



Staff Report

For City Council Meeting - 12/7/2022

Subject - New Business - Discussion - Zone Change Amendment

Synopsis: The Gearhart Planning Commission received an application for approval of a Zone Map Amendment from Low Density Residential R-1 to High-Density Residential R-3 to protect existing nonconforming apartment units and permit construction of additional multi-family housing units in the future; the location is on Pine Ridge Drive. A public hearing was held earlier in the meeting to collect public feedback on the matter. Attached is a detailed staff report from City Planner Carole Connell covering the process, challenges, findings and recommendations. It should also be noted that this will be the final prepared report the City of Gearhart will receive from Carole, who officially retired November 23rd, 2022.

Council Options:

- Move to continue the hearing to the next meeting (note a final decision is due 02-04-23 unless extended by the applicant);
- Move to deny the zone map amendment based on identification of new findings to support denial;
- Move to approve the zone map amendment subject to the recommended conditions of approval, and direct staff to prepare an ordinance for adoption at the next City Council meeting.

Recommended Motion: Based on the Zone Change approval criteria, the Planning Commission recommends City Council approve the zone map amendment from Residential R-1 to R-3 subject to the following conditions, and direct staff to prepare an ordinance for adoption:

1. Maximum site density shall not exceed 30 dwelling units, recommended as a deed restriction.
2. Tourist accommodations or short-term rentals are prohibited, recommended as a deed restriction.
3. The Commission decided that rather than require construction of the TSP and Park Plan improvement project for Gearhart Lane – which is a shared

bicycle/pedestrian/evacuation project on the site's said frontage – the owner shall record a waiver of remonstrance on property title requiring property owner participation in a local improvement district to make said improvement, described as Project #G11.

4. Prior to construction of any new unit, it is recommended the two existing parcels be consolidated.

Legal Analysis: As identified within Connell's staff report.

Financial Analysis: As identified within Connell's staff report.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be the name 'Chad' written in a stylized, cursive script.

Chad

CITY OF GEARHART CITY COUNCIL
City Staff Report
From: Carole Connell, AICP City Planner
November 22, 2022

City File #12-008ZMA

Application Purpose: An application for approval of a Zone Map Amendment from Low Density Residential R-1 to High-Density Residential R-3 to protect existing nonconforming apartment units and permit construction of additional multi-family housing units in the future.

Planning Commission Recommendation: On November 10, 2022, the Planning Commission held a hearing and decided to recommend the City Council approve the proposed zone change, subject to three conditions as follows:

1. Maximum site density shall not exceed 30 dwelling units, recommended as a deed restriction.
2. Tourist accommodations or short-term rentals are prohibited, recommended as a deed restriction.
3. The Commission decided that rather than require construction of the TSP and Park Plan improvement project for Gearhart Lane – which is a shared bicycle/pedestrian/evacuation project on the site's said frontage, the owner shall record a waiver of remonstrance on property title requiring property owner participation in a local improvement district to make said improvement, described as Project #G11.
4. Prior to construction of any new unit, it is recommended the two existing parcels be consolidated.

Property Owner: Paul Falby & Bill Noble
PO Box 2384
Gearhart, OR 97138

Applicant: Mike Morgan, Consulting Planner
PO Box 132
Cannon Beach, Oregon 97110

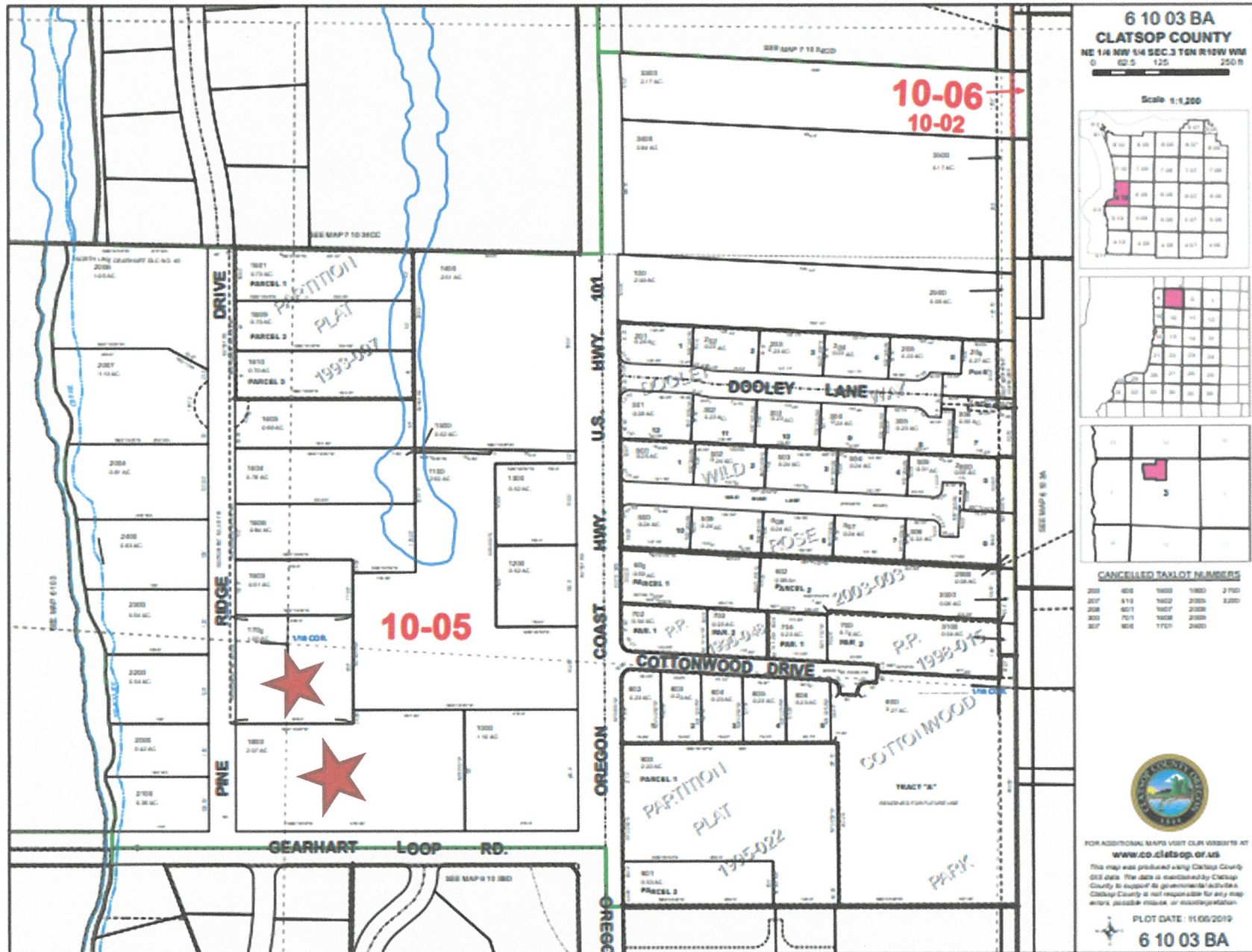
Location: Addresses: 1777 Pine Ridge Drive & 1837 Pine Ridge Drive. Located west of Highway 101, adjoining Pine Ridge Drive at the intersection of Gearhart Lane, further described as 6-10-3BA Tax Lots 1700 & 1800, 3.07 acres.

