most suited to larger companies?

The Oregon Environmental Assistance Cleanup Act, passed in 1999 and strengthened by amendments in 2003 and 2013, ensures that Oregon law applies to all cleanup sites. Also, most properties that have been in any kind of commercial or industrial use – including small businesses, dry cleaners, auto service stations and repair shops, and many others – have had potential insurance coverage often extending from the turn of the 20th century through the mid-1980s with policies that contained no pollution exclusion.

How do I search for evidence of historical insurance coverage?

Insurance archeology is an intensive search for old policies, often including an assessment of whether any policies found will cover cleanup costs for contamination that occurred during the coverage period. Resources such as attorneys or specialists in insurance archeology may be able to assist you. It may be helpful to reconstruct the history of the property from the early 1900s through the present, including the types of site uses and names of individuals, businesses, lessees and others affiliated with the property. These may be potentially responsible parties (PRPs) who caused site contamination and may have purchased insurance policies. A search for insurance coverage might include reviewing internal records to find actual copies of policies, or other evidence of a policy. You may want to search for names of insurance agencies and brokers, and records of communications with them. If you know the insurance carrier(s) name, ask them about historical insurance coverage. The recollection of an insurance broker (or your own), are also evidence of insurance. References to insurance might be found in corporate minutes or annual reports; worker’s compensation records; government contracts; litigation and bankruptcy proceedings; old property leases; and mortgage or business loan documents.

How do I make a claim on an insurance policy?

DEQ recommends you consult with a qualified attorney. If you need a referral, the Oregon State Bar can provide one.

DISCLAIMER: Any information DEQ provides about historic insurance policies is purely for educational purposes, and is not intended as legal advice. Persons or entities who may be covered under old insurance policies should consult experienced professionals with knowledge in these areas.

Selecting an Environmental Consultant

Welcome

Welcome to DEQ's Environmental Cleanup Program. This fact sheet offers tips on how to choose an environmental consultant to help you address your property's cleanup issues. Asking questions and checking references is essential.

A competent consultant will help you define the problem and develop protective solutions that comply with environmental regulations and are cost effective.

Your consulting team should have:

- A thorough understanding of Oregon's environmental cleanup law and rules.
- Experience in projects that are similar to yours in scope and nature.
- Excellent communication skills, both verbal and written.

Where to begin

Compile all the information you can about the property, including a history of site operations, potential sources of contamination, and company records on where and how hazardous substances have been used and/or stored. Prepare a brief written description of the site, including current use and work you think is needed. Providing as much information as you can allows consulting firms to give you more accurate estimates. This can save you time and money. While DEQ cannot recommend specific consultants, it can give you references from other cleanup projects.

The firm you select must demonstrate not only that it is capable, but also that it has qualified staff available at the time you want the work done. Ask the consulting firm to estimate the time needed to complete required work and how they might phase the work to fit your site budget and plans. Keep in mind that environmental investigations often turn up new information that may change the work scope.

Questions for prospective consultants

You may want to ask prospective consultants questions, such as:

- Names of companies they have worked for, and how similar the projects are to yours.

- How much work was subcontracted and to which firms? Would they use them again?
- Did they encounter unexpected delays or staff turnover? How was this handled?
- Did they complete the project on time and within budget?
- What is their experience in working with DEQ or other regulators?
- What potential impact will the cleanup have on customers, neighbors, or traffic?

Check references!

Checking references is probably the most important part of the selection process. Before choosing a consulting firm, it's critical to talk with businesses the firm cites as references.

Some questions to ask include:

- Were you satisfied with your consultant's work?
- Did you have any concerns about the firm's performance or fees?
- Did DEQ issue any enforcement notices (warning letters or notices of noncompliance) because of the work performed?
- Which specific staff members were on your team?
- Was your project completed on time and within budget?
- Did you encounter any unexpected delays or staff turnover? If so, were these handled to your satisfaction?
- Did the firm have to "re-do" any part of your project that wasn't done right the first time?

Request proposals

Ask for proposals from firms or individuals that seem to best meet your needs. Proposals should include a scope of work, staff resumes, estimated work schedules, anticipated costs/ fees, estimated total project costs with an itemized fee schedule, and references. Make sure the estimated work schedule also includes time for DEQ review and approval. In reviewing proposals, look out for:



State of Oregon
Department of
Environmental
Quality

**Environmental
Cleanup Program**
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Tiffany Johnson
www.oregon.gov/DEQ

- Bids that are significantly lower than those of competing firms.
- “Hard sell” approaches.
- **Minimizing or maximizing potential technical or legal problems.**
- Strong biases against certain investigation techniques or cleanup alternatives.
- Conflicts of interest.
- Overly optimistic timelines.

Interviewing prospective consultants, checking their references, and reviewing the proposals will help you make an informed decision about which consultant to hire for your project.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

Protection of Archaeological and Cultural Resources



State of Oregon
Department of
Environmental
Quality

700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-6991
800-452-4011
Fax: 503-229-5850
Contact: Christine
Svetkovich
www.oregon.gov/DEQ

Background

Native American people have lived in Oregon for thousands of years. They lived off the land by fishing, hunting and gathering food, fibers, and medicines. They also used the land to worship and bury their dead. Daily tools, sacred objects, places and remains of village and home sites are still here today. Where these are found are considered Native American archeological or cultural sites.

At the turn of the 19th century, Euro-Americans began settling in Oregon. Like the Native Americans who already called Oregon home, settlers lived off the land, worshiped special places, established homesteads and towns, and buried their dead. These places are considered historical or cultural sites.

These sites are the legacy of our country and the heritage of all people. Once removed or damaged, they cannot be restored. The relationship or context between artifacts and their surroundings is as important as the artifacts themselves. The artifacts should be left undisturbed.

The Oregon Department of Environmental Quality recognizes the significance of archaeological, historic and cultural resources and is committed to the principle that management of cleanup sites is undertaken in compliance with all applicable state and federal laws protecting these resources.

Laws and Requirements

Oregon state law prohibits the removal, excavation or destruction of any cultural resource sites and artifacts on public and private lands. Illegal activities include:

- Using a tool (even a stick) to remove an artifact from the ground
- Digging or probing the ground for the presence of historic or Native American Artifacts
- Vandalizing homestead sites or other old buildings
- Digging for bottles or other historic artifacts
- Defacing a pictograph or petroglyph
- Disturbing burial sites
- Removing any artifacts

Inadvertent Discovery: It is not uncommon for construction or ground disturbing activities to reveal unidentified artifacts or cultural sites. Inadvertent discoveries can occur anywhere in Oregon. An inadvertent discovery plan should be prepared and kept onsite at all project sites that disturb the ground. A template can be found at: <http://www.oregon.gov/oprd/HCD/ARCH/pages/index.aspx>.

Artifacts: In general, if artifacts are encountered during construction:

- Work must stop at that location and the area must be protected and blocked off. The Oregon State Historic Preservation Office should be contacted for further instructions.
- Work should not resume until the site has been evaluated.

Bones: Consider that bones may be human—either native American, early Euro-American, or even from a more recent tragedy or crime. Oregon has an important protocol to follow if you suspect you have found bone material that could be Native American human remains (ORS 97.745 and ORS 97.750). The protocol asks that the following are contacted:

- Oregon State Police 1-800-450-7888
- State Historic Preservation Office 503-986-1067,
www.oregon.gov/oprd/HCD/SHPO/Pages/index.aspx
- Legislative Commission on Indian Services 503-986-1067,
www.leg.state.or.us/cis/
- Appropriate Indian Tribe(s) – The Legislative Commission on Indian Services will provide the appropriate contact numbers

State laws protecting cultural resources apply at all cleanup sites in Oregon. Federal protection laws may also apply if a federal agency is involved in the project. Federal involvement may include:

- Work at National Priority List Superfund sites

- Work on land owned by the federal government
- Clean up actions where a federal agency is the responsible party
- Work that is paid for with federal funds
- Clean up activity that requires a federal permit (e.g., wetlands disturbance)

Laws that may apply to a cleanup project include:

- Protections for Native American burial sites and objects (Oregon Revised Statute 97.740 et seq.)
- Protections for archaeological objects and sites (ORS 358.905 et seq.), permit requirements for site alteration (ORS 390.325 et seq.), and permit requirements for state public and private land (Oregon Administrative Rule 736-051-0080 to 0090)
- National Historic Preservation Act of 1966 (16 United States Code 470 et seq.)
- Archaeological Resources Protection Act of 1979 (16 USC 470 et seq.)
- Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.)

Activities Affecting Cultural or Archaeological Resources

Any type of ground-disturbing work, (such as installation of monitoring wells, test pits or soil removals) could impact a cultural or archaeological resource. This could occur during various phases of the cleanup process including site assessment, remedial investigation, and remedial or removal actions.

At sites where a responsible party is conducting an investigation or cleanup, the party is responsible for complying with all applicable laws.

Assessing the Need for a Survey

DEQ recommends that responsible parties contact the State Historic Preservation Office and the appropriate tribal governments before any ground disturbing work begins to determine whether cultural or historic resources are likely to exist at the site, and to determine whether an archaeological resources survey is needed before beginning ground-disturbing work. The Oregon Legislative Commission on Indian Services can advise on which tribal governments to contact. Taking the time, before a project starts, to identify the possibility that cultural resources exist at the site may reduce the potential for costly delays if artifacts are inadvertently discovered.

For more information please contact:

Christine Svetkovich, Liaison to Tribal Nations, at 503-229-6991 or svetkovich.christine@deq.state.or.us.

For information about the National Historic Preservation Act, visit the Advisory Council on Historic Preservation Web page:

<http://www.achp.gov/usersguide.html>.

Alternative formats

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Information about Oregon DEQ's No Further Action Decisions



State of Oregon
Department of
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Quality

Environmental Cleanup Program

700 NE Multnomah St.
Suite 600

Portland, OR 97232

Phone: 503-229-5696

800-452-4011

Fax: 503-229-5850

Contact: Tiffany Johnson

www.oregon.gov/DEQ

Background

DEQ's Cleanup and Leaking Underground Storage Tank (LUST) programs manage a wide variety of sites with different levels and types of contamination from hazardous substances, including petroleum. Some sites may have one contaminant in a small area of shallow soil, while others may have high concentrations of many substances in soil, surface water, sediments or groundwater. A common goal of the Cleanup and LUST programs is to lead these sites to *No Further Action* (NFA) determinations.

What does an NFA mean?

DEQ's Cleanup and LUST programs make a No Further Action decision after determining that a site – or one part of a site – poses *no unacceptable risks* to human health or the environment. This usually follows investigative or cleanup activities under DEQ oversight or review. It means DEQ will not require additional remedial action, based on the agency's knowledge of site conditions when it issues the NFA. Some NFAs rely on institutional or engineering controls – often less expensive to implement than the removal of contamination – that are designed to prevent exposure to contaminants left in place. DEQ's Cleanup Program labels such sites as *Conditional* NFAs (CNFAs); the LUST Program uses the NFA label even at sites where such controls are in place.

How do LUST & Cleanup NFAs differ? All No Further Action determinations are based on meeting established risk standards designed to protect human health and the environment. However, a LUST NFA usually applies only to the contamination relating to the underground storage tank system. The LUST NFA may not apply to other spills or releases not associated with tanks or piping. Conversely, a Cleanup NFA usually does apply to the entire facility and all suspected sources of contamination. Always review DEQ's *NFA letter* to know what environmental conditions it covers.

What about heating oil tanks?

Heating oil tanks (HOTs) are a special category. Until 1999, DEQ reviewed HOT releases and issued No Further Action letters for those sites. In 1999, the state legislature created a third-party certification program, implemented in 2000.

Under this program, DEQ licenses independent contractors to perform tank decommissioning and cleanup, if needed. The contractor certifies whether the project involved a clean decommissioning or completion of a cleanup meeting DEQ's acceptable risk standards. Licensed contractors submit certifications to DEQ, and DEQ randomly audits a portion of these reports.

What contingencies might an NFA have?

Sites with Conditional No Further Action decisions, and some LUST sites with NFA decisions, have formal controls in place that are recorded on the property deed and must be maintained for the NFA to remain valid.

