

**CITY OF GEARHART**  
Gearhart Zoning Code  
Proposed Legislative Zoning Text Amendment File #16-003ZTA  
Staff Report

March 30, 2017

To: Gearhart City Council  
From: Carole Connell, AICP - City Planner  
Re: Proposed Zoning Code Text Amendment for RV use

## **I. DESCRIPTION OF REQUEST**

The Gearhart City Council requested the Planning Commission consider amending the Zoning Ordinance Section 6.170 Recreational Vehicles in order to allow limited flexibility in overnight use of RV's. The Planning Commission took no action on the request.

## **II. APPLICABLE REVIEW CRITERIA AND PROCEDURES**

- A. Applicable Criteria of the Gearhart Zoning Ordinance (GZO)
  - 1. Article 6 Section 6.170 Recreational Vehicles
  - 2. Article 11 Amendments
  - 3. Article 13 Administrative Provisions
  - 4. Gearhart Comprehensive Plan

- B. Amendment Process

The Gearhart Zoning Ordinance requires that before amendments to the text of the zoning ordinance are approved, findings will be made that the amendments are consistent with the goals and policies of the Comprehensive Plan and that there is a public need for the proposed amendment. The Planning Commission conducted the first public hearing on July 14, 2016.

## **III. PROPOSED AMENDMENT**

### GZO Section 6.170 Recreational Vehicles

Existing RV regulation:

An occupant(s) of a residence within the city limits may park or store outside, but not live in, not more than two (2) Recreational Vehicles (RV) on the residential premise.

Additional RV's may be parked on a temporary basis for a period not to exceed seven (7) days per calendar month.

Proposed amendment as underlined:

Gearhart property owners may obtain a permit from the city, which allows, occupancy of an RV, up to two times a year, for up to ninety-six (96) hours, per time. The RV cannot be in the public right-of-way, and the permit may be revoked by the police chief or the chief's designee, in their sole discretion.

### **III. FINDINGS OF COMPLIANCE FOR THE PROPOSED CODE AMENDMENT**

#### GZO Section 11.040 Amendment Criteria.

The following is a response to the code amendment criteria for approval:

#### **A. CONSISTENT WITH THE POLICIES OF THE COMPREHENSIVE PLAN:**

The proposed code amendment relates to the Comprehensive Plan as follows:

##### (1) General Plan Development Goals

**FINDINGS:** The proposed amendment is consistent with the Gearhart General Development Goals and Goal policies to preserve and maintain the residential character and not increase the amount of commercial land in Gearhart. The proposed revision does not conflict with policies to preserve the low density, semi-rural character of Gearhart and ensure that development occurs in a manner that is in harmony with the sensitive coastal environment that defines Gearhart.

##### (2) Citizen Involvement, Revision, Implementation and Process Goals (LCDC Goal 1 & 2

Comprehensive Plan Goal 1 & 2 involves process and implementation as opposed to land use policies. The purpose of Goals 1 and 2 are to assure citizen involvement is provided in the amendment process and to assure there is a revision and implementation process when adopting new or revised standards. The steps also require an advertised public hearing process with a recommendation by the Planning Commission and a decision by the City Council based on findings that there is a public need for the amendments and that the amendments are in compliance with the Gearhart Comprehensive Plan.

**FINDINGS:** Goal 1 & 2 Plan policies direct procedures for citizen involvement in the development of policies; ensure the citizens receive responses to their comments at meetings or in writing and that the city will maintain a record of meetings. When making Zoning

Code revisions, the goals and policies of the Plan provide the underlying principles to measure the amendments against. The implementation policies assure when revisions are made the broader community interest is served by the modification. Plan policies set forth guidance to assure that development standards remain effective. Revisions shall only occur after the Commission and Council have held a public hearing.

In accordance with GZO Article 13 Administrative Provisions, notice of a public notice of the amendment was mailed to the DLCD more than 35 days before and was published more than 20 days before the initial Planning Commission hearing on July 14, 2016. All meetings are taped to maintain a record. The Planning Commission considered the proposed amendment at a public hearing at their July 14, 2016 meeting. The Commission considered the amendment but chose to take no action. The amendment was forwarded to City Council. A hearing has been scheduled for April 5, 2017.