Completeness: 10-07-22
Notice Mailed: 10-21-22; 11-19-22 **Notice Published:** 10-21; 11-19-22
PC Hearing: 11-10-22 **CC Hearing:** 12-07-22
120-day deadline: 02-04-23

Exhibits: Application, photos of Gearhart Lane & Pine Ridge Drive, Wetland Determination by Robert Bogar, Environmental Investigations, 3-22-22
Comments: Kelly Wilkerson 11-3-22, Eric Eiseman 11-10-22, Oregon Fair Housing Council 11-8-22

Applicable Decision Criteria:

- GZO Section 3.1 R-1 Residential Zone
- GZO Section 3.3 R-3 High Density Residential
- GZO Section 3.13 Tsunami Hazard Overlay zone
- GZO Section 4.040 Transportation Improvements
- GZO Article 11 Amendments
- GZO Article 13 Application, Notice, and Hearing Procedures
- Gearhart Comprehensive Plan, 1994
- Gearhart Transportation System Plan, 2017
- Gearhart Parks Master Plan, 2022
- Statewide Housing Goal 10



I. City Staff Comments:

- The Fire Chief: 10-11-22 email – “Access is tight as it is. I would need to see a site plan to show ingress and egress. They will need to put another hydrant in which will need to be planned out as there is a new Oregon Fire code and code limitations are stricter than they were before. New buildings will need to be sprinklered with a potential 24-hour fire alarm system. I think this will be a great addition to the city if done safely.”
- The City Manager: 11-02: Housing is needed. Section 3.310 states, "The R-3 zone is designed to provide space for the orderly development and expansion of overnight accommodations and related business such as gift shop. Other uses such as churches, parks, government buildings, and utilities are provided for in this zone. If the project were to be approved because of housing needs, should there or could there be an accommodation made to ensure the property doesn't end up as a vacation rental, hotel, or other tourist accommodation? If this parcel is changed to R3, the owners will have the ability to, with approval, construct commercial overnight accommodations and related businesses. These include a church, motel, hotel, or other tourist accommodation, community meeting facility, park, non-public recreation facility, daycare center, restaurant, cocktail lounge, etc.
- The Police Chief: 10-11-22 email – “I see no law enforcement issues with having more apartments being built north of the existing ones that are already there. To date and going back 39 years, these apartments have been properly managed.”
- The City Public Works Director: 10-12-22 email – “The builder/developer would be responsible for all upgrades and services to the water needs of this property. We won't know what that would be until building plans are submitted.”
- Building Inspector: 10-12-22 email – “No issues at this time, and there is a need for rental properties.”

II. Site Analysis and Gearhart Zoning Ordinance provisions

- A. Site information: The site is zoned Low Density Residential R-1. It is occupied by fifteen (15) existing one-to-three-bedroom apartments. The rent range is \$875 – 1,250 a month.

The subarea is a mixture of residential and commercial zone categories. Surrounding uses are C-2 Commercial to the east (U-Haul) and two streets: Pine Ridge Drive and Gearhart Lane which are adjoined by single-family residential to the west, north and south.

Like all of Gearhart, the site is subject to inundation in the event of a Cascadia Subduction Zone earthquake-caused tsunami. Most of the site is located on a rise in the Large “L” tsunami scenario zone, which is less vulnerable than the S small and M medium tsunami scenarios to the east and west. In addition, Pine Ridge Dr. rises higher and is in the XL/XXL tsunami scenario. Pine Ridge Drive is a good option for evacuation.

- B. Plan and Zone Standards: The site is designated R-1 Low Density Residential by the Gearhart Plan and Zone Map. Surrounding property is zoned R-1 to the north and south, and C-2 General Commercial to the east.

- C. GZO Section 3.1 R-1 Zone: The applicant indicates the existing multi-family dwellings were built before zoning was established in Gearhart. The R-1 zone permits a single-family residential dwelling. The existing apartments are therefore a nonconforming use. Per GZO Article 10 Nonconforming Uses, if more than 40% of the complex is destroyed by fire or other disaster, the existing apartments may not be reconstructed except in conformity with the R-1 Low Density Residential Zone which does not permit multi-family housing. A small fire on site occurred last year and the damage has been repaired. However, since then the owners have become aware of the nonconforming status and implications. To protect their investment, they request the property be rezoned R-3 High Density Residential to legitimize the existing dwellings. To meet demand for apartments, they also hope to build an estimated 8 more units in the future, as can be accommodated on the site. Future construction would require a building permit but no planning review.
- D. GZO Section 3.3 High Density Residential Zone: The purpose of the R-3 zone is to provide for high density multi-family with a maximum density of 16 dwelling units per net acre. The zone also provides space for the orderly development and expansion of overnight accommodations and related businesses such as gift shops. Other uses such as churches, parks, governmental buildings, and utilities may be allowed as a conditional use in this zone. The zone states that “conversion to resort uses should be provided with a minimum of disruption of existing residential values.”

FINDINGS: The purpose of the R-3 zone is to provide for high density multi-family dwellings as an outright permitted use. Institutional uses, overnight resort uses, and related restaurant, cocktail lounges and gift shops are a conditional use if approved at a public hearing by the Planning Commission.