Other NFA determinations are based on current and reasonably likely land and water uses (as required by Oregon law), or on expectations of certain activities occurring (for example, well removal) or NOT occurring (for example, razing buildings). When such unanticipated uses or events occur, they may create unacceptable risks. In any case, site contingencies, which are typically identified in the NFA letter, may require future actions or ongoing considerations on the part of owners/lessees.

NFAs are not forever

While it does not happen often, DEQ may rescind an NFA or CNFA if:

- DEQ learns of a new contaminant release or a previously unknown past release;
- Contaminant risk factors change dramatically as scientific knowledge advances; or
- Conditions linked to the NFA are not implemented or maintained as expected.

How can I learn more about an NFA?

The single most important document to review is the site's NFA letter, which usually outlines the basis for the NFA and any associated conditions or contingencies. This is often accompanied by a DEQ *Staff Report* that provides details on the No Further Action decision process.

To find out more about a site's conditions, please review DEQ's Cleanup and LUST program databases, respectively.

Conclusions

Know your site. A CNFA label indicates that controls are in place, but an NFA (that is, no *Conditional* label) does not necessarily mean the site is available for unrestricted use. Before leasing, purchasing, or financing a site with a DEQ NFA or CNFA, know the circumstances or conditions that DEQ based its decision on. (See Liability Management Tools for Buyers of Contaminated Property in Oregon, available on DEQs Prospective Purchaser Agreement page.) If you're an owner or operator of such a site, be familiar with use restrictions or other conditions that DEQ may have attached to its NFA decision before you make changes to the property.

For more information please contact:

Contact Tiffany Johnson, Program Coordinator,
at 503-229-6258,
johnson.tiffany@deq.state.or.us.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

Guidance and Policy Documents

Guidance documents provide technical information to assist with specific aspects of stages of environmental cleanup activities. Policy statements clarify provisions of Oregon's environmental cleanup statute and rules. These documents are advisory only and are intended to assist DEQ staff, responsible parties, consultants, and others implementing cleanup projects. Cleanup program guidance documents are available to view or download at DEQ's website <http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/Cleanup-Guidance-Docs.aspx>.

Site Investigation

Cleanup Program Quality Assurance Policy
Groundwater Monitoring Well Drilling, Construction and Decommissioning
Guidance for Assessing and Remediating Vapor Intrusion in Buildings
Guidance for Conducting Beneficial Water Use Determinations at Cleanup Sites
Guidance for Conducting Feasibility Studies
Guidance for Evaluating Residual Pesticides on Lands Formerly Used for Agricultural Production
Guidance for Evaluating the Stormwater Pathway at Upland Sites
Guidance for Identification of Hot Spots
Guidance for Protecting Cultural Resources during Cleanup Work
Listing and Delisting Criteria
Quality Assurance Project Plan for EPA PA/SI Investigations
Quality Assurance Project Plan for Brownfield Investigations
Quality Assurance Project Plan for Underground Storage Tanks
Risk-Based Decision Making for the Remediation of Petroleum-Contaminated Sites

Risk Assessment

Guidance for Assessing Bioaccumulative Chemicals of Concern in Sediment
Guidance for Conducting Human Health Risk Assessments (Deterministic and Probabilistic)
Guidance for Ecological Risk Assessment
Toxicity Equivalency Factors Policy Statement

Cleanup Remedies

Alternative Water Supply Policy Statement
Description of "Permit Waiver" Provisions
Generic Remedies for Soils Contaminated with PCBs
Guidance for Consideration of Land Use in Environmental Remedial Actions
Guidance for Managing Hazardous Substance Air Discharges From Remedial Systems
Guidance for Use of Institutional Controls
Risk-Based Decision Making for the Remediation of Petroleum-Contaminated Sites

Liability and Defenses to Liability

Off-Site Contaminant Migration Policy
Prospective Purchaser Program Guidance

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Environmental Cleanup Glossary

The following terms and acronyms are often used in environmental cleanup.

CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund; the federal law passed in December 1980 authorizing identification and cleanup of abandoned hazardous waste sites.

Conceptual Site Model (CSM): A summary that identifies all of the known or suspected sources of contamination, where they are located, how they are likely to move, and who is likely to be affected by them.

Confirmed Release List (CRL) and Inventory: Two related, but separate lists of properties where DEQ has verified the release of hazardous substances into the environment. Sites on the Confirmed Release List do not necessarily require any cleanup action. Sites on the Inventory, which is a subset of sites on the CRL, do require further investigation or cleanup, as determined by a Preliminary Assessment (defined below).

DEQ: Department of Environmental Quality; the Oregon state agency established to restore, enhance, and maintain the quality of Oregon's air, water and land.

ECSI: Environmental Cleanup Site Information; DEQ's database of contaminated and potentially contaminated sites throughout Oregon.

EPA: U.S. Environmental Protection Agency; the federal agency responsible for enforcing federal laws protecting the environment.

Environmental Cleanup Law: The 1987 Oregon state law that created the environmental cleanup program.

EQC: Environmental Quality Commission; the five-member citizen panel appointed by the governor to oversee the Dept. of Environmental Quality and set the environmental policies and regulations for Oregon.

Facility or Site: The area defined by the extent (horizontal and vertical) of migration of hazardous substances. The site may be smaller or larger than the property.

Feasibility Study (FS): A study conducted to determine different options for cleaning up a site; it is based on information gathered during the "remedial investigation." The FS examines different levels of cleanup, cost effectiveness, permanence and level of protection, as well as available technology.

Formal Agreement: An agreement that specifies the roles and obligations of the participant and DEQ when investigating or remediating contamination from hazardous substances.

Hot Spot: Contamination concentrations that cause a significant adverse effect in surface water or groundwater, or are highly concentrated in soil or other environmental media.

Letter Agreement: An agreement that specifies a limited scope of work and provides reimbursement for DEQ oversight costs. Used at simple sites and to define the scope at more complex sites.

Locality of Facility (LOF): Any point where a humans, animals or plants are likely to come into contact with facility related hazardous substances now or in the future.

OAR: Oregon Administrative Rule. The rules that describe how the cleanup program is implemented start at OAR 340-122-0010.

ORS: Oregon Revised Statute. The Environmental Cleanup Law starts at ORS 456.200.



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Preliminary Assessment (PA): The initial investigation to determine whether a hazardous substance has been released into the environment, and whether further action is necessary.

Release: A hazardous substance that has spilled, leaked, or otherwise been discharged into the environment.

Removal Action: Taking the contaminated substance, such as soil, to another location offsite.

Remedial Action: Work done at a contaminated site to clean up, control, or contain hazardous substances.

Remedial Investigation (RI): An environmental investigation that includes information on the types and concentrations of hazardous substances, the geology and hydrology of the area, and an evaluation of potential risks to human health and the environment. It is the basis for determining what cleanup methods will be most effective at a particular site.

Risk Assessment: A comprehensive evaluation that examines potential risk to human health and/or the environment in terms of routes of exposure, populations at risk, and degree of harmful effects; usually conservative, that is, "reasonable maximum exposure" scenarios.

Work Plan: A detailed plan that includes a schedule for completing an investigation, a description of sampling methods to be used, and quality control measures and safety procedures.

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ATTACHMENT 2

GEARHART COMPREHENSIVE PLAN

IV. Urban Growth Area and Boundary

- a. Introduction
- b. Land Consumption
- c. Urban Growth Area
- d. Boundary Determination
- e. Findings of Fact

The Comprehensive Plan portion of this document includes the goals and policies for urbanization and housing. The joint adoption of these goals and policies by the City of Gearhart and Clatsop County binds both jurisdictions to a joint program of accommodating and managing Gearhart's future growth.

LAND USE

General

Gearhart has always been a recreation oriented community; the unique character of the original town concept has more or less remained through the years. Gearhart was planned as a resort community, serving as a convention center even before the turn of the century, and remains a largely resort oriented environment.

"Gearhart by the Sea" was intended to be "the best, most complete and satisfying pleasure ground on the Pacific Coast".¹ Residential lots were offered to would-be buyers in 1910 for \$200.00. "The terms have been made unusually convenient, for the purpose of encouraging home building at once. A first payment of 10% and 2% per month places one in immediate possession of property upon which to build."² Though the old hotels are gone, recent land use and housing surveys indicate that more than 50% of the single family homes are owned by seasonal residents.

Table 1, page 51 (Land Use Summary) and the Existing Land Use Map, reveal several significant changes from data used to support the 1974 Gearhart Comprehensive Plan. Total acreage within the city boundaries has been reduced to 699.99 acres. Vacant buildable land amounts to less than 25% of the previous total and the quantity of permanent open space exceeds what could be considered normal for the city the size Gearhart by more than double. Very little land is currently used for multi-family residential units. The bulk of present land use is single family residential.

No inventory, by land use category, was undertaken as part of the 1989-1990 periodic review update. (Amended by Ordinance 677, adopted February 2, 1994.)

A review of the implications of Gearhart's land use pattern based on the development that occurred during the 1980's results in the following conclusions:

1. The lifting of the D.E.Q. moratorium has not resulted in a "rapid filling-up" of land in the City proper. Rather there has been a pattern of slow residential growth. There have been two larger residential developments, the Highlands, an exclusive subdivision with a golf course located in the urban growth boundary area and the redevelopment of the "Windjammer" property for single-family residences. In addition, three subdivisions (Gearhart Meadows Phase 1-3) were approved in the Northern Urban Growth Boundary,

GEARHART COMPREHENSIVE PLAN

3. No multi-family structures were constructed during the past decade even though land for such purposes is available. This reflects the difficulty of constructing an economically viable affordable housing project, particularly in an area which lacks a sanitary sewer system.
2. The City has experienced little commercial growth in the decade. The slow rate of commercial growth is in line with the community's decision not to become a tourist destination with a commercial orientation.

(Above section amended by Ordinance 677, adopted February 2, 1994.)

Zoning

The land use pattern of the City has been controlled by zoning for many years. The original plan for "Gearhart by the Sea" included a land use pattern that is still reflected in the community's Zoning Map.

Table 1 indicates the breakdown of land, by zone, within the urban growth boundary. This table provides information about of the amount of buildable land available to accommodate future development. (Amended by Ordinance 677, adopted February 2, 1994.)

GEARHART COMPREHENSIVE PLAN

TABLE 1
ACREAGE BY ZONE

ZONE	GEARHART			URBAN GROWTH AREA			
	ACRES BUILT	ACRES BUILDABLE	TOTAL ACREAGE	ACRES BUILT	ACRES BUILDABLE	TOTAL	TOTAL ACREAGE
RA	44.61	10.53	55.14	0.00	0.00	0.00	55.14
R1	137.58	58.75	196.33	72.60	108.00*	180.00	377.17
R2	22.94	5.11	28.05	4.80	2.00	6.80	34.85
R3	4.36	5.85	10.21	12.55	0.00	12.55	22.76
C1	6.71	4.11	10.82	0.00	0.00	0.00	10.82
C2	33.59	17.38	50.97	12.71	0.67	13.38	64.35
C3	2.00	3.79	5.79	0.00	0.00	0.00	5.79
RCPD	0.00	24.79	24.79	1.00	0.00	1.00	25.79
P/SP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	251.79	130.31	382.10	103.66	110.91	214.57	596.67

*Malarkey Property - R-1 Zone present Silver Spot Butterfly eliminates a gross total of 158.67 acres. The net total of buildable acres to be deducted 5% from the Urban Growth area totals if 112.36 is estimated to be as follows:

Malarkey property	158.67	Acres Gross
	24.80	Neacoxie Creek
	15.00	Swamp Highway Frontage
	<u>39.66</u>	Road/Open Space @ 25%
To Be Deducted	79.21	Buildable Acres

Source: Bruce Maltman, 1990

Residential

Gearhart is predominantly a residential community with currently little commercial or industrial activity within the City Limits.

Highway 101 bisects the town of Gearhart into its western and eastern parts. Along this highway lies small scale commercial activity, residential use, and vacant land. Commercial activity in the central "core" area of Gearhart is of a limited scale serving the needs of the local permanent and seasonal residents.

