



Staff Report

For City Council Meeting of 09/06/2016

Subject - Ordinances/Resolution - Ordinance 908

Synopsis - Ordinance 908 was written to adopt the Gearhart Transportation System Plan. The council has already voted to approve the plan and instructed staff to write the ordinance.

Council Options:

- 1) Adopt the ordinance 908 with a motion to read once by title only.
- 2) Make minor changes and adopt.
- 3) Do nothing.

Recommendation: Staff recommends reading ordinance 908 once by title only.

Legal Analysis: None

Financial Analysis: N/A

Respectfully submitted,

A handwritten signature in black ink, appearing to be the name "Chad", written in a cursive style.

Chad

ORDINANCE NO. 908

AN ORDINANCE ADOPTING THE GEARHART TRANSPORTATION SYSTEM PLAN (TSP) AND AMENDING THE CITY OF GEARHART COMPREHENSIVE PLAN, ZONING AND SUBDIVISION ORDINANCES TO IMPLEMENT THE TSP

WHEREAS, the City Council finds there is a need to identify transportation deficiencies, improvement standards, funding sources and projects needed to address increased traffic and highway congestion and improve connectivity for all travel modes including tsunami evacuation; and

WHEREAS, the draft TSP assures consistency with local and state policies, plans, and rules including the State Transportation Planning Rule (Oregon Administrative Rule 660-012); and

WHEREAS, the development of the TSP is based on extensive public meetings and public hearings by the Planning Commission and City Council; and

WHEREAS, the Gearhart Transportation System Plan and implementing policies and standards are in compliance with the Gearhart Comprehensive Plan as described in the City Staff Report dated July 7, 2017;

NOW, THEREFORE the City of Gearhart ordains the Gearhart Comprehensive Plan, the Zoning Ordinance and the Subdivision Ordinances shall be amended as follows:

Amendments

1. Gearhart Comprehensive Plan

Adopt the Gearhart Transportation System Plan (TSP) Volumes 1 & 2 as an element of the Gearhart Comprehensive Plan Exhibit A. Amend the Gearhart Comprehensive Plan policies as described in the attached Technical Memorandum #7 dated July 7, 2017 Exhibit B.

2. Gearhart Zoning and Subdivision Ordinances

In order to implement the TSP amend the Gearhart Zoning Ordinance and the Gearhart Subdivision Ordinance as described in the attached Technical Memorandum #7 dated July 7, 2017 Exhibit B.

Passed by the Common Council of the City of Gearhart this _____ day of _____ 2017.

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Signed and approved by the Mayor of the City of Gearhart this _____ day of
_____ 2017.

Matt Brown, Mayor

ATTEST:

Chad Sweet, City Administrator
ZO.Amend.doc

July 7, 2017

CITY OF GEARHART STAFF REPORT

To: Gearhart Planning Commission
From: Chad Sweet, City Administrator and Carole Connell, City Planner
Re: July 13, 2017 Public Hearing
City File # 17-009 CPA/ZTA Gearhart TSP

I. Summary of Proposal

Consideration of legislative amendments to the Comprehensive Plan , Zoning and Subdivision Ordinances and adoption of the Draft Gearhart Transportation System Plan (TSP) Volume 1 & 2

Proposed Amendments

- Gearhart Comprehensive Plan

Adopt the Gearhart TSP Volumes 1 & 2, an element of the Gearhart Comprehensive Plan. Amend plan policies as described in Technical Memorandum #7 dated July 7, 2017

- Gearhart Zoning and Subdivision Ordinances

Amend the Gearhart Zoning and Subdivision Ordinances as described in Technical Memorandum #7 dated July 7, 2017

II. Purpose of the Amendments

The draft Gearhart Transportation System Plan (TSP) identifies transportation deficiencies, improvement standards, funding sources and projects needed to address increased traffic and highway congestion and improve connectivity for all travel modes including tsunami evacuation. The draft TSP assures consistency with local and state policies, plans, and rules including the State Transportation Planning Rule (Oregon Administrative Rule 660-012).