The City Administrator raised a concern about the possibility of future conversion of the subject applicant’s property to tourist accommodations if the site is rezoned R-3. In the late 1970’s the City created the R-3 zone to allow the old Gearhart Hotel, Windjammer and restaurants to be conforming uses under the new zoning ordinance. The R-3 zone is the only residential zone that allows for a higher density of residences. R-2 permits 6 dwellings an acre and R-3 permits 16 dwellings per acre. The Gearhart-By-the-Sea area west of the golf course between 10th and 13th Streets is the only R-3 zoning in the City. There is no other land zoned for multi-family housing.

The subject apartments on Pine Ridge Drive were also existing before zoning was applied. But it is not known why that site was not zoned R-3 to make the existing apartments conforming, like the old hotel site. If the application approved the existing apartments become conforming and additional units could be added. Resort accommodations could only be approved by a Conditional Use Permit and only if there was minimal disruption of existing residential values”.

The City has several obstacles to address if they intend to support more affordable housing. The lack of R-3 zoned land with more typical multi-family density is one to the obstacles, along with the lack of a community sanitary sewer, the lack of ADU provisions, the restrictive off-street parking requirements, and more.

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

FINDINGS: The zone change from R-1 to R-3 will result in more trip ends if more units are built. The applicant has provided estimated vehicle trips that could be generated by full future build-out of the site based on the Institute of Traffic Engineers (ITE) Common Trip Generation Rates 10th Edition standards.

Using estimated trips generated, either at 16 dwellings per net acre (2.61 acres) allows 42 dwellings by the R-3 zone maximum; or at 10 dwellings per gross acre (3.07 acres) allows 30 dwellings measured by the Tsunami Hazard Overlay Zone protection standard.

In the R-3 zone the 3.07-acre site permits a (net) density of (3.07 minus net of .15 = 2.61 acres) of 16 d.u.'s per acre for total of 42 dwelling units allowed on the site. 42 dwelling units each generate 4.48 total trips in an eight-hour day, or 188 trips. This is the worst-case maximum scenario if the site were cleared and rebuilt to meet the maximum number of units allowed by the R-3 zone.

The GZO Tsunami Hazard Overlay Zone further limits dense housing development to a density increase of no more than 10 units per (gross) acre. In this case the density would allow 3.07 gross acres x 10 d.u. per acre = 30 total dwelling units as the maximum permitted by the Tsunami Overlay Zone. 30 dwelling units generate 4.48 total trips per unit in an eight-hour day, or 134 trips. Therefore, in either case based on a completely redeveloped site and at maximum density the number of trips does not exceed the 300-trip threshold standard that requires a full Traffic Impact Analysis.

- F. GZO Section 6.400 Transportation Improvements: All new residential development is required to build streets internal to a development project, as well as improvements to existing abutting streets based on the street classification of the Gearhart Transportation System Plan. The City Manager has the authority to waive the requirements if warranted based on specific criteria or require a fee-in-lieu for 100 % of the estimated street improvement costs. The monies would be placed in a fund dedicated to the future construction of the improvements.

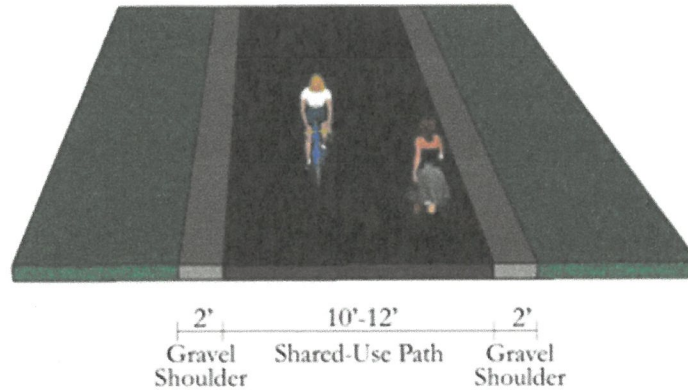
FINDINGS: The subject zone map amendment could result in “new development” because the R-3 zone increases the residential density and allows multi-family housing currently not permitted on the site. Therefore, improvements to existing abutting streets are required, at least at the time of new development.

Two streets adjoin the site, Pine Ridge Drive, a designated local street, and Gearhart Lane, a designated collector street.

The TSP Table 1 identifies planned street improvements applicable to the project:

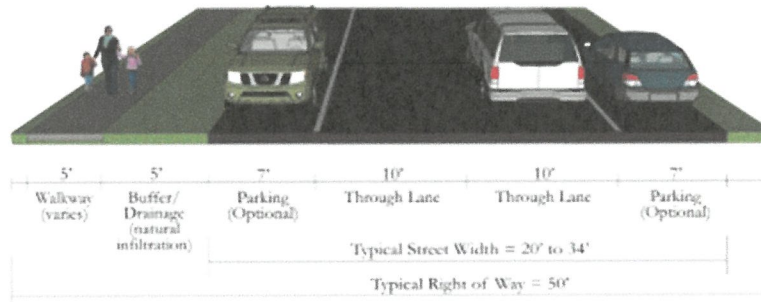
- a. Project #G11: add pedestrian/bicycle/evacuation improvements and signage on both sides of Gearhart Loop (Lane) Road from Hwy 101 to Cottage Ave.

Figure 13: Design Standards for Shared-Use Paths



- b. Project #G10: add pedestrian/ bicycle/ evacuation improvements and signage on the west side of Pine Ridge Drive from Gearhart Loop Road to Shamrock Road.

Figure 11: Local Street



The City Manager may waive the improvement requirement on the adjoining Gearhart Lane frontage; or may require a fee-in-lieu for 100% of the estimated cost; or may require a waiver of remonstrance to assure the improvements can be made in the future. New construction should be conditioned by this decision to make the applicable Shared-Use Path improvement to the north side of Gearhart Lane adjoining the site.

G. GZO Section 3.13 Freshwater Wetland and Lake Overlay Zone

FINDINGS: The Freshwater and Lake Overlay Zone applies to the site based on the 2011 Local Wetland Inventory. In addition, see the applicant's site-specific wetland survey by Robert Bogar, Environmental Investigations Wetland Delineation 3-22-22 and staff discussion in plan policy findings below.