The original plat of the townsite consists of the typical "grid" pattern of streets and blocks. Historically, those lots with ocean frontage or those along the publicly dedicated "Ridge Path" were developed first. There has been no definitive pattern to the residential development over the years; gradual "in-filling" has brought the overall residential density to where it is today. Although there may appear to be a significant amount of "open space" seemingly available for residential development, the existing pattern of lot ownership often includes more than one lot; an effort by the private citizen to assure themselves of future "open space".

Records in 1972 showed 252 permanent residential units and 283 seasonal residential units. Thus seasonal residential units represented 53% of the total housing stock. This seasonal total was expanded to 354 by the addition of 71 condominium units and the permanent total grows to 281 with the addition of 29 year-round rental residential units. This heavy pattern of seasonal residence and property ownership is a major factor which must be considered in any analysis of Gearhart's problems, needs and future potential. If all units were occupied with an average of 3.0 persons per unit, the peak seasonal population of Gearhart would exceed 1800. This, of course, does not allow for additional day time visitors who may use the public and private facilities of the beach areas. A review of building permits during the past decade 1979-1989 indicates that an even higher percentage of residential units being constructed are for seasonal use, approximately 70%. (Included by Ordinance 677, adopted 020294.)

Taking into account those lots that are not developable due to natural hazards (high water table, flood potential, peat soils, etc.), or zoning, there is a limited amount of land available for residential growth within the City Limits. This is more fully examined in the Urbanization Section of the Comprehensive Plan.

The area east of the Highway 101 consists largely of undeveloped land that is subject to natural hazards, such as high water and occasional flooding. The area does contain a limited number of residential dwelling units. This area contains the only industrial operation of any size in the Gearhart City Limits.

The Burlington Northern Railroad right-of-way parallels Highway 101 north and south and further divides the eastern portion of the City.

GEARHART COMPREHENSIVE PLAN

Several options for use of that right-of-way have been examined by the City including a utility easement.

The western portion of Gearhart extends from Highway 101 west to the Pacific Ocean. The main east-west thoroughfare is Pacific Way. The land uses along it includes residential (single family and duplex units) a limited amount of commercial development, City Hall and Fire Station, a post office, public park, and tennis courts. The Gearhart Grade School is located on the north side of Pacific Way between U.S. Highway 101 and Neacoxie Creek.

The area to the north of the existing City Limits is where residential expansion is occurring and may be expected to continue to occur in the future.

Commercial

The City of Gearhart only has limited commercial facilities relying heavily on the well established facilities in Seaside to meet the day to day shopping needs of the Gearhart residents. It is anticipated that this dependence will increase in future, as Seaside has created a Downtown Redevelopment Agency, which will be working to strengthen and expand the commercial sector of the community. Approximately 4.5 percent of the Gearhart developed area, encompassing approximately 31.78 acres, is designated for commercial activity. Not all of the areas designated, however, are used for those activities. There is a substantial amount of commercially zoned area along Highway 101 that is used for residential purposes or remain vacant. Within the overall commercially designated acreages are two separate sub areas.

First is the hub of the community which contains a store, a service station, an antique store, and a post office. An extensively zoned area of commercially zoned land without any commercial development extends from the "hub" of Gearhart toward Highway 101. This area has building restrictions due to the designated flood plain area. Any future commercial development in this area will be difficult. It would have a major impact on the character of this major entry-way to the City of Gearhart be transforming it from a heavily landscaped corridor to a typical "strip" commercial area.

The second sub-area includes the commercial activity strip along Highway 101, both north and south of the intersection of 101 and Pacific Way. In these areas are other stores, service stations and eating establishments. Much of the potential area along the highway strip is unused or under utilized. As currently designated, this area provides opportunities for commercial growth in the future as demand increases with population growth. However, it can also have a major impact on vehicular access to and from Highway 101. Total development of this area could result in a massive "strip commercial pattern with the attendant traffic, congestion, and aesthetic problems. There should be no need for rezoning property outside of these areas to allow for commercial development. This sentiment was expressed in the

GEARHART COMPREHENSIVE PLAN

earlier surveys of the citizens of Gearhart in which they indicated that they felt Gearhart should have controlled commercial development.

Prior to the preparation of this Comprehensive Plan, the amount of Commercial designated land in both areas greatly exceeded the existing and future needs for a city the size of Gearhart (See 1974 Comprehensive Plan which cites the Bureau of Governmental Research as indicated the commercial area is appropriate for a community of 8,200.) Because of the excessive amount of commercial zoning; the City, as part of the Comprehensive Planning process, is rezoning portions of the commercial area to residential designations. In conjunction, limited or controlled access to Highway 101 and Pacific Way shall be established within the zoning ordinance. With these access controls imposed, significant future problems can hopefully be avoided.

Industrial

The largest industrial activity is the sand and gravel operation located east of Highway 101 with access from McCormick Garden Road. Otherwise there are no large areas within the City Limits of Gearhart that are devoted to large scale manufacturing or other major industrial activities. There are some smaller warehousing or distribution types of activities within the City, but they represent a small portion of the overall land use pattern.

There is a considerable amount of land in Clatsop County to the north in and around Astoria and Warrenton devoted to industrial use including a significant portion of vacant land. Therefore, there may be little need to encourage future major industrial development in Gearhart as there is a large amount of land elsewhere available.

Open Space & Parks

The City of Gearhart is fortunate in that there are vast amounts of open space within close proximity to the City. To the west is the Pacific Ocean, to the south the Necanicum Estuary, to the north designated "County Aquifer" outside the existing City Limits, and to the east the foothills of the Coast Range.

Within the City there is also a significant amount of designated open space. Over half of the total acres within the existing Gearhart City Limits is dedicated to open space. Of the approximate 700 acres within the city, approximately 130 acres are consumed by the 18 hole Golf Course and Parks; this figure represents about 18 percent of the total acreage. The large park area along the beach and to the north of Pacific Way was once the site of the second Gearhart Hotel, which burned in 1916. Much of the beachfront and foredune areas in the City limits are in existing City parks. These areas are being left in a natural state to protect their sensitive character. Park land east of Ocean Avenue and north of Pacific Way contains two tennis courts.

GEARHART COMPREHENSIVE PLAN

Determinants of Land Use

The City of Gearhart has developed in a pattern that was generally shaped by the hopes of those entrepreneurs of the early 20th Century. Basically, a large tract of land along the Pacific Ocean was divided up into lots for sale as summer homes developed in conjunction with a resort hotel.

Few natural constraints exist within the City of Gearhart. Those that do exist today are a result of man's development of the area generally known as the Clatsop Plains. The use of individual sewage waste disposal systems places more limits on the areas in Gearhart that can be developed. (Amended by Ordinance 677, adopted February 2, 1994.)

The coastal areas often are exposed to conditions of high winds. While construction of wood frame or "stick built" homes may be less prone to suffer from the affects of high winds, siting of mobile homes should be examined in detail prior to any actual location of those homes. There exists a real possibility of requiring substantial "tie-downs" for single wide units and a secure foundation for larger units.

Buildable Lands Inventory

An inventory and analysis of the Gearhart area has been made in order to determine the physical capability of the land for development purposes. Statewide planning goals and guidelines require that Comprehensive Plans address the problems presented by natural hazards, open space and recreation needs and natural resource availability. Development suitability can also be determined through analysis of man-made or cultural features such as availability of water, sewer and other public services. In the Comprehensive Plan, the physical and cultural constraints to development shall be considered together. This analysis consists of superimposing factors such as potential flood-prone areas, active and conditionally stable foredune areas, estuarine areas, high-ground water areas, soils and geology in order to identify the development potential of the land in and around the city. Various maps within this plan indicate the development limitations. Table 1, page 51, gives the acreage breakdown for buildable and non-buildable land by zone.

This analysis draws heavily on work done by the State Department of Geology and Mineral Industries (Bulletin 74), the Department of Environmental Quality (DEQ) requirements for subsurface waste disposal, Oregon State University Extension Service, Clatsop Plains Reports (1973-1974) and the City of Gearhart existing land use survey and map (1979).

GEARHART COMPREHENSIVE PLAN

Buildable Lands - Suitable

Land suitable for development from a physical perspective are those lands with little or moderate slope (0-12%), no flood or geologic (high-ground water) hazard, stable soils, and exist outside a sensitive natural resource area such as an estuary, foredune, marsh or other wetland. Normal building controls would apply.

Buildable Lands - Limited Suitability

There are areas of primarily silty clay soils, and/or slopes of 13-25%. Problems of soil creep and landsliding are often present especially after the vegetation has been removed. Building and construction (road fills and cuts) may be accomplished with special consideration given to water drainage, foundations and waste disposal.

Flood prone areas and areas of high ground water can support limited development, provided the structure and associated utilities (subsurface disposal) are properly designed.

Development may be allowed on filled lands if it is determined that the bearing capacity of the soil is sufficient to support the proposed structure and a proper subsurface disposal system to DEQ requirements is installed. Soil borings, ground water samples, and /or other engineering expertise may be required.

Non-Buildable Lands

Areas of unstable soils such as peat and active foredunes are considered unsuitable for development. Estuarine areas of all types are generally unsuitable for development requiring filling or diking. Areas of high ground water that require subsurface disposal are generally unsuitable for development.

In Gearhart the majority of the land unsuitable for development is located east of U.S. 101. Another area unsuitable for development by present day requirements (1979) is that high water area north of 5th Street and west and adjacent to U.S. 101.

According to An Inventory of Development Pressures in the Coastal Zone, by the Oregon Coastal Conservation and Development Commission, 1975, Gearhart has a suitability rating of 1.

The purpose of providing suitability ratings is so that areas suitable for urban development can be evaluated with suitabilities for other possible uses or activities (agriculture, forestry, or wildlife habitat) for a specific area. Areas were initially delineated and rated according to dwelling unit density and then adjusted by considering the other suitability factors, since existing uses are one of the most important factors in determining what an area will be used for in the future.

GEARHART COMPREHENSIVE PLAN

In a later section of the Plan development suitability based on the vacant buildable and non-buildable lands inventory will be addressed. Implementation techniques should be devised to address buildable and non-buildable lands in quantifiable terms wherever possible.

Table 1 provides information on the vacant buildable land in Gearhart's urban growth boundary. (Amended by Ordinance 677, adopted February 2, 1994.)

Tables 10 through 13 deleted. (Amended by Ordinance 677, adopted February 2, 1994.)

These types of land areas are also interspersed throughout the Urban Area, causing the Urban Growth Boundary to encompass a significant amount of land in order to include adequate vacant and buildable land. It is obvious that Gearhart is and will continue to be a Community of relatively low density and relatively high amounts of open space. This is the character that the Citizens of the Community wish to preserve.

Process for determination of land use, buildable and non-buildable lands within the City of Gearhart

1. Windshield survey of every lot within the City limits to determine present use and enter the data on the County Assessor's maps.
2. Determine letter code and color code for present use designation.
3. Transfer this information to 1" = 200' scale single map of City in appropriate letter and color codes.
4. Enter 100 year flood plain levels on Master Map.
5. Determine vacant buildable and vacant non-buildable lands on basis of minimum lot size, flood plain, and allowable density per acre per zone. (See footnotes to acreage table for specific assumptions related to problem areas.)
6. A net acre is a parcel of land excluding marshes, foredunes, roads, streets, 50' fiver frontage on either side of Necanicum River Estuary tributaries, easements, and Utilities.
7. Total buildable lands and acreage by zones.
8. Overall totals for entire city for all present use categories with percentages.

Footnotes to Buildable Lands Methodology

1. For R-3, the proposed density of 16 dwelling units per acre was used since present code has no residential density standards for R-3 zone, and 16 dwelling units per acre represents current trends.