The absence of a TSP has created some unsafe and undesirable conditions for Gearhart residents and visitors. These conditions include the following:

- Prior land use decisions have occurred without a planned street system or street design standards, resulting in a lack of connectivity, poor drainage, biking and walking facilities.
- Many homes and businesses have located on US 101, resulting in a need to provide walkways and bikeways, highway crossings, transit stops, and safety improvements.

- The DOGAMI Tsunami Evacuation Map for Seaside and Gearhart shows much of Gearhart is in the Local Tsunami Evacuation Zone, and there are few routes from Gearhart to areas outside of the hazard area. The City needs a plan to provide and fund the construction of evacuation routes that best serve the various neighborhoods.
- Development of a local trail system is needed to provide connections from all neighborhoods to destinations and recreational opportunities in Gearhart.
- There is a need for coordination with the Sunset Empire Transportation District for the provision of effective transit services in Gearhart.
- Existing facilities are sometimes inadequate for the level of use generated by summer tourism, which must be considered in the development of transportation improvement plans and policies.
- There are no provisions in the City's zoning and development code to assure compliance with the State Transportation Planning Rule at the time of new development.
- The City of Gearhart does not have adequate funding to make needed transportation improvements now or in the future. City adoption of the TSP will allow the City to request state funding for transportation improvements.

PROJECT OBJECTIVES

Key objectives of the Gearhart TSP include the following:

1. A TSP that provides for a safe, efficient, well-connected multi-modal transportation network, based on the needs of existing and planned land uses.
2. A clear vision and design for future improvement of Highway 101.
3. Safe Routes to Schools infrastructure plans to support walking and cycling to and from school and youth activities.
4. Identification, funding and development of tsunami evacuation routes, assembly areas and supply caches.
5. Development of transportation facility design standards for all modes of travel.
6. Compliance with applicable laws and adopted plans, including the Transportation Planning Rule, Oregon Transportation Plan and the Oregon Highway Plan.
7. Development of a prioritized list of needed transportation facilities and services considering future growth and projected costs.

For these reasons the Oregon Department of Transportation (ODOT) awarded the City a grant to develop a Transportation System Plan for Gearhart. The grant was awarded in 2015 and for the

past two years City officials, staff, ODOT, agencies and residents have devoted a significant amount of time working with the transportation consultants to develop the plan. The grant requires public participation throughout the entire process from plan development to adoption.

III. Applicable Review Criteria and Procedures

A. Applicable Criteria of the Gearhart Zoning Ordinance (GZO)

1. GZO Article 11 Amendments
2. GZO Article 13 Administrative Provisions (notice, hearing procedures and decisions)
3. Gearhart Comprehensive Plan
4. Statewide Planning Goals and the Transportation Planning Rule

IV. GZO Article 11 Amendment Procedures and Approval Criteria

An amendment to the Comprehensive Plan or land use ordinances are legislative and may be initiated by the Planning Commission, the City Council or a property owner. After public notice has been provided the amendments shall be reviewed in accordance with the procedures of GZO 13.050.

The first evidentiary public hearing by the Planning Commission is scheduled for July 13, 2017. The Planning Commission may continue the hearing or decide to act on the amendments in the form of a recommendation to the City Council. The City Council will hold a public hearing on the Planning Commission's recommendation. The Council's final decision will be in the form of a legislative ordinance amending the Comprehensive Plan and Zoning Code. A person defined as a "party" to the subject amendment process may appeal the City Council decision to the state Land Use Board of Appeals (Article 12). Anyone who sent a letter or testified at the hearing will be notified of the decisions.

A. GZO Section 11.040 Amendment Criteria

Before amendments to the Comprehensive Plan or the text of the zoning or subdivision code are approved findings will be made assuring the amendments are consistent with the goals and policies of the Comprehensive Plan, the Statewide Planning Goals, and that there is a public need for the proposed amendments. The Gearhart Comprehensive Plan is in compliance with the statewide goals, therefore to avoid repetition the statewide goals are not specifically addressed.