III. ARTICLE 11 AMENDMENTS - APPROVAL CRITERIA

A Zone Map amendment decision must be based on adequate findings demonstrating

compliance with each of the following Zone Map Amendment approval criteria, A – E

- A. The amendment shall be consistent with the Comprehensive Plan.
- B. The amendment will meet a land use need.
- C. The uses permitted by the amendment are compatible with the land use development pattern in the vicinity of the request.
- D. The land is physically suitable for the uses to be allowed in terms of slope, soils, flood hazards, and other relevant considerations.
- E. Public facilities and services, including transportation systems and access, are available to accommodate the uses proposed.

1. Approval Criterion A. Comprehensive Plan policies relevant to this zone change request

- General Plan Development Goals:

- 1. The City will preserve and maintain the predominantly residential character of Gearhart through appropriate zoning and land use development regulations.
- 2. The City will maintain the present residential density levels in established neighborhoods.
- 3. 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: In response to the policies above:

- The zone change will maintain the residential character of Gearhart, will apply the appropriate zoning and remove the nonconforming status of the existing dwellings.
 - The existing apartments are an established housing type in the neighborhood and have been on this site since the 1970's. According to comments from City department heads, the site has been well managed and with no known negative impacts. The site has a density potential to add an estimated 15 to 27 new units in the future. A zone change will not maintain the present residential density of the existing 15 units.
 - If new units are proposed in the future, there will be increased traffic generated from the site. However, the site is at the Gearhart Lane intersection, a major collector street very close to Highway 101. Existing and future traffic will primarily impact Gearhart Lane and the highway, and not travel into Pine Ridge Drive or other nearby residential streets. Any new units will be required to provide two parking spaces per dwelling.
- Housing Plan Policies:
 - 1. The City, through provisions in its Zoning Ordinance, shall allow for needed housing types such as manufactured dwellings, duplexes, multi-family dwellings, and residential care facilities and residential homes.

2. The City will cooperate with efforts of the Clatsop County Regional Housing Authority, the Northwest Housing Association, the Area Agency on Aging, the Oregon Housing and Community Services Agency, and other entities in their efforts to ensure decent affordable housing and housing rehabilitation in the Gearhart Area.
3. The City will not tolerate discriminatory housing practices.

FINDINGS: In response to the above Comprehensive Plan policies:

- a. The zone change to R-3 allows an existing, needed housing type to conform with city zoning so that in the event of a fire or disaster that may destroy more than 40% of the property the existing units can be replaced. Further, there is an opportunity to add more apartments on site in the future.
- b. There is a documented need for multi-family dwellings in Gearhart and the County at large based on the Clatsop County Housing Needs Analysis 2019. There is no other land in the city-zoned R-3, except the subject site and the fully developed Gearhart-by-the-Sea condominium area between 10th and 13th Avenues.
- c. 2018 housing data gathered for the county study from the U.S. Census, PSU and Johnson Economics found only 43 units of duplexes, three, four and 5+ plex's in the Gearhart. Further, 82% of dwellings in Gearhart are single family, while an estimated 60% of those are second homes.
- d. The Statewide Housing Goal 10 requires every jurisdiction to provide for needed housing of all types and tenures. The 2019 Clatsop County Housing Strategies Study found there is a sufficient supply of housing countywide, but not the right type of housing. The study recommends new measures in county jurisdictions that will increase the amount of multi-family housing, such as denser forms of housing versus single family, requiring minimum densities, controlling the amount of commercial short-term rental housing, supporting mixed use development, reducing off street parking requirements and more.
- e. The City currently participates on the Clatsop County Housing Task Force tasked to identify and develop methods to create additional, needed, affordable and decent housing in an era of housing shortages for all residents on the north coast. The state legislature also continues to actively remove barriers to accommodate housing needs of all types and tenures. Approval of the zone change will ensure existing apartment units on the site conform to the applicable zone and will also permit future expansion.
- f. Approval of the request will assure an existing transient housing type is not discriminated against. The zone change provides an opportunity to protect existing dwelling units on the property as well as to potentially add new multi-family housing to meet current and anticipated future demand. Approval of the zone change assures Gearhart is avoiding discrimination against rental housing if it can be appropriately located on the site in the future.

- Geology and Geologic Hazards Policies:

1. Take reasonable measures to protect life and property to the fullest extent feasible from the impact of a local source Cascadia tsunami.
2. Prohibit Comprehensive Plan or Zone Map amendments that would result in increased residential densities over 10 dwelling units per acre, or more intensive uses in tsunami hazard areas unless adequate mitigation is implemented. Mitigation measures should focus on life safety and tsunami resistant structure design and construction.

FINDINGS: City policies and GZO Section 3.13 Tsunami Hazard Overlay Zone related to a local source tsunami seek to protect life and property to the fullest extent feasible. The applicant is required to build their portion of the shared-use path described as Figure 13 in this report, a life safety evacuation route for residents to reach the highway corridor.

The City also supports the need to provide for needed housing, currently at a crisis level in the region. Competing goals to provide adequate housing while also mitigating tsunami hazards must be evaluated in a manner that is balanced and reasonable.

Comprehensive Plan tsunami policy and the GZO Tsunami Hazard Overlay Zone limit dense housing development to a density increase of no more than 10 units per (gross) acre. In this case, the density would allow $3.07 \text{ gross acres} \times 10 \text{ d.u. per acre} = 30 \text{ total dwelling units}$, allowing 15 new units to the existing 15 units, the maximum permitted by the Tsunami Overlay Zone.

But the R-3 zone would permit up to 27 new units. City officials must decide what the full build out of the site should be, either to obtain more affordable dwellings on the site for a build-out of 42 dwellings, or to reduce the tsunami risk by limiting full build out to 30 dwellings. The applicant has indicated they plan to build 8 more units for a total of 23 on the site. But ownership and development plans could change in future.

- Economy and Energy Policies: Medium density developments, when appropriate, will be concentrated on high-capacity transportation corridors in order to achieve greater energy efficiency.

FINDING: The existing and future apartment units are conveniently located about 680 feet west of commercial services and Highway 101, the only high-capacity transportation corridor in the region. Residents will be within walking distance of services and transit stops on the highway, an energy efficient opportunity.

- Transportation Plan Policies:

1. Improve connectivity for people walking or biking by completing gaps in the current network of pedestrian and bicycle facilities.

FINDING: There are no sidewalks or bike lanes on Pine Ridge Drive. There is a narrow 4' stripe on both sides of Gearhart Lane between Cottage Avenue and Highway 101. TSP Figures 4 and 5 rate the adjoining walking and biking facilities on Gearhart Lane from Cottage Avenue to Hwy 101 from poor to fair.