GEARHART COMPREHENSIVE PLAN

2. 25% of buildable acres was subtracted for individual owner acquisition of open space. (Current trend)
3. C-2 zone on Highway 101 should be computed on the basis of 40% residential and 60% commercial.
4. Golf Course as buildable, but note its continuous use as open space. For present use, consider the golf course as open space. (Note: Deed Restriction) Thus, the golf course is considered vacant non-buildable.
5. Assume ocean front as non-buildable. Open space will be more accurate due to state and federal coastal zone laws.
6. Assume flood plain (100 year level) as non-buildable.
7. Assume present C-1 zone as 50% residential and 50% commercial.
8. Note that all R-1 buildable lands are computed on the basis of the City's 10,000 square foot minimum lot size. Hence, a discrepancy may exist between acreage within the zone density and actual maximum buildable lots within the zone.
9. Private ownership from Pacific Way to "E" Street west of Ocean Avenue were estimated at 200 foot lot depth with an additional 300 foot depth placed in R-1 zoned vacant non-buildable category.
10. Flood plain estimates were revised upwards in the RCPD Zone and RA Zones after on site analysis in the specified zones adjacent to the north City limits.

Development Capacity Potential

This section deleted by Ordinance No. 677, adopted February 2, 1994.

Population

GROWTH TRENDS: Portland State University's Center for Population Research and Census estimates indicate that Gearhart's population in 1988 was 1100 persons. This represents 13.7% increase from the 1980 U.S. Census population of 967. During the period 1980-1988, Clatsop County's population is estimated to have increased by 4.6%

Although Gearhart's population has increased at only a modest 1.7% annually, between 1980-1988, its rate of population growth among Clatsop County cities was the highest. The generally modest population growth of Clatsop County during the 1980's is the result of population out-migration in response to the severe economic recession experienced during the early 1980's. The County's population has only begun to rebound from this impact during the past several years. This is reflected in PSU's population estimate which shows most of Gearhart's population growth during the 1980's as occurred after 1985.

GEARHART COMPREHENSIVE PLAN

Between 1970 and 1980, Gearhart's population increased from 829 to 967, or a growth rate of 16.6%. This annual growth rate is almost identical to the growth rate that is estimated to have occurred during the 1980's.

In summary, Gearhart, over the past two decades, has experienced a steady, but modest, level of population growth.

GEARHART COMPREHENSIVE PLAN

TABLE 2
CLATSOP COUNTY POPULATION CHANGE
1980-1990

LOCATION	1980 CENSUS	1990 CENSUS	ESTIMATED PERCENTAGE CHANGE
ASTORIA	9,998	10,069	.7%
CANNON BEACH	1,187	1,221	2.8%
GEARHART	967	1,027	6.2%
HAMMOND	516	591	14.6%
SEASIDE	5,193	5,359	3.2%
WARRENTON	2,493	2,679	7.4%
UNINCORPORATED CLATSOP COUNTY	12,135	12,355	2.4%
TOTAL CLATSOP COUNTY	32,489	33,301	2.4%

Source: 1980 & 1990 U.S. Census;

Various Population Characteristics

The 1990 Census information can provide useful information on the decade between 1980-1990 and how these changes compared to those experienced by the other cities in Clatsop County.

There were several significant trends affecting Oregon and Clatsop County in the period 1980-1990. The most important were: a substantial decline in the percentage of the population in the 15-24 age group as a result of a decline in fertility rates; a very large increase in the 25-44 age group as a result of aging of the "baby boomer" generation; and a slow, but steady, increase in the population 65 and older. Overall, these trends resulted in a population with an older median age.

Gearhart's population change, by age group, between 1980 and 1990 differed from these trends in a number of important ways. First, Gearhart experienced a 09% increase in population in the 0-14 age group while the County, as a whole, experienced a much smaller decline. Gearhart experienced more growth in the 25-44 age groups than either the County, as a whole, or the State average. The 15-24 age bracket declined, as did the rest of the county, with the exception of Seaside.

Gearhart's population, aged 65 and over, grew at a more substantial rate than the County. Gearhart's population aged 45-64 experienced a decline of .9% while for the County, as a whole, this age group experienced a .4% change.

GEARHART COMPREHENSIVE PLAN

As a result of these changes in age characteristics of its population, Gearhart had the highest percentage of persons in the 25-44 age group of any Clatsop County city, and the third highest percentage in the 0-14 age group. Conversely, Gearhart had the 2nd lowest percentage of its population, 12.4%, in the 65+ and older age group. These figures indicate that Gearhart is much more of a "family oriented community" and less a retirement community than the other Clatsop County oceanside cities of Cannon Beach and Seaside, although the percentage of older persons is increasing.

TABLE 3
PERCENTAGE OF TOTAL POPULATION BY AGE GROUP
1980

LOCATION	0-14	15-24	25-44	45-64	65+
ASTORIA	21.0	17.4	27.0	19.2	15.4
CANNON BEACH	13.9	15.7	30.4	18.0	17.9
GEARHART	23.8	14.2	30.8	18.7	12.4
SEASIDE	18.8	16.0	24.4	19.5	21.4
WARRENTON	24.5	16.5	27.1	18.2	13.7
CLATSOP COUNTY	21.4	17.7	26.9	19.7	14.6
OREGON	22.4	17.6	29.8	18.7	11.5

TABLE 4
PERCENTAGE OF POPULATION BY AGE GROUP
1990

	0-14	15-24	25-44	45-64	65+
ASTORIA	21.8	12.1	31.5	17.8	16.5
CANNON BEACH	15.8	11.1	32.5	20.4	20.0
GEARHART	21.7	9.9	35.5*	17.8	14.9
SEASIDE	18.9	10.6	28.3	20.1	21.8
WARRENTON	23.9	10.1	32.6	18.4	14.0
CLATSOP COUNTY	21.6	12.0	30.7	19.3	16.1
STATE OF OREGON					

TABLE 5
CHANGE IN PERCENTAGE OF POPULATION BY AGE GROUP
1980-1990

	0-14	15-24	25-44	45-64	65+
ASTORIA	.8	-5.3	4.5	-1.4	1.1
CANNON BEACH	1.9	-4.6	2.1	2.4	2.1
GEARHART	-2.1	-4.3	4.7	-.9	2.5
SEASIDE	.1	5.4	3.9	.6	.4
WARRENTON	-.6	-6.4	5.5	.2	.3
CLATSOP COUNTY	.2	-5.7	3.8	-.4	1.5

SOURCE; 1980 - 1990 U.S. CENSUS

GEARHART COMPREHENSIVE PLAN

Gearhart's median age in 1980 was 31.1 years. This was slightly less than that for Clatsop County, which was 31.5 years.

In 1990, 1.1 percent of Gearhart's population was non-white or was of Spanish origin. Among Clatsop County cities, Gearhart had the smallest percentage of persons that were either non-white or of Spanish origin.

Gearhart's average household size in 1980 was 2.58. In 1990 the figure dropped to 2.48. In 1970, Gearhart's average household size was 2.8 persons. The decrease in the average household size between 1970 and 1990 was reflective of state and national trends. These trends are expected to continue, particularly as the "Baby Boom" generation passes through their child rearing years.

Population Projections

No official projections are available for Clatsop County or Gearhart. In order to project population over the next two decades, four rates of growth have been chosen, including 12%, 6%, 3% and a rate of growth based on Building Permit data. The City's growth rate between 1970 and 1990 averaged 11.4%. (16.6% and 6.2% , respectively). Therefore, 12% has been chosen as the maximum rate of growth for the next two decades. The other projected rates of growth are 6% and 3%, representing medium and low rates. Finally, actual building permit data is used to project permanent population.

TABLE 6
POPULATION PROJECTIONS

	<u>1990</u>	<u>2000</u>	<u>2010</u>
HIGH (12%)	1027	1150	1288
MEDIUM (6%)	1027	1089	1154
LOW (3%)	1027	1058	1090
BUILDING PERMIT	1027	1203	1289

SOURCE: U.S. CENSUS, CTIC

The population projection based on building permit data is based on the following assumptions. Future growth during the next two decades will be the same as the period 1979-1989, when 119 dwelling units were constructed in the urban growth boundary, 70% of which were structures for non-permanent residents. It is also assumed that the household size for the period 1990 to 2010 will be 2.4 persons per dwelling unit. The City will use the median population projections for the purpose of determining the land requirements to accommodate anticipated growth.

HOUSING

Housing Units

Between 1970 and 1980, the total number of housing units increased from 431 to 648 or an approximately 50% increase. Between 1980 and 1990 the number increased from 648 to 710, an increase of 9.5%. Two factors account for this rapid growth in the City's housing starts. First, a substantial portion of the increase in the housing starts was the result of the construction of second homes which are not considered occupied housing units by the U.S. Census. It is estimated that 70% - 80% of the total number of housing units are the result of second homes. Secondly, the national trend toward smaller average household size, the result of more one-person households, also accounts for a greater growth in housing units than in population.

The 9.5% increase in Gearhart's housing stock was the largest among Clatsop County cities.

In 1980, 94% of Gearhart's total housing stock, 606 dwelling units were single-family residences and 6% of the dwelling units were in duplexes or multi-family structures. In 1990, 91%, or 644 out of 710 units were single family structures. Among Clatsop County cities, Gearhart had the highest percentage of its housing stock in single-family residences. For Clatsop County, as a whole, the percentage of single-family structures was 67% in 1990. Gearhart's percentage of its total housing stock in single-family residences decreased slightly between 1970 and 1980 from 95% to 94%, and from 1980 to 1990 to 91%.

In 1990 there were 4 manufactured dwellings in Gearhart. According to the 1980 Census there was 1 mobile home in Gearhart. This is the same number as of 1970.

According to the 1980 Census, 248 of Gearhart 648 total housing units were held for occasional use. This is approximately 38% of the total housing stock. The 1990 census lists only vacant housing units. These constituted 41.6% of the total housing stock, or 296 out of 710 units. Because of Gearhart's low rental and sale vacancy rate, this proportion is considered comparable, but should be used with caution. In 1970, there were 141 units held for occasional use out of a housing stock of 431, or 32.7%. Among Clatsop County cities, only Cannon Beach had a larger percentage of its total housing units held for occasional use.

GEARHART COMPREHESIVE PLAN

TABLE 7
HOUSING SUPPLY TRENDS IN GEARHART
1970-1990

	1970	1980	1990	%CHANGE 1970/80	%CHANGE 1980/90
TOTAL UNITS	431	648	710	50.3	9.5
TOTAL OCCUPIED UNITS	286	374	414	30.8	10.7
OWNER OCCUPIED	235	280	300	19.1	7.1
RENTER OCCUPIES	51	94	114	84.3	21.2
SEASONAL	141	248	296	75.9	19.3

Source: U.S. Census

HOUSING TENURE

In 1990, 74.6% of the housing units were owner occupied. In 1980, 74.9% of Gearhart's occupied housing units were owner occupied. The percentage of owner occupied housing units in 1990 was still significantly higher than the County average of 65.9%.

HOUSING COST

In 1989, the median value of owner occupied housing was \$74,000, second highest in the county (Cannon Beach was highest at \$95,300). This represents a 45% increase over the 1979 median value of \$51,000. It also is 20% higher than the county median value of \$62,100. The median contract rent was \$422, the 2nd highest among Clatsop County cities and well above the County wide average of \$352.

PROVISION FOR RESIDENTIAL GROWTH

1.	Population projection :2010	1,288
2.	Population 1990	1,027
3.	Population increase	261
4.	Assumed household size	2.4 per/du
5.	Additional dwelling units needed in 2010	109
6.	Seasonal-home dwellings based on 70% of all new construction	363
7.	Vacancy rate of new units constructed	5
8.	Demolition of existing units based on 1% of total housing stock	7
9.	Total dwelling units needed to year 2010	484

To determine the acreage needed to accommodate the projected 484 dwelling units the following additional assumptions were made:

1. 10% of permanent residential growth will be duplex multi-family structures. The 1980 percentage was 6%.

GEARHART COMPREHENSIVE PLAN

2. 100% of the second home growth will be single-family residences.
3. Multi-family development will occur at a density of 10 dwelling units per acre.
4. Single-family development will occur at a density of 4 dwelling units per acre.

Applying these assumption results in the following projections:

1. 34 multi-dwelling units requiring 3.4 acres.
2. 450 single-family units requiring 112.5 acres.
3. Total residential land requirement 115.9 acres.

Table 6 summarizes the vacant land that is available in the Gearhart urban growth boundary for residential use. This table shows that the following acreages are available by zone:

RA	10.5 acres
R1	167.0 acres
R-2	7.1 acres
R-3	<u>5.8 acres</u>
Total	190.4 acres

The amount of residential land projected to meet growth requirements is 115.9 acres. Therefore, it is concluded that Gearhart's existing urban growth boundary is adequate to accommodate anticipated residential growth. (It should be noted that there are another approximately 25 acres of land available in the RCPD zone. This zone also provides for residential development).