Gearhart Comprehensive Plan Policies

The following proposed findings describe compliance with the Gearhart Comprehensive Plan, the Statewide Planning Goals and the required demonstration of Need for the proposed amendments.

(1) General Development Goals

It is the general goal of the Comprehensive Plan to preserve the low density, semi-rural character of Gearhart and to ensure that development occurs in a manner that is in harmony with the sensitive coastal environment that defines Gearhart.

FINDINGS: The Planning Commission finds the proposed draft TSP and implementing policies and development standards will improve mobility to the extent that the low density character and sensitive coastal character of Gearhart is retained. The planned improvements do not overbuild but rather improve and refine the existing modes of travel, while also assuring future development is well-connected to city institutions, services and recreational and evacuation facilities.

(2) Residential and Commercial Development Policies

a. The City will preserve and maintain the predominately residential character of Gearhart through appropriate zoning and land use development regulations.

FINDINGS: The Planning Commission finds Gearhart is zoned predominantly low-density residential. The draft amendments do not change any land use or zone designations in the city. The draft development regulations provide clarity to property owners and objective transportation design standards for future land development proposals.

b. The City will implement the City's land use development regulations through the continued development of Gearhart as a residential community.

FINDINGS: The Planning Commission finds the draft policies and regulations will ensure Gearhart has specific transportation system guidelines and standards to address the transportation impacts of future development proposals and to assure that new development is well-connected to city services by all modes of travel. The plan and implementing standards seek to accommodate growth as well as retain and enhance Gearhart's residential community character.

c. The City will recognize the importance of the City's residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions.

FINDINGS: The Planning Commission finds the proposed policies, development standards and land division amendments will provide methods to address an expected increase in traffic, pedestrian and bicycle travel. An increase in traffic will be mitigated if other modes of travel are made convenient and available. The amendments will facilitate tsunami evacuation in the event of a local Cascadia Subduction Zone event.

d. It is a goal of the City to ensure a stable and healthy economy in Gearhart through all available resources, both human and natural resources.

FINDINGS: The Planning Commission finds the amendments delineate objective standards to assure future growth and development projects consider multi-modal transportation facilities in a comprehensive manner. Well-connected neighborhoods add value that compliments city goals for a stable and healthy economy. Further, adoption of the TSP will enable the City of Gearhart to request outside funding for future transportation improvements, an option currently not available to the City.

(Note: The above plan policies are General Development Policies adopted by city fathers in 1994. The next set of Comprehensive Plan goals and policies are organized to coincide with the statewide planning goals and the original Gearhart Comprehensive Plan adopted in 1980.)

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

Comprehensive Plan Goals 1 & 2 policies establish a process and implementation mechanism for land use planning and regulation. The purpose is to assure citizen involvement is provided in the amendment process when adopting new or revised standards. The City will ensure that technical information is available to citizens, and that the Planning Commission and other City Committees represent the wide diversity of views and interests in the community.

Goal 1 & 2 Plan policies are implemented by Gearhart Zoning Ordinance Article 10 Amendments and Article 12 Procedures for citizen involvement to ensure the citizens receive responses to their comments at meetings, in the meeting minutes or in writing, and that the city will maintain a record of meetings. 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 and Statewide Planning Goals.

When making Comprehensive Plan and 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 that the broader community interest is served by the modification. Plan policies set forth guidance to assure that development standards remain effective over time.

FINDINGS: The Gearhart Planning Commission maintains an active list of prioritized goals to assure they are keeping up with changing laws, trends and broader community interests. The proposed amendments will bring the City into compliance with the State Transportation Planning Rule. The amendments address the Commission's goal to develop a comprehensive Transportation System Plan to guide future development decisions.