To address these 5 transportation policies and improve connectivity and safety conditions for people walking and biking, there are planned improvements to both streets adjoining the site, described in detail in the TSP as discussed below.

2. Protect the function of existing and planned roadways as identified in the adopted Transportation System Plan (TSP) by ensuring that all development proposals, plan amendments, and zone changes are consistent with the planned transportation system.
3. Support measures to increase safety for all modes of transportation.
4. Develop multi-use paths that both enhance community livability and serve as tsunami evacuation routes.
5. Pursue the development of a network of local shared use paths and trails in coordination with the regional trail network.

TSP Figures 4 and 5 which rate the adjoining walking and biking facilities on Gearhart Lane from Cottage Avenue to Hwy 101 from poor to fair.

FINDINGS:

Pine Ridge Drive: The Pine Ridge Drive right-of-way (ROW) width is currently 50' wide with 22 feet of paved road surface. The street meets the local street standard width; therefore, no additional ROW dedication is required. But in this location the TSP planned improvement (Project #G10 TSP Fig. 13) is for a shared use pedestrian/bike path (5') and buffer/drainage (5') on the west side of Pine Ridge Drive. This is part of a planned route from Pacific Way north to Summit Drive, connecting to Fifer Heights Road, crossing Gearhart Lane to Pine Ridge Drive, then north. The east side of Pine Ridge Drive TSP plans for a 7' optional parking or shoulder (Fig. 11).



Gearhart Lane: The site has 460' of frontage on the north side of Gearhart Lane, a collector street with an existing and planned ROW of 60 feet. There is currently an estimated 4' wide bike-ped, strip on both sides. The TSP planned improvement (#G11) is for a Shared-Use bike/ped improvement (14-16'wide) on the north side of Gearhart Lane from Cottage Avenue to Hwy 101 (TSP Fig. 13), and a sidewalk or path on the south side.



Alternatively, the City Manager may waive the requirement, collect a fee-in-lieu of or require the owner to sign a waiver of remonstrance agreement to participate in a future improvement to Gearhart Lane that may be initiated by the city.

The TSP projects adjoining the site will address above transportation policies to improve safety for walking, biking, and tsunami evacuation. This zone change decision must decide that before issuing a building permit for new construction whether to:

1. Require the Gearhart Lane TSP shared-use path improvement at the time of new construction.
2. Collect the estimated fee-in-lieu of making the improvements before construction.
3. Record a waiver of remonstrance on property title requiring property owner participation in a local improvement district to make the improvement; or,
4. Waive the Gearhart Lane improvement requirements.

- Environmental Resources

1. To minimize air pollution and enhance community health, promote sustainable transportation options through policies and investments that support walking, biking and transit.

FINDINGS: The Gearhart TSP and Parks and Recreation Master Plan identify walking and biking road improvements on Pine Ridge Drive and Gearhart Lane described in this report. The 2022 Highway 101 Safety Improvement Plan establishes planned pedestrian and bicycle improvements on the high-capacity transit route within walking distance of the subject site. Existing and future residents of the apartments will have easy access to walking, biking, and transit opportunities.

- Public Facilities and Services

1. Through the building permit process, the City will rely on DEQ to monitor groundwater quality in the area and ensure that on-site systems are functioning properly.

FINDING: This policy is a requirement for new future development, and will be a condition of approval at that time.

2. Approval Criterion B. The amendment will meet a land use need.

FINDINGS: The findings on page 9 describe the lack of housing multi-family dwelling options in Gearhart. There is an established need for affordable housing of all types and tenures in Clatsop County according to local housing authorities, cities, and counties in the north coast region. The Clatsop County Housing Study 2018 illustrates that 60% to 72% of current Gearhart households cannot afford median rent, average rent, or median home prices. The newly formed Clatsop County Housing Task Force is tasked to address the problem, and Gearhart staff and officials are currently a participant in that work. Access to affordable housing applies to all city and county residents. Approval of the request guarantees the existing multi-family dwelling units are no longer non-conforming use and that additional units may be built on the site.

3. Approval Criterion C. The uses permitted by the amendment are compatible with the land use development pattern in the vicinity of the request.

FINDINGS: The land use pattern in the neighborhood is residential to the north, west and south of the site. Existing housing in the immediate area is primarily low-density residential dwellings. The subject 15 existing apartments have been in the neighborhood since the 1970's. Adjoining land to the east is General Commercial and includes U-Haul storage, restaurants, Buds Campground Grocery, commercial services, and the high-capacity Highway 101 an estimated 680 feet east of the site. On the east side of the highway across from U-Haul Storage is the Windjammer apartments and a multi-family 6-plex dwelling under construction. The overall pattern in the area is a mix of residential and commercial uses.

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

FINDINGS: The parcel is 3.07 acres. The site slopes down to the east. On the eastern property boundary, a "well-defined" wetland determination has been made by the applicant's representative, Robert Bogar (9-24-21). The narrow wetland is "associated with a drainage that flows through a culvert near the SE corner of the parcel under Gearhart Lane." If the owner decides to construct additional units in the future an updated wetland determination may be required.

5. Approval Criterion E. Public facilities and services, including transportation systems and access, are available to accommodate the uses proposed.

FINDINGS: The subject property has direct access to Pine Ridge Drive, a local city street. Highway 101 is an estimated 680 feet east of the site. The Gearhart TSP proposes a shared use bike/pedestrian path in the Gearhart Lane right-of-way (60' wide) on the north side of the street. The path design is between 14 – 16 feet wide. The subject property has 460 feet of frontage on Gearhart Lane.

Existing dwellings have city water and a private septic system. DEQ/Clatsop County Health approval will be required prior to occupancy to approval of any future construction. The applicant has agreed with the Fire Department that the existing chain-link fence on the Gearhart Lane frontage should be removed to assure direct access to the east end of the property in the event of an emergency. The applicant thinks fence removal will improve site aesthetics as well.

IV. SUMMARY AND RECOMMENDATION

Summary of issues: The R-3 zone allows a maximum of 42 units on the site, while the Tsunami Hazard Overlay zone restricts density to 30 dwellings. The Commission chose the more restrictive density. The R-3 zone permits tourist accommodations subject to Planning Commission approval of a Conditional Use Permit if requested in the future. The Commission chose to prohibit tourist accommodations as a condition of a zone change. The Transportation System Plan requires the Gearhart Lane Share-Use Path to be built on the street frontage at the time of new construction. The Commission chose to defer the required street improvement.