PROVISION FOR NEEDED HOUSING TYPES

The City makes adequate provision for needed housing types. The City's R-2 and R-3 zone permit duplexes as an outright use. There are 7.1 acres of vacant buildable land in the R-2 zone and 5.8 acres of vacant buildable land in the R-3 zone. Triplexes and fourplexes are also permitted as an outright use in the R-2 zone, while, multi-family structures are permitted outright in the R-3 zone. The available acreage of 12.9 acres is adequate to accommodate the anticipated need of 5.3 acres.

The Zoning Ordinance permits manufactured dwelling parks and manufactured dwelling subdivisions on four acre parcels in the RA, R-2 and RCPD zones. There are three parcels in these zones which have a parcel size of four acres. One parcel is located in the RA zone and consists of 4.2 acres of buildable land. The two other parcels are located in the RCPD zone. These parcels contain 23.8 acres of

GEARHART COMPREHENSIVE PLAN

buildable land. The RCPD zone permits 60% commercial development. If the maximum commercial development occurred slightly more than 14 acres would be available for manufactured dwelling development.

URBAN GROWTH BOUNDARY AND PROGRAM (1979)

The problems and opportunities for urban growth in the Gearhart urban area have been studied and analyzed by the Planning Commission and City Council for a considerable period of time. Conflicts have arisen with the City of Seaside over the southern Urban Growth boundary that have taken many months to resolve, finally culminating in arbitration by the Land Conservation and Development Commission to determine the final line. This plan element is the result of the Commission and Council work. It provides an analysis of current growth trends and needs for the urban area, sets goals and policies for managing that growth, and sets an Urban Growth Boundary defining the urban area. This particular Comprehensive Plan element will be used by both the City of Gearhart and Clatsop County and will guide the two governing bodies as they make their day-to-day land use decisions that pertain to growth. It is intended and anticipated that a continuing process of communication between the jurisdictions in utilization and updating of this Comprehensive Plan element will occur.

The growth and development of the Gearhart urban area has been a continuous process as was indicated in the Population and Housing element of this planning document. Gearhart has had a relatively slow but steady growth rate during this century. Clatsop County has had an increasing rate of residential development in the area surrounding Gearhart and Seaside. This increasing residential rate has caused greater demands for commercial services and also on the public facilities and services that the communities are called upon to provide.

Urban growth may be inevitable. However, an uncontrolled growth pattern may cause extreme hardship on the Community if typical patterns are followed. For example, there are some areas of the Gearhart urban area that have been heavily partitioned while remaining outside of the city limits. These areas show a haphazard lot layout, multiple direct accesses to the Oregon Coast Highway (U.S. 101/Oregon 26), and a general sprawling of the land use pattern. The people residing in these areas, even though the areas may be technically near-urban in density, cannot utilize many of the services that a community should be able to provide. By the same token, and even more importantly in an overall sense, these types of areas are very expensive for communities that must provide some facilities and services to them. Even though many of the property owners in these areas do not pay any city taxes, they make use of city public services such as streets and parks.

Another significant problem with this type of land use pattern is the property is effectively removed from growth potential. In other words, the land, with its haphazard lot pattern and lack of adequate street layout, cannot be efficiently divided into full service urban sized lots unless many of the parcels can be combined into a single unit. This forces the Community to look beyond these areas or in alternative areas that may not be suitable for urban development. This



MEMORANDUM**Clatsop County Residential Lands Analysis (DRAFT)**
Clatsop County Housing Study

DATE October 2, 2018
TO Clatsop County Housing TAC
FROM Matt Hastie and Jamin Kimmell, Angelo Planning Group
CC File

The purpose of this memo is to summarize the methodology and initial results of a Geographic Information Systems (GIS)-based analysis of residential lands in Clatsop County. The analysis is part of the Clatsop County Housing Study. The results may inform the strategies and approaches that may be effective and appropriate for increasing the supply or configuration of buildable residential land, which can lead to greater overall housing supply. The memo summarizes the methodology of the analysis, then presents the results in a series of tables and maps.

METHODOLOGY

Step 1 – Identify Environmental Constraints

In order to estimate lands that may be buildable for residential uses, it is necessary to remove any lands where development is constrained by environmental resources or hazards. The following environmental constraints were identified based on City and County zoning regulations. GIS data on location of these constraints was obtained from Clatsop County GIS and other local sources.

- **FEMA Floodplain Areas**: All areas designated in the floodplain or floodway, based on the most recent version of FEMA floodplain maps released in July of 2018.
- **National Wetland Inventory**: All wetlands mapped by the U.S. Department of Fish and Wildlife, except where a jurisdiction has adopted a local wetland inventory.
- **Local Wetland Inventory**: The local wetland inventories of the cities of Warrenton, Cannon Beach, and Gearhart. Only wetlands deemed locally significant were identified as not buildable areas.
- **Active Dune Overlay**: The portion of the Beach and Dune Overlay where development is restricted on active dune areas in order to conserve and protect these areas.

These lands were overlaid with taxlots to estimate the amount of land in each parcel where development is limited by environmental constraints. These constrained areas were deducted from the total area of the parcel to estimate the portion of the parcel that is potentially buildable.

Step 2 – Classify Parcels by Development Status

Each parcel in the county was classified based on the potential for new development on the parcel. This classification is intended to separate parcels that have capacity for development from those that do not. The classification is based on the amount of potentially buildable area on the parcel and the valuation of improvements (buildings, other structures). Improvement values are sources from Clatsop County Assessor data. The following four categories were used to classify parcels:

- **Developed:** Parcels that have an improvement value of more than \$10,000, but do not meet the definition of Partially Vacant or Constrained.
- **Constrained:** Parcels with less than 5,000 square feet unconstrained land. These parcels are assumed to not be developable due to the small area on the lot that is potentially buildable.
- **Partially Vacant:** Parcels that meet the state definition as partially vacant under the “safe harbor” provisions for residential buildable land inventories.¹ These parcels are at least a half-acre in size and have an existing single-family dwelling. Due to the lack of a sewer system and existing development patterns, parcels in the City of Gearhart were classified as Partially Vacant if they were at least one acre in size and had an existing single-family dwelling. A quarter-acre was removed from the buildable area of these parcels to account for the existing dwelling. Parcels with an existing multi-family residential use or other non-residential use were all classified as Developed.
- **Vacant:** Parcels with more than 5,000 square feet of unconstrained land and improvement value less than \$10,000. These parcels have sufficient area for development and little to no improvements. In the City of Gearhart, parcels must have at least 10,000 square feet of unconstrained land to be classified as Vacant.

Step 3 – Incorporate Local Buildable Land Inventories for Seaside and Astoria

Two Clatsop County jurisdictions completed a BLI recently, and these inventories were incorporated into this analysis. The City of Seaside completed a BLI in 2013 that identified vacant and redevelopable parcels. Parcels classified redevelopable were classified as Partially Vacant for this analysis. The City of Astoria completed a BLI in 2011 that included detailed assessment of all parcels that were vacant or partially vacant. For partially vacant parcels, the BLI estimated the amount of the parcel that was buildable, given a range of constraints. For this analysis, both the classification of parcel and the amount of buildable land in each parcel was updated to align with this 2011 BLI. Parcels that were developed between 2011 and 2018 and no longer had capacity for additional development were classified as Developed.

¹ OAR 660-024-0050, Land Inventory and Response to Deficiency

(2) As safe harbors, a local government, except a city with a population over 25,000 or a metropolitan service district described in ORS 197.015(13), may use the following assumptions to inventory the capacity of buildable lands to accommodate housing needs:

- (a) The infill potential of developed residential lots or parcels of one-half acre or more may be determined by subtracting one-quarter acre (10,890 square feet) for the existing dwelling and assuming that the remainder is buildable land;
- (b) Existing lots of less than one-half acre that are currently occupied by a residence may be assumed to be fully developed.

Step 4 – Estimate Potentially Buildable Lands and Housing Unit Capacity

Lands were classified by zone type (residential, commercial, etc.) to estimate the amount of land that is potentially developable that is zoned for residential uses. To do this, all City and County zoning designations were classified into generalized zone types, and each parcel was assigned a zone and zone type. Where parcels span multiple zones, the parcel was assigned the zone that covers the centroid (center point) of the parcel.

To estimate the capacity for development of new housing units on each parcel, the acres of potentially buildable land on each parcel was multiplied by the maximum density (housing units per acre) of the parcel based on its current zoning designation. The assumed maximum density of each zone is shown in Table 1. Due to the lack of a sewer system, the maximum density of any parcel in the City of Gearhart was limited to 4.35 units per acre (10,000 square foot per unit), except if the maximum density of the zone is less than 4.35 units per acre. Housing unit capacity on each lot was rounded down to whole number of units. For example, if the maximum density standard would permit 1.8 units on the lot, then the capacity was rounded down to 1.0 units based on the assumption that a variance or adjustment would be necessary to build 2.0 units on that lot. Thus, the housing unit capacity represents the capacity that is permitted outright in the zone without any variances or adjustments.

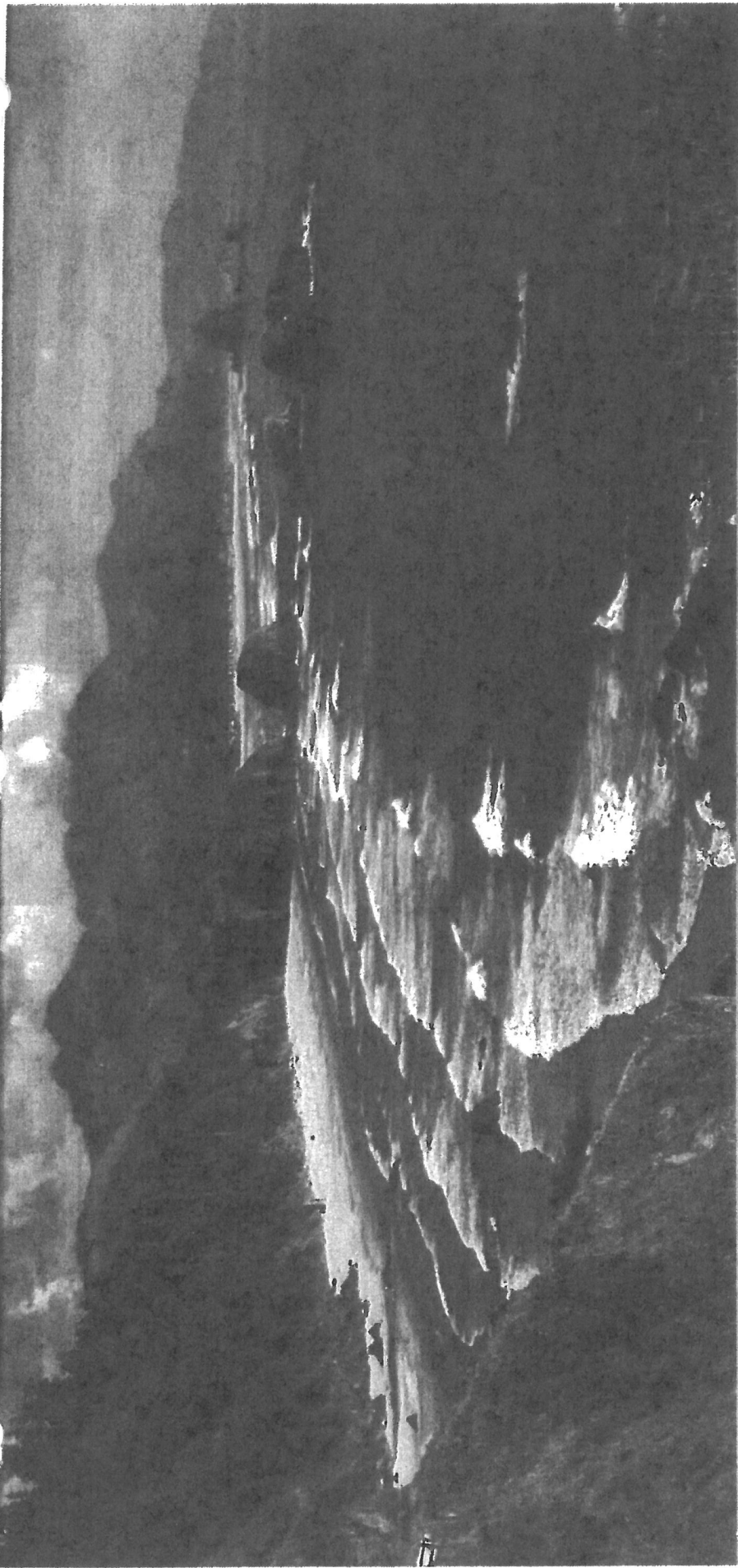
RESULTS

Preliminary results of the analysis for the **City of Gearhart** are presented in Table 1. In total, there is capacity for development of 701 housing units on residentially zoned lands in the City. The City of Gearhart is projected to grow by 94 households by 2038.² Therefore, based on this assessment, there is adequate land supply for residential development in the City over the next 20 years.