A variety of stakeholders were solicited to serve on the Project Advisory Committee (PAC), and they met five times in the past 18 months. The City website has published each draft document as it was developed over the course of the project. The City Council and Planning Commission held two joint public meetings to review the progress of the plan. The Commission and City Council will also provide opportunity for comment and feedback during the public hearings. All meetings are recorded to maintain a record. In accordance with GZO Article 13 Administrative Provisions, notice of a public notice was mailed to the DLCD more than 35 days before the hearing; notice was mailed to all property owners within the Gearhart UGB and notice was published more than 20 days before the initial Planning Commission hearing on July 13, 2017.

The Planning Commission finds the process for developing a transportation system plan and implementing development standards has occurred in compliance with city and state citizen involvement and land use planning goals and procedures.

(4) 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 Planning Commission finds the amendments do not directly relate to all aspects of this goal. They find that access to Gearhart's dunes and open spaces will continue to be provided by undeveloped paths to assure preservation of the natural resources in those area. Developed hard surface pathways will be limited to collector and arterial roads.

(5) 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 Planning Commission finds that planning for well-connected paths and roads throughout the city will ensure that pedestrian and bicycle travel is a desirable and safe alternative travel mode, which will reduce the amount of air and noise pollution created by motorized vehicles.

(6) 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 Planning Commission finds the amendments address known hazards that will occur from a geologic seismic event and flooding identified by the Oregon Department of Geologic and Mineral Industries (DOGAMI) and the Department of Land Conservation and Development (DLCD). The draft TSP is unique in the state because it has been coordinated with DOGAMI, DLCD and ODOT to include policies, standards and provisions for tsunami evacuation routes and facilities.

(7) Recreation (LCDC Goal 8)

The Gearhart Recreation Goal plan policies encourage further development of recreation facilities in the Gearhart area that are commensurate with air, land, water, environmental, and scenic resources. Policy 1 in this section is relevant to the amendments:

“The City will encourage indoor and outdoor recreation facilities, both private and public, attractive to visitors and residents.”

FINDINGS: The Planning Commission finds the proposed plan and code amendments relate to Plan recreation policies to provide guidance for the development of outdoor recreation facilities and infrastructure because the TSP identifies existing walking and biking routes, deficiencies in walking and biking routes and improvement projects to improve that mode of travel throughout the city.

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

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

FINDINGS: The Planning Commission finds planning for needed transportation improvements will facilitate efficient and thoughtful growth patterns in the city. Improvements to bicycle and pedestrian travel will encourage those modes of travel as well as save energy and promote personal health. Adoption of the TSP will allow for funding assistance to make transportation improvements. This is an important budgeting option for the city and will help to meet the goal for a healthy economy.

(9) 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 Planning Commission finds that when new housing is built the proposed development and subdivision standards will assure roads, walkways, paths, evacuation routes and connections to city services will be reviewed by city decision makers in accordance with the adopted TSP.

(10) 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 Planning Commission finds the transportation related plan and code amendments will assure consideration of all modes of transportation at the time of new development. When a convenient and safe travel alternative to a vehicle is made available to residents trips will be made by pedestrians and bicyclists that reduce the negative impacts of noise and air pollution.

(11) 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. The following existing Comprehensive Plan policies apply to the proposed amendments. These remain as effective transportation policies. But they have been expanded or re-written to comply with state transportation rules, to incorporate evacuation route planning, to specify design standards and to identify needed improvement projects and funding sources. See the revised transportation policies in TM#7 dated July 7, 2017.

- a. *Surrounding land use and traffic generation patterns will be considered during the initial stages of planning and new development along Highway 101.*
- b. *Frontage roads and access collection points will be encouraged where appropriate, locations to be coordinated with the Oregon Department of Transportation Highway Divisions.*
- c. *Along the Coast Highway, access control techniques will be used in cooperation with the Oregon Department of Transportation to coordinate traffic and land use patterns, and to help minimize the negative impacts of growth. Area-wide needs supersede site-specific needs.*