Additionally, when the owner decides to construct additional units in the future, an updated wetland delineation may be required. DEQ/Clatsop County Health approval is required for new construction to assure there is adequate septic capacity on the site.

Based on the Zone Change approval criteria, the Planning Commission decided to recommend City Council approve the zone map amendment from Residential R-1 to R-3 subject to the following conditions:

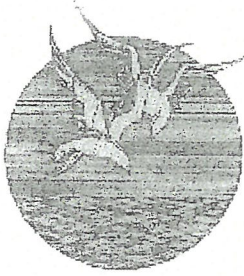
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4. Prior to construction of any new unit, it is recommended the two existing parcels be consolidated.

V. DECISION OPTIONS

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

The City Council may choose one of the following motions:

1. Move to continue the hearing to the next meeting (note a final decision is due 02-04-23 unless extended by the applicant)
2. Move to deny the zone map amendment based on identification of new findings to support denial.
3. Move to approve the zone map amendment subject to the recommended conditions of approval, and direct staff to prepare an ordinance for adoption at the next City Council meeting.



CITY OF GEARHART

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

APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION
2ND THURSDAY, 6:00 PM

DATE RECEIVED 9/26/22

1. APPLICANT: MIKE MORGAN PHONE: 503 739 0102
MAILING ADDRESS: P.O. BOX 132 CANNON BEACH, OR 97110
EMAIL ADDRESS: HMINC@PACIFIER.COM CELL PHONE: _____
2. PROPERTY OWNER: PAUL FALBY + BILL NOBLE PHONE: 503 803 8224
MAILING ADDRESS: P.O. BOX 2384 GEARHART OR 97138
EMAIL ADDRESS: BILL.HIMSAC@YAHOO.COM CELL PHONE: _____
3. SURVEYOR/ENGINEER: _____ PHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____ CELL PHONE: _____
4. LEGAL COUNSEL: _____ PHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____ CELL PHONE: _____
5. PROPERTY LOCATION: 1777 PINE RIDGE DR AND 1837 PINE RIDGE DR
6. LEGAL DESCRIPTION OF PROPERTY:
(A) ASSESSORS PLAT AND TAX LOT: 610 3BA 1700 AND 610 3BA 1800
(B) ADDITION, BLOCK, AND LOT: _____

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

7. SIGNATURE (APPLICANT) Mike Morgan DATE: 9 26 22
PRINT MIKE MORGAN
8. SIGNATURE (OWNER) SEE ATTACHED DATE: _____
PRINT _____

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

TO BE COMPLETED BY STAFF

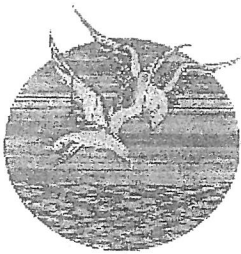
DOES APPLICANT OWN ANY MONEY TO THE CITY? NO
FOR _____ ACCOUNT # _____

IF SO, AMOUNT _____
DEPARTMENT STAFF _____ (INITIAL)

OCTOBER 2016

APP COVER (2) 2016

PAID
CR 5781 9/26/22



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-3501 • (503) FAX 738-9385

ZONING AMENDMENT APPLICATION

APPLICANT: MIKE MORGAN APPLICATION FEE: \$3500.00 PD _____

TEXT AMENDMENT

1. PAGE AND SECTION TO BE AMENDED _____
2. TEXT AMENDMENT REQUESTED: _____

3. REASON FOR REQUEST: _____

4. HOW IS THE PROPOSED REQUEST CONSISTENT WITH THE COMPREHENSIVE PLAN? _____

5. IS THERE A PUBLIC NEED FOR THE PROPOSED REQUEST, PLEASE EXPLAIN: _____

ZONE MAP AMENDMENT

1. CHANGE OF ZONE FROM R-1 TO R-3
2. HOW IS THE PROPOSED REQUEST CONSISTENT WITH THE COMPREHENSIVE PLAN?
SEE ATTACHED FINDINGS OF FACT
3. HOW WILL THIS AMENDMENT MEET A LAND USE NEED? _____

4. EXPLAIN HOW THE PROPOSED AMENDMENT WILL BE COMPATIBLE WITH THE LAND USE DEVELOPMENT PATTERN IN THE VICINITY OF THE REQUEST _____

5. IS THE LAND PHYSICALLY SUITABLE FOR THE USES TO BE ALLOWED IN TERMS OF SLOPE, SOILS, FLOOD HAZARDS AND OTHER RELEVANT CONSIDERATIONS? PLEASE EXPLAIN: _____

6. ARE THE PUBLIC FACILITIES AND SERVICES, INCLUDING TRANSPORTATION SYSTEMS AND ACCESS AVAILABLE TO ACCOMMODATE THE PROPOSED USE? PLEASE EXPLAIN _____

IF ZONING MAP IS TO BE AMENDED SHOW AREA ON MAP (ATTACHED)
PLOT PLAN MUST ACCOMPANY APPLICATION IF REQUIRED.

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

MARCH 2020

ZONING AMENDMENT



CITY OF GEARHART

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

APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION
2ND THURSDAY, 6:00 PM

DATE RECEIVED _____

CONSULTATION

1. APPLICANT: MIKE MORGAN, PLANNING PHONE: 503 739 0102
MAILING ADDRESS: PO BOX 132 CANNON BEACH, OR 97110
EMAIL ADDRESS: HMINC@PACIFIER CELL PHONE: SAME
2. PROPERTY OWNER: BILL HANSA NOBLE PHONE: 503 803 8229
MAILING ADDRESS: PAUL FALBY, PO B 2389 GEARHART OR 97138
EMAIL ADDRESS: BILLHANSA@YAHOO.COM CELL PHONE: _____
3. SURVEYOR/ENGINEER: _____ PHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____ CELL PHONE: _____
4. LEGAL COUNSEL: _____ PHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____ CELL PHONE: _____
5. PROPERTY LOCATION: _____
6. LEGAL DESCRIPTION OF PROPERTY:
(A) ASSESSORS PLAT AND TAX LOT: _____
(B) ADDITION, BLOCK, AND LOT: _____