Table 1. Potentially Buildable Lands and Housing Unit Capacity by Zone, City of Gearhart

Zone	Potentially Buildable Acres			Maximum Density (units/acre)	Housing Unit Capacity		
	Partially Vacant	Vacant	Total		Partially Vacant	Vacant	Total
R1	54	110	164	4.35	221	390	611
R2	5	6	11	4.35	19	18	37
R3		1	1	4.35		5	5
RA	12	19	31	1.00	9	9	18
RCPD		10	10	4.35		30	30
Subtotal	71	158	229	--	249	452	701

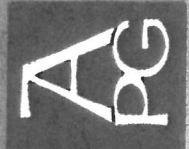
² See Attachment 1 - Clatsop County Housing Study, TAC #3 PowerPoint



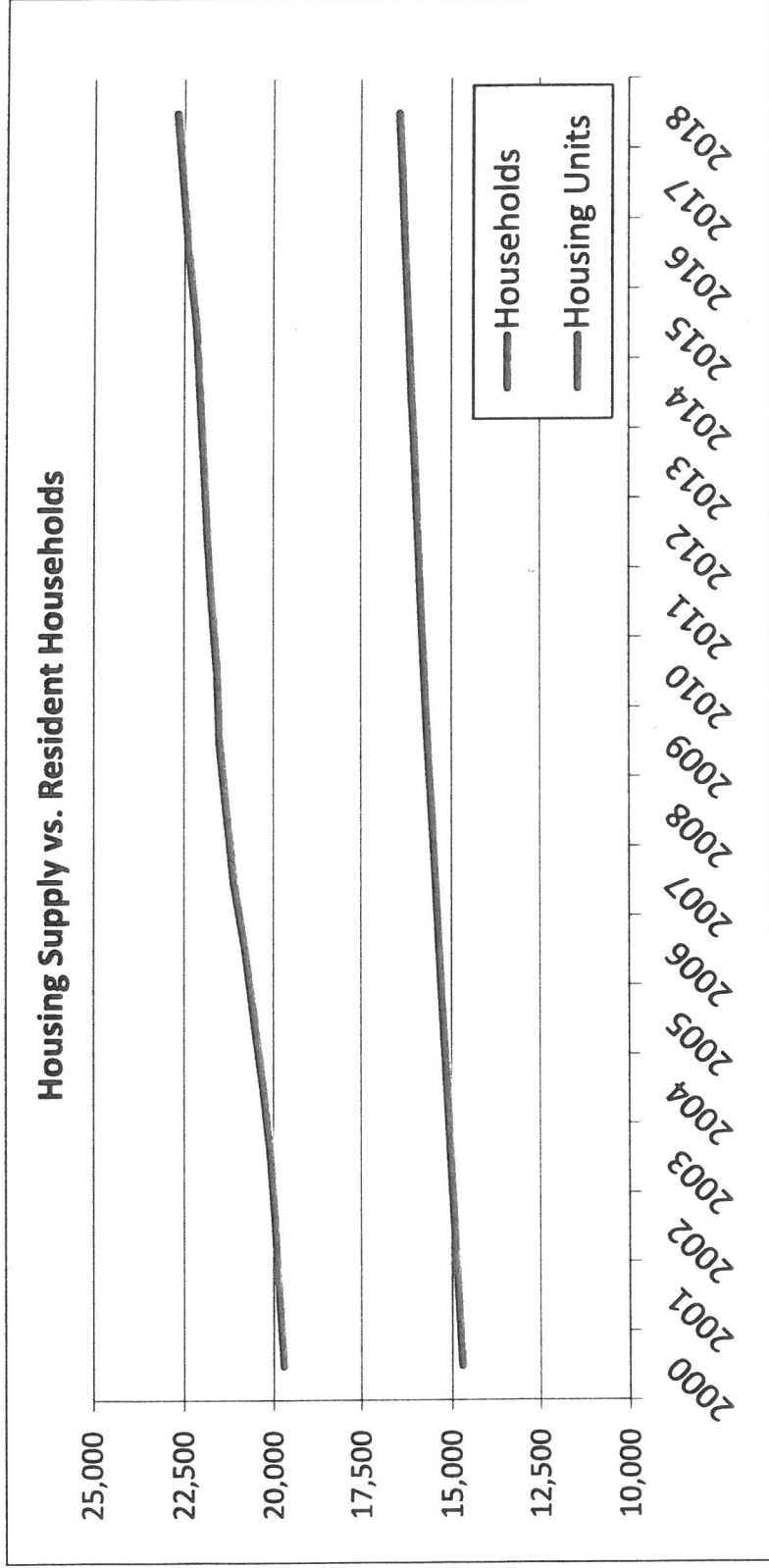
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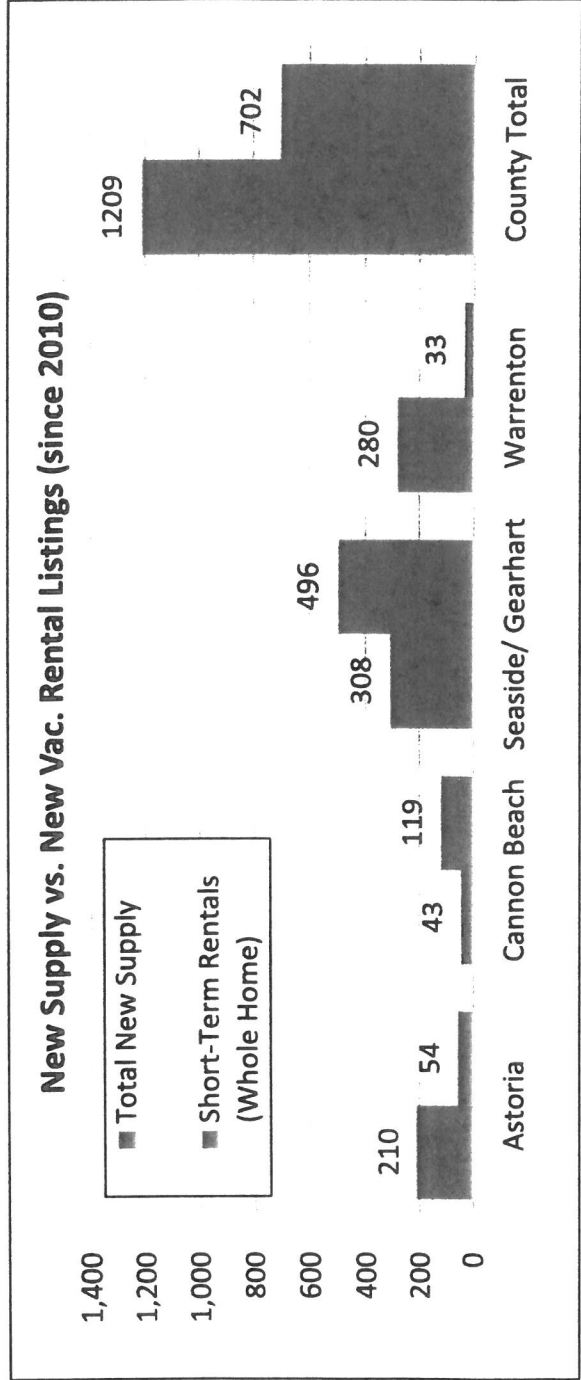
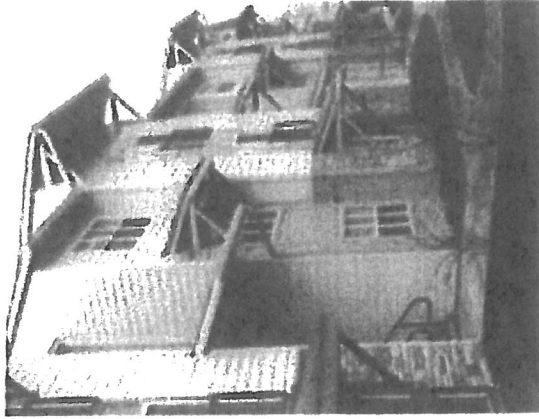
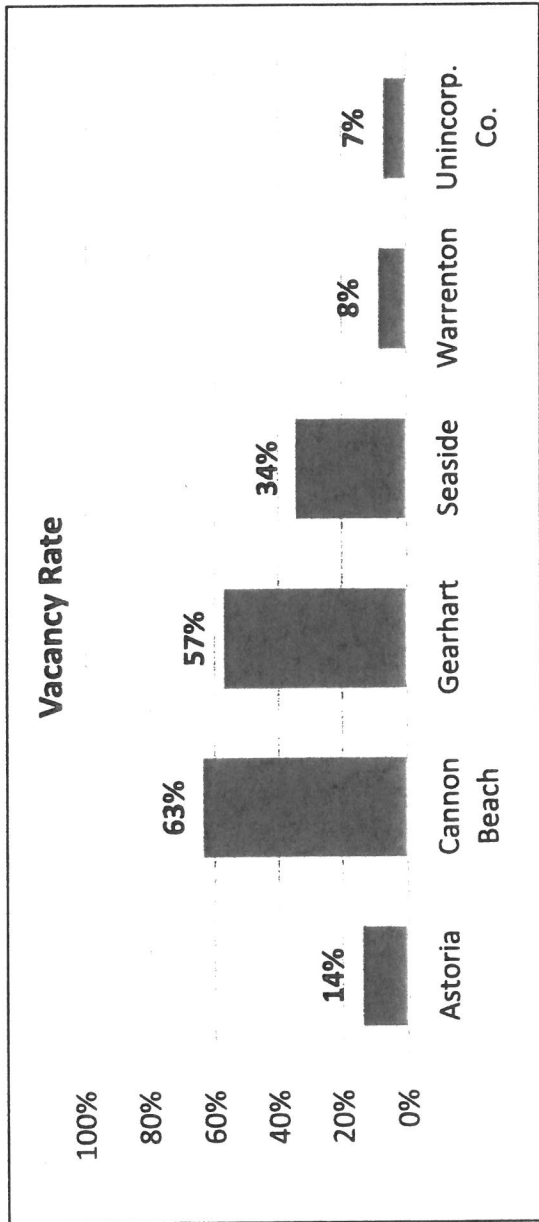


HOUSING SUPPLY VS. NEED



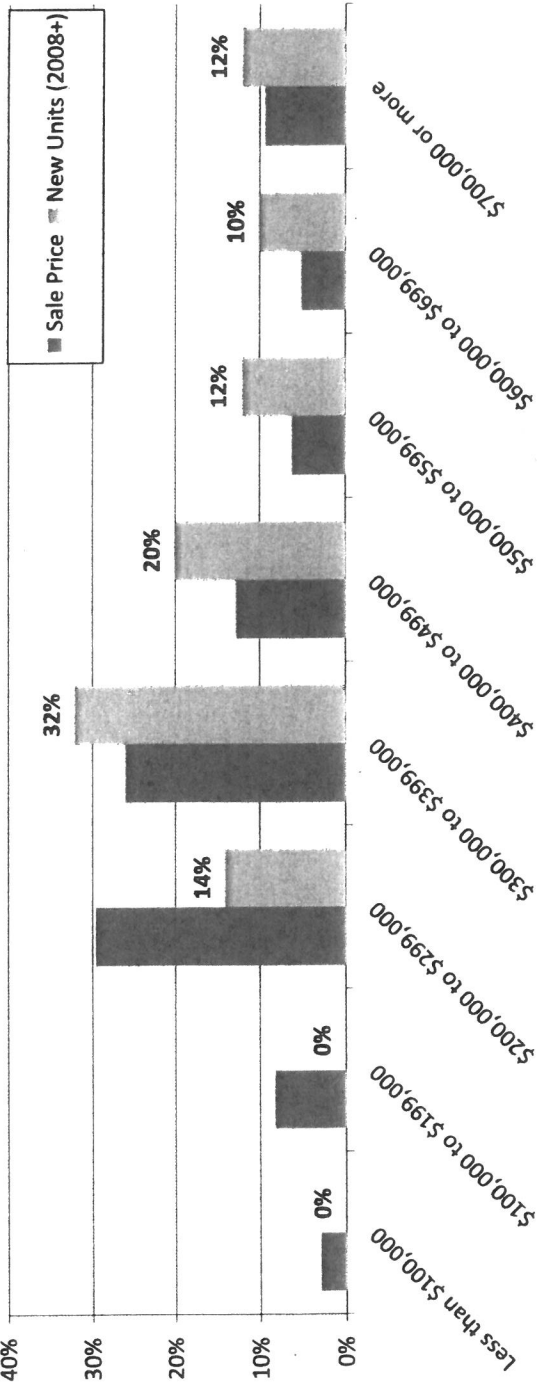
- Since 2000: 1,700 households / 3,000 units
- 1.4 housing units for each household
- Ample 20-Year land supply (countywide)

WHAT IS HOUSING USED FOR?