- d. *The City, to ensure an orderly traffic flow, and to promote safety on the Oregon Coast Highway will require that:*
- *The number of access points will be minimized.*
 - *Clustering of development, both residential and commercial activities, be carried out.*
 - *Appropriate setbacks from the public right-of-way be provided*
 - *Shared driveways and parking lots be encouraged.*
 - *Wherever feasible, local traffic will utilize local streets rather than highway accesses*
- e. *In the event of significant new development proposals for lands adjacent to the Coast Highway the City will work with the ODOT through the Highway Division's District Engineer to ensure unimpeded traffic flow and safety to the fullest extent possible.*
- f. *The City will work with Clatsop County to develop an efficient county wide public transportation system.*
- g. *The City will work with adjacent jurisdictions to develop a regional bike trails system.*
- h. *The City is concerned about any proposal for the Highway 101 widening within its urban growth boundary. The City bases its concern on the following findings:*
1. *The City must bear the cost of moving its water main. This cost is estimated to be several hundred thousand dollars, with no contribution by ODOT.*
 2. *There would be substantial impacts on homes, businesses, and freshwater wetlands adjacent to the highway right-of-way.*
 3. *The projected cost of the parkway would be better used for a bypass project. The City supports the construction of a bypass for Highway 101 extending from Cannon Beach junction area to the City of Astoria along the Cavenham Forest Industries mainline.*
 4. *The land uses planned for the area fronting Highway 101, within the urban growth boundary do not warrant the construction of an elaborate five (5) lane system.*
- i. *The Ridge Path is recognized as a recreational asset, as an appropriate utility easement location, and as a portion of the Oregon Coast Trail. Appropriate easement widths shall be required in new development within the urban growth boundary.*

- j. The City will cooperate with the Oregon State Parks Department in the regulation of driving and parking on the beach within the Gearhart Urban Growth Boundary.*
- k. The City will participate with the City of Seaside in the airport planning process. Emphasis should be given to analyzing the impacts, costs and benefits to the Community. Consideration should be given to diminished or controlled use because of its impact on surrounding residential uses.*

FINDINGS: The Planning Commission finds the proposed Comprehensive Plan policy and code amendments identified in Technical Memorandum # 7 dated July 7, 2017 add specificity and objective requirements for land owners and city officials to analyze new development proposals and plan for and fund needed transportation improvements.

(12) Urban Growth (LCDC Goal 14)

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

FINDINGS: The Planning Commission finds the amendments will be apply the transportation plans and design standards to new development proposals inside the UGB, and in the event of a UGB expansion proposal. The TSP and implementing standards guarantee specificity and objectivity during the plan review process for a new development currently not available in the City's planning documents.

(13) 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 Planning Commission finds the amendments do not directly relate to this goal.

(14) 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 Planning Commission finds the amendments do not directly relate to this goal.

(15) Beaches and Dunes (LCDC Goal 18)

The Gearhart Beaches and Dunes Goal is 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 Planning Commission finds the amendments do not directly relate to this goal.

(16) 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 Planning Commission finds the amendments do not directly relate to this goal.

Demonstration of Public Need

FINDINGS: For the reasons set forth in the above findings and in the TSP's analysis of transportation conditions, deficiencies and needs, the Planning Commission has determined there is a public need for the amendments. The Commission finds there is a need to plan for increased traffic in Gearhart and to provide guidance at the time of development for needed highway, street, walking and biking improvements so that all modes of travel are available to residents and visitors. Further, there is a need to increase awareness and provide standards to improve tsunami evacuation for the safety of Gearhart residents and visitors, an important element in the draft TSP that is unique in the state.

V. CONCLUSION

1. Based on the findings in this report on July 14, 2017 the Planning Commission moved to approve and forward the proposed Transportation System Plan, Comprehensive Plan, Zoning and Subdivision Ordinance amendments to City Council for adoption.
2. Based on the findings in this report on August 2, 2017 the City Council moved to approve the proposed Comprehensive Plan, Transportation System Plan Volumes 1 and 2, and the Zoning and Subdivision Ordinance amendments, and directed staff to prepare the adopting ordinance for their next meeting.