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

7. SIGNATURE (APPLICANT) [Signature] DATE: 9-9-22
PRINT MIKE MORGAN
8. SIGNATURE (OWNER) [Signature] DATE: 9-13-22
PRINT PAUL T. FALBY

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

TO BE COMPLETED BY STAFF

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

OCTOBER 2016

APP COVER (2) 2016

paul falby & bill noble rentals

1777 pine ridge dr, gearhart oregon

units	rent	tenants		occupied
#1 3 bds	1,250	2 adults	1 child	5 years
#2 2bds	875	2 adults		10 years
#3. 2bds	875	2 adults		5 years
#4 2bds	875	1 adults		3 years
#5 2bds	875	1 adults		22 years
#6. 2bds	925	2 adults	1 child	2 years
#7 2bds	875	2 adults		18 years
#8. 1bds	625	1 adults		14 years
#9 2bds	825	2 adults		9 years

1837 pine ridge dr, gearhart oregon

#1. 2bds	1050	3 adults		9 years
#2. 2bds	825	1 adults		7 years
#3. 2bds	1200	2 adults	2 child	1 year
#4 2bds	1200	1 adults		1 month
#5. 2bds	1200	1 adults	1 child.	1 month
#6. 3bds	1200	1 adults	1 child.	9 years

PROPOSED ZONING MAP AMENDMENT, 1777 PINE RIDGE DRIVE AND 1837 PINE RIDGE DRIVE.

FINDINGS OF FACT

1. How is the proposed request consistent with the Comprehensive Plan?

Finding: The primary policy of the Housing section of the Comp Plan is number 1, which states:

"The City, through provisions in its Zoning Ordinance shall allow for needed housing types such as manufacture (sic) dwellings, duplexes, multi-family dwellings, and residential care facilities and residential homes."

The applicants' property has been a multifamily complex for several decades, predating the current Plan and zoning ordinance. Two of the buildings were built in 1973 and one was built in 1976. Presumably, the property was inappropriately zoned R-1 in the early 1980s when the State-mandated Plan and ordinances were developed.

Tax lot 1700 is 1 acre in size, and contains 6 units. Tax lot 1800 is 2.07 acres in size and has 9 units in two buildings. The complex is well within the zoning standard for the R-3 zone, which allows 16 units per acre. The owners hope to be able to build two more fourplexes, or eight units on the remaining buildable portion.

As can be seen in the list of rental units, (Attachment 1), the apartments are available to persons of modest incomes, with rents ranging from \$625 to \$1250 per month. According to HUD standards, households should not pay more than 30% of their income in housing costs. It appears that most if not all of the units are priced so that individuals and families with incomes below the Gearhart median income of \$83,194, or the per capita income of \$37,449. Gearhart and Clatsop County has a much higher average housing cost than the national average, estimated as 135% of the median. Four or five units are occupied by seniors, and five have children.

These fifteen rental units are unique in the City, in that they are privately owned, as opposed to the only other complex owned by the Housing

Authority. The owners have maintained the below market rents and have provided affordable housing. During the pandemic, several units were subsidized by Clatsop Community Action. None of the units are subsidized by the Housing Authority, although they would likely be eligible.

2. Finding: The proposed map amendment would be consistent with the Public Facilities and Services goal as follows:

“The City of Gearhart will comply with all applicable State and Federal environmental, noise, air and solid waste standards.”

The apartment complex has been in existence for almost fifty years, and has had no violations of any environmental laws or regulations. The units are on DEQ and County approved septic systems, as is all of Gearhart and the surrounding area. All three of the septic systems have been replaced over the last several years and are up to date. Water is supplied by the City of Gearhart relatively new municipal water treatment system, which has adequate capacity for the existing units and planned expansion of eight units. There have been no violations of noise, air quality or solid waste standards over the last five decades.

3. Finding: The proposed map amendment would be consistent with the Transportation Goals as follows:

“Goal 1: Provide a transportation system that ensures a convenient and accessible network for all modes of travel, including walking, bicycling, transit and driving.”

The complex has excellent access to the Gearhart Loop Road and US 101 for vehicles, bicycles and pedestrians. There is a bike path along the Loop Road for access to other areas of the City. Residents can walk a short distance to the highway to catch a Sunset Empire Transportation District bus, which will stop for all riders. Drivers access the apartments off of Pine Ridge Road, rather than the Loop Road, which is appropriate for safety and circulation. If each

unit generated 3-4 vehicle trips per day (VTD), which is a typical estimate for denser multifamily developments, the total for 15 units would be 45-60 VTD. This is in comparison to single family detached units which generate 9-10 VTD.

4. How will this amendment meet a land use need?

Finding:

As discussed above, the primary land use need for Gearhart and the entire County is to provide affordable housing, as demonstrated by the County-wide effort to find ways to encourage the development of housing for people of low, moderate, and middle incomes. By amending the zoning map and changing the zone on this property from R-1 to R-3, the City will provide assurance to the owners and residents of the apartments that they will be able to maintain the density rather than revert to single family lots in the event of a catastrophic fire or a natural disaster. It will also allow the owners to build eight additional units, further adding to the inventory of affordable housing.

It is important to note that these three structures are non-conforming uses, under Sec. 10.060 of the zoning ordinance which states:

“Should the exterior framing of a nonconforming use of non-conforming portion of a structure be destroyed or dismantled to an extent of more than 40%, the structure shall not be reconstructed except in conformity with the provisions of this ordinance.”

It is felt that 40% is a very low threshold for destruction. Most cities in the County utilize a standard of 80%. In any case, a massive fire or tsunami would mean that new construction on this site would have to be single family dwellings under the R-1 section of the code. This would reduce the number of rental units in Gearhart significantly, especially those available to low and moderate income renters.

5. How the proposed amendment will be compatible with the land use development pattern in the vicinity of the request:

Finding: Although there is no R-3 zoning in the vicinity of this property, it is immediately adjacent to the U-Haul operation on US 101, which is zoned commercial. There is a multifamily use east of US 101 (Tradewinds Apartments), although it is in the commercial zone.