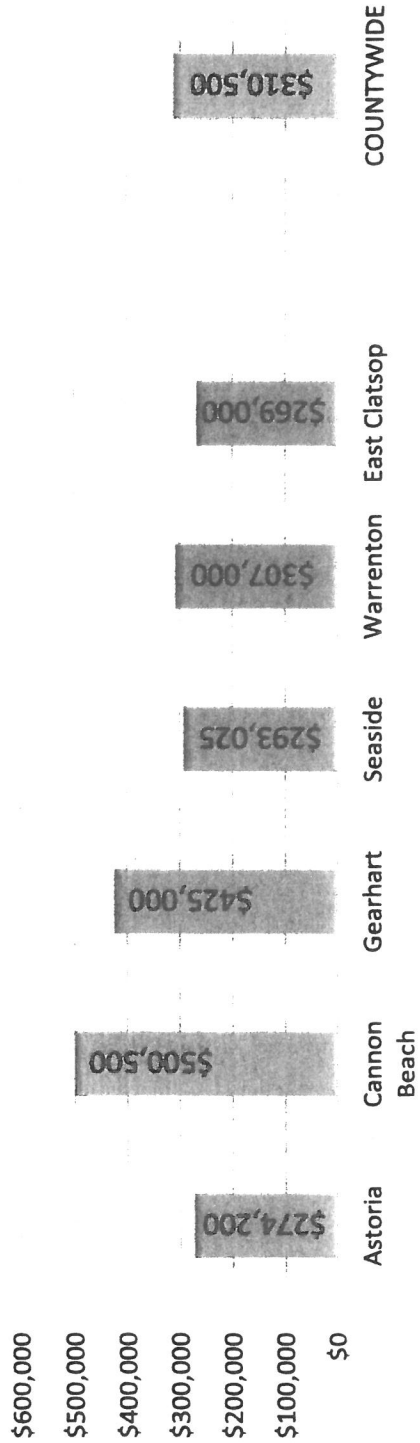


HOUSING AFFORDABILITY

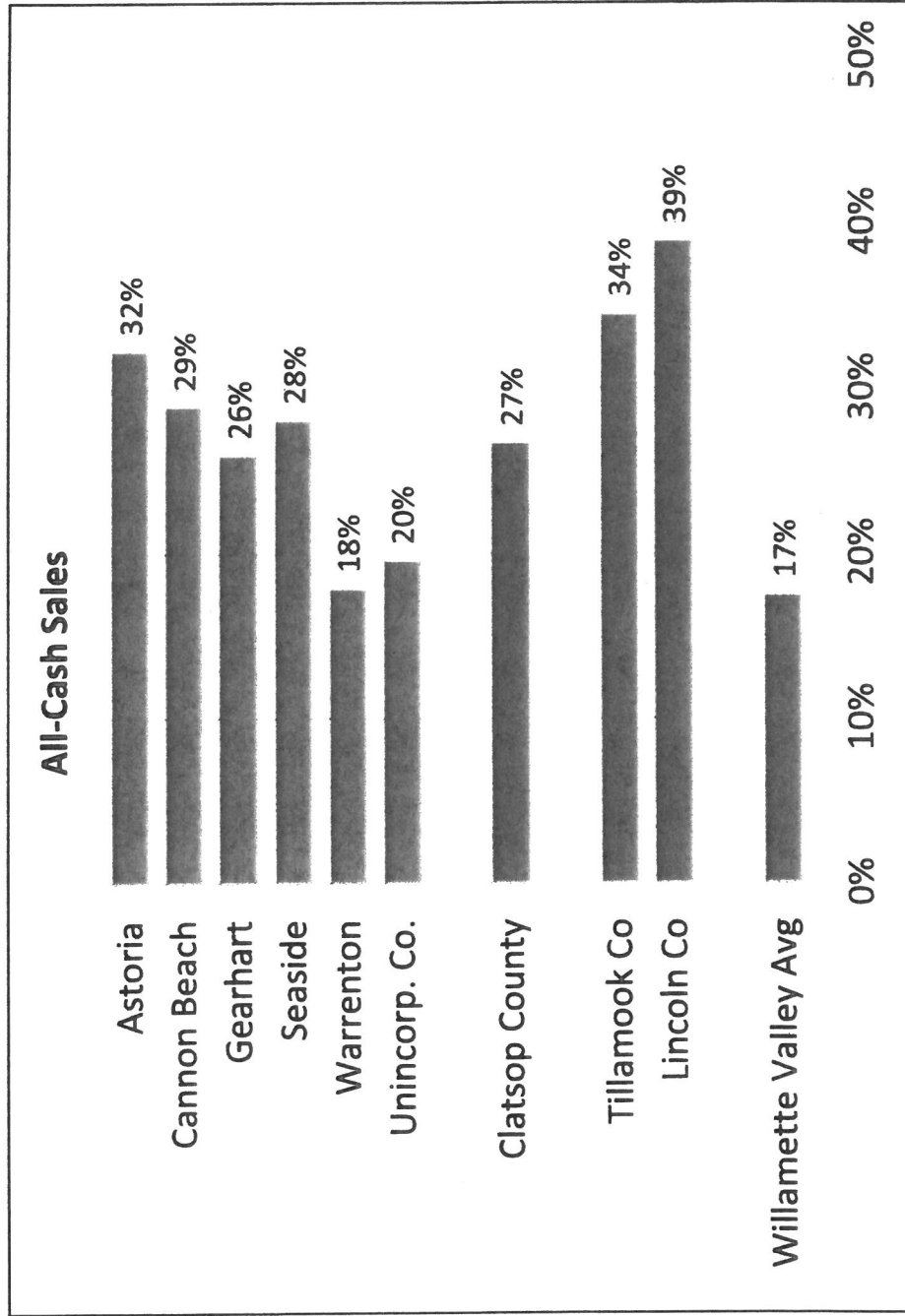
Home Sale Prices (12 mo.)



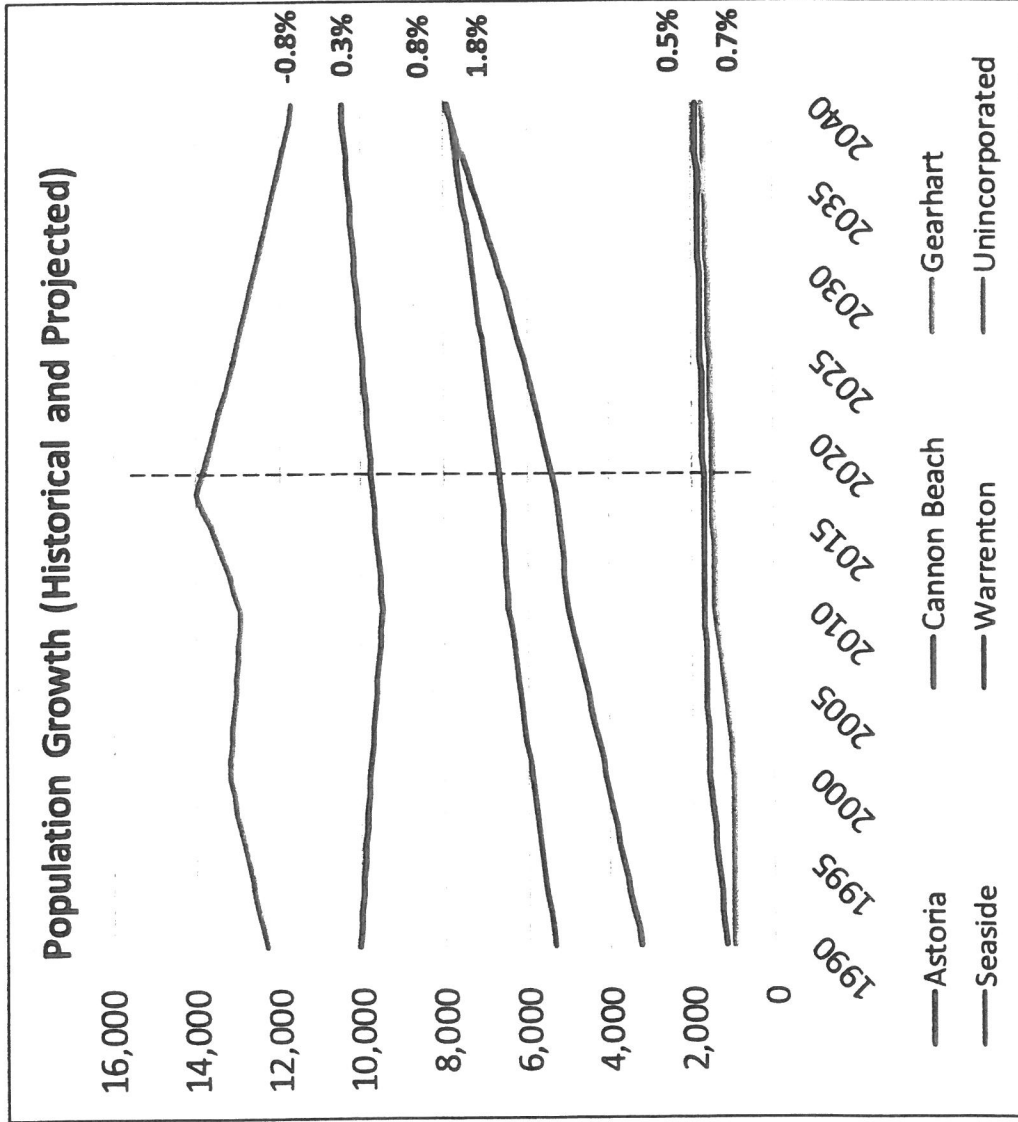
Median Home Sale Price



HOUSING AFFORDABILITY



PROJECTED GROWTH



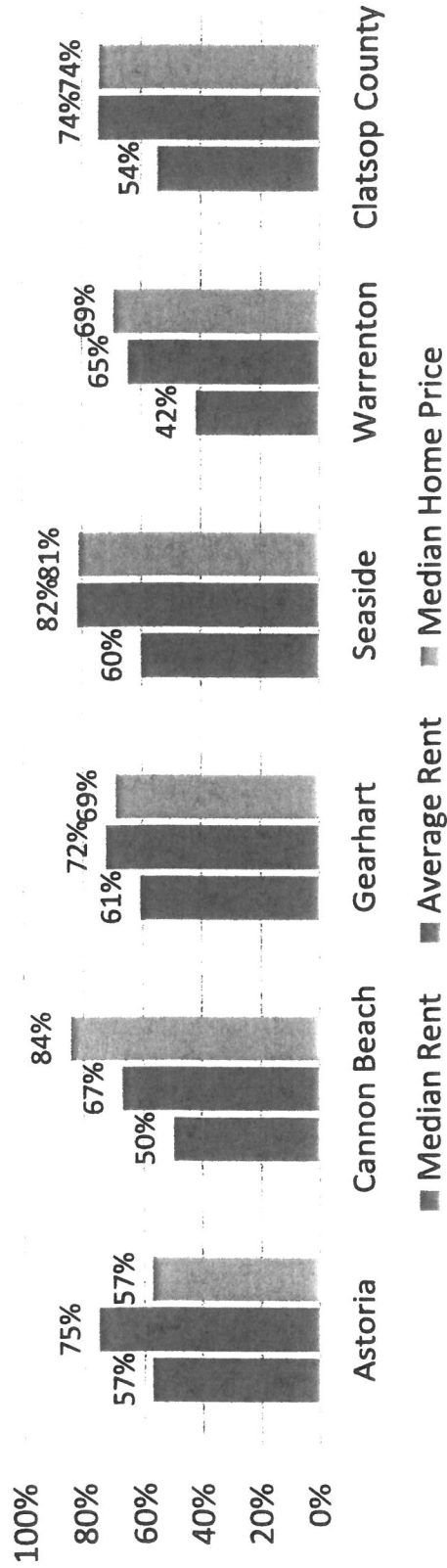
New Households (2038)