(3) Open Space, Scenic Areas, Historic and Natural Resources (LCDC Goal 5)

The Gearhart Open Space, Scenic Areas, Historic and Natural Resources (Goal 5) and Goal policies strive to conserve, preserve, and protect open space, scenic areas, historic and natural resources in and around the Gearhart Community for future generations.

FINDINGS: The City finds the code amendment does not directly relate to the open space goal.

(4) Air, Water, and Land Resource Quality (LCDC Goal 6)

The Air Water and Land Resource Quality policies assure there will be standards that protect air, water, and land resource quality including laws that prevent noise pollution.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(5) Geology and Geologic Hazards; Flood Hazards (LCDC Goal 7)

The Gearhart Geology and Geologic Hazards and Flood Hazards Goal policies shall work in coordination with applicable local, state, and federal standards to identify geologic hazard areas and flood hazard zone identified by the FEMA Flood Rate Insurance Map.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(6) Recreation (LCDC Goal 8)

The Gearhart Recreation Goal policies encourage further development of recreation facilities in the Gearhart area that are commensurate with air, land, water, environmental, and scenic resources.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(7) Economy and Energy (LCDC Goal 9 and 13)

The Gearhart Economy and Energy Goal policies ensure a stable and healthy economy in Gearhart through all available resources, both human and natural resources.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(8) Housing (LCDC Goal 10)

The Gearhart Housing Goal policies ensure decent, affordable housing and housing availability for all residents of the Gearhart area.

FINDINGS: The City finds the code amendment will not deter from city goals to ensure decent, affordable housing and housing availability for all residents.

(9) Public Facilities and Services (LCDC Goal 11)

The Gearhart Public Facilities and Services Goal policies assure compliance with applicable local, state, and federal environmental noise, air, water, and solid waste standards.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(10) Transportation (LCDC Goal 12)

The Gearhart Transportation Goal policies are established to provide and encourage safe, convenient, and economic systems for all modes of transportation in the Gearhart area.

FINDINGS: The City finds the code amendment does not conflict with this goal because the subject RV use prohibits the RV from being parked in public road right-of-way.

(11) Urban Growth (LCDC Goal 14)

The Gearhart Urban Growth Goal policies are established to manage urban growth.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(12) Necanicum Estuary (LCDC Goals 16 & 17)

The Gearhart Necanicum Estuary Goal policies are established to maintain all identified marsh areas in their natural, productive condition.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(13) Coastal Shorelands (LCDC Goal 16)

The Gearhart Coastal Shorelands Goal policies are set forth to conserve, protect, develop, and restore the resources and benefits of all coastal shorelands consistent with local goals, policies, and regulations, state law and federal regulations.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(14) Beaches and Dunes (LCDC Goal 18)

The Gearhart Beaches and Dunes Goal policies as they do not adversely impact the ability of the City to conserve, protect, develop, and restore the resources and benefits of coastal beach and dune area consistent with local goals, policies, and regulations, state law and federal regulations.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

(15) Ocean Resources (LCDC Goal 19)

The Gearhart Ocean Resources Goal policies are established to assure cooperation with appropriate state and federal agencies in conserving the long term values, benefits and natural resources of the near-shore ocean and the continental shelf.

FINDINGS: The City finds the code amendment does not directly relate to this goal.

**B. PUBLIC NEED**

The City Council may determine there is a public need for the proposed amendment to RV usage in order to allow flexibility for property owners and clarity for city enforcement.

**IV. SUMMARY RECOMMENDATION FOR AMENDMENT**

Based on the requirements of the applicable GZO Article 11 Amendments and Article 13 Administrative Provisions, the findings in this report and the public hearings on July 14, 2016 and April 5, 2017 the City Council may determine there is a public need for the proposed revision and approve the proposed amendment. If approved the Council may direct staff to prepare an ordinance and schedule the first reading