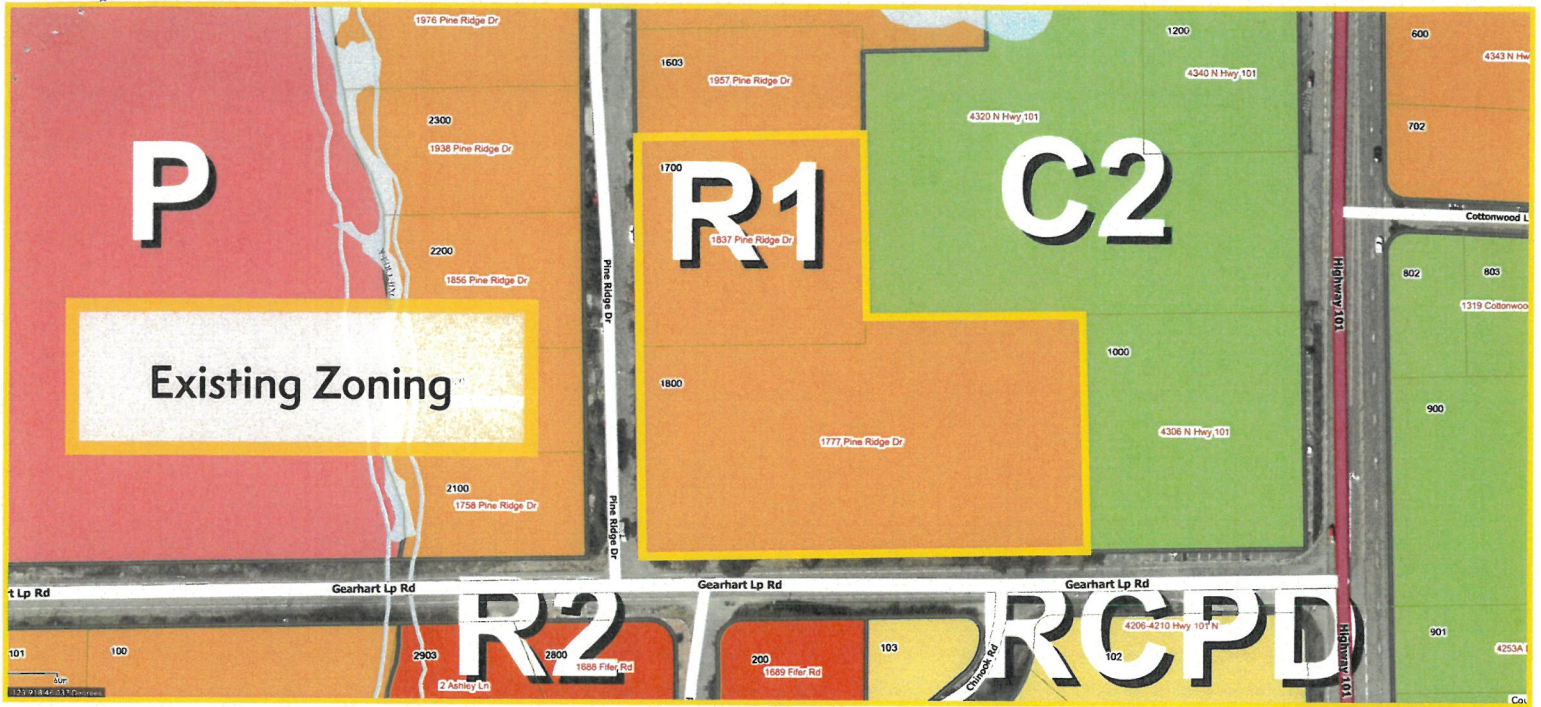
6. The land is physically suitable for the uses to be allowed in terms of slope, soils, flood hazards and other relevant considerations.

Finding: The land is typical of land throughout Gearhart, i.e. stabilized dunes. A portion of the property is wetlands, which will remain undeveloped. The property has been developed for almost fifty years without structural issues. It lies within the Cascadia Tsunami zone as is virtually all of Gearhart.

7. Public facilities, including transportation systems and access are available to accommodate the proposed use.

Finding: Public facilities and transportation are discussed above, including access.

Conclusion: The request appears to meet all of the criteria of the Comprehensive Plan and Zoning Ordinance. It is requested that the Planning Commission and City Council approve the zone map amendment.





Apartment complex seen from Gearhart Loop Road
1777 Pine Ridge Road • Tax Lot 1800



Rear of apartment building
on Gearhart Loop Road



Apartment building on Pine Ridge Road
1837 Pine Ridge Road • Tax Lot 1700



Vacant parcel on Tax Lot 1700



CITY OF GEARHART

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(503) 738-5501 • (503) FAX 738-9385

November 19, 2022
PUBLIC NOTICE

Notice is hereby given that in accordance with Section 13.030 Administrative Provision of the City of Gearhart Zoning Ordinance, the Gearhart City Council will hold the following public hearing on Wednesday, December 7, 2022 at 6:00 p.m. in Gearhart City Hall, 698 Pacific Way, via video and teleconference call. You can get participation information at <https://www.cityofgearhart.com/calendar> closer to the hearing date.

File #22-08.ZMA - Zone change request submitted by Michael Morgan for property located at 1777 pine Ridge Dr. & 1837 Pine Ridge Dr. and further described as Assessors Plat 6.10.3BA, Taxlot 1700 & 1800. Said request is to change the zone from Low Density Residential R-1 Section 3.1 to High Density Residential R-3 Section 3.3. In order to expand the existing apartment complex.

Criteria relevant to the zone change are Zoning Ordinance Section 3.1 R-1 Zone, Section 3.3 R-3, Zone, Sec 3.13 Freshwater Wetland Overlay Zone, Section 3.14 Tsunami Hazard Overlay Zone, Article 4 Transportation Improvements, Article 6 Offstreet Parking, and Landscaping requirements.

A copy of the application, all documents and evidence relied upon, staff report, and applicable criteria pertinent to the requests are available seven (7) days prior to the hearing for review on the city website www.cityofgearhart.com or may be obtained at Gearhart City Hall, 503-738-5501, at a reasonable cost. All interested parties are invited to express their opinion for or against the request at the hearing by letter addressed to the Gearhart Planning Commission at P. O. Box 2510, Gearhart, Oregon 97138, or by email at planning@cityofgearhart.com. All letters must be received no later than the prior Tuesday to the hearing by 5:00 o'clock pm. The public hearing will be conducted in accordance with Section 13.050 of the Gearhart Zoning Ordinance.

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

Angoleana R. Brien
Gearhart Planning Commission
City of Gearhart

Mail/Publish 11/19/2022

CH120722