

February 24, 2021

## **CITY OF GEARHART STAFF REPORT**

To: Gearhart City Council

From: Carole Connell, City Planner

Re: March 2, 2022, Public Hearing

City File # 21-004 CP.ZTA Gearhart Parks and Recreation Master Plan PRMP Draft February 2022

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### I. Proposal

A public hearing to consider the Draft Gearhart Parks and Recreation Master Plan (PRMP) prepared by the Parks Master Plan Citizens Advisory Committee and followed by public hearings and a recommendation by the Gearhart Planning Commission for proposed legislative amendments to the Gearhart Comprehensive Plan and Zoning and Subdivision Ordinances

### II. Applicable Amendment Review Criteria and Procedures

1. GZO Article 11 Amendments
2. GZO Article 13 Administrative & Procedural Provisions
3. GZO Section 3.9 Parks and Open Space Zone
4. Gearhart Comprehensive Plan and Background Report
5. Gearhart Transportation System Plan (TSP)
6. Gearhart Subdivision Ordinance

### III. Public Testimony

- Eric Eiseman email 1-19-22 comments and recommended amendment to page 10 re: Morey parcel.

### IV. Effect of Plan adoption

- A. Gearhart Comprehensive Plan: Adopt the Gearhart Parks and Recreation Master Plan (PRMP), and amend the Comprehensive Plan Chapter Goal 8 Recreation, Goal 10 Transportation and any other relevant Plan sections to include a reference to and adoption of the Gearhart PRMP