Astoria	303
Cannon Beach	80
Gearhart	94
Seaside	503
Warrenton	893

HOUSEHOLD AFFORDABILITY

Income Measure	Estimated Affordable Rent	Estimated Affordable Home Price	% of Sales at This Level	% of Newer Units at this Level
Average Household Income: \$69,000	\$1,400	\$240,000	21%	4%
Median Household Income: \$52,000	\$1,100	\$190,000	11%	0%
Average Wage (Per Capita): \$37,000	\$900	\$150,000	5%	0%

% of Current Households Who Cannot Afford:



HOUSING CONSIDERATIONS

- Sufficient supply, and buildable land, but how is it being used?
- Add the right type of supply
- Control non-residential uses
- Use available land efficiently
- Focus on the workforce, supply will filter

RESIDENTIAL LANDS ANALYSIS – DRAFT 2

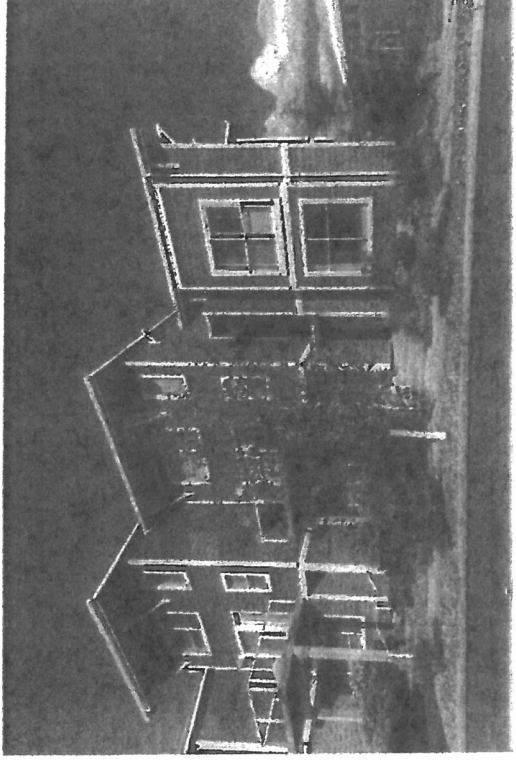
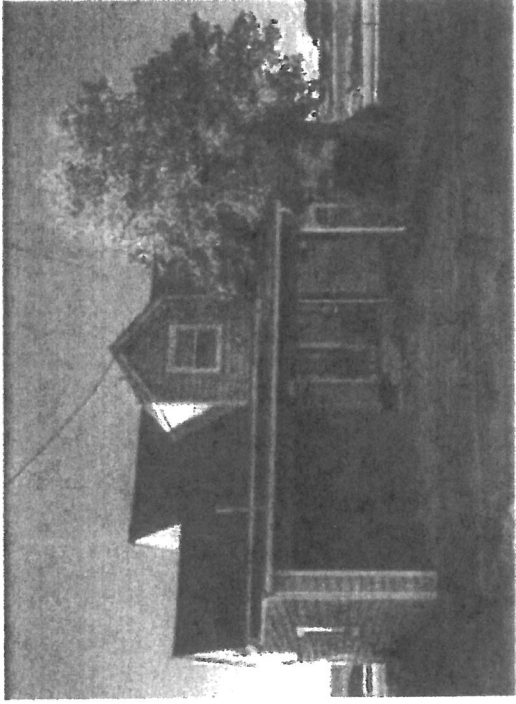
Revisions to Draft 1

- Most recent FEMA floodplain maps
- Only excluded Locally Significant Wetlands (not all local wetlands)
- Only excluded Active Dunes (not all Beach Dune Overlay)
- Incorporate BLIs from Seaside and Astoria
- Calculate housing unit capacity

RESIDENTIAL LANDS ANALYSIS – DRAFT 2

Key findings

- Residential land supply concentrated in north County (Warrenton and Astoria)
- Need to understand infrastructure issues in County unincorporated areas
- Important to preserve land in high density zones for high density development
- Infill in single-family zones will be particularly important in Cannon Beach, Seaside, Gearhart
- Technically sufficient for 20-year need (Ex. Seaside)



PRELIMINARY HOUSING STRATEGIES

Categories

- Regulatory/ Zoning Changes
- Market-Based Tools
- Capacity-Building Tools

REGULATORY/ZONING CHANGES

1) Update Comprehensive Plan Policies

- Affirm Fair Housing
- Reference ADUs, other non-traditional forms
- Support flexible zoning
- Address land supply conditions

Potential Impact: Indirect impact; supports future initiatives and policy decisions

REGULATORY/ZONING CHANGES

2) Consider changes to allowed uses in medium, high density zones

Potential Impact: Preserve land supply for future medium, higher density housing

3) Consider changes to minimum lot sizes, densities, building heights

Potential Impact: Increase efficiency of land use; reduce land costs for development

REGULATORY/ZONING CHANGES

4) Update or add ADU requirements

- Minimum size
- Owner occupancy requirements
- Short-term vs. long-term rental
- Design standards

Potential Impact: Increase potential for use as a more affordable option for long-term rentals

REGULATORY/ZONING CHANGES

5) Implement cottage cluster standards

Potential Impact: Expand range of allowed housing types

6) Consider reductions in off-street parking requirements

Potential Impact: Reduce development costs, allow for increased density on sites

REGULATORY/ZONING CHANGES

7) Short Term Rental Rules

- License and taxation
- Use and occupancy standards
- Limits on number and geography

Potential Impact: Increase the supply of housing units for permanent residents.
Minimize neighborhood impacts.

MARKET BASED TOOLS

- 8) Incentives for desired housing types
- Streamlined process
 - SDC or fee waivers, deferments
 - Tax exemptions/abatements
 - Density bonus
 - Shared costs of off-site improvements
- Potential Impact:** Helps to lower costs of development, improve feasibility

MARKET BASED TOOLS

- 9) Identify key sites for new housing
 - Surplus public lands
 - Catalytic sites
 - Sites at risk of under-utilization
 - Identify infrastructure/service needs

Potential Impact: Identify sites to prioritize and prepare. Publicly-owned sites can be leveraged as incentive.

MARKET BASED TOOLS

- 10) Employer Assisted Housing
- Permanent rental of local units
 - Direct ownership of housing
 - Often temporary

Potential Impact: Addresses needs of local employers, workforce directly. Takes some housing off general market. Not core competency of most employers.

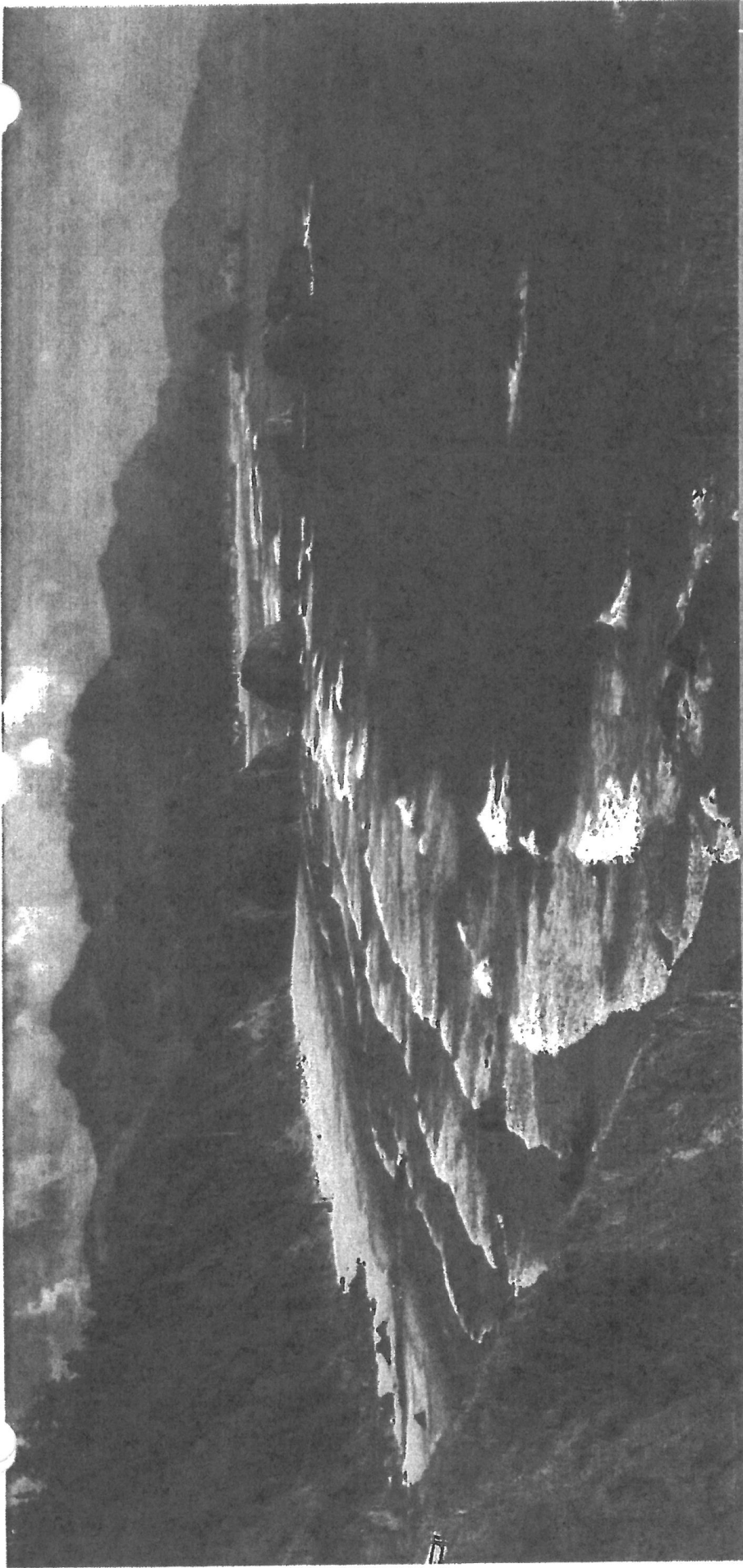
CAPACITY BUILDING TOOLS

- 11) Potential Funding Sources
 - Transient Lodging Tax
 - Construction Excise Tax
 - Tax Increment Financing
 - Regional Housing Bond
 - Tax Credits, Affordable Programs

CAPACITY BUILDING TOOLS

- 12) Potential Funding Strategies
 - Revolving housing fund
 - Housing acquisition fund (NOAH)
 - Key site acquisition, land banking
 - Public Private Partnerships

- 13) County or Regional Housing Coordinator
 - Central point of contact



CLATSOP COUNTY COMPREHENSIVE HOUSING STUDY TAC MEETING #3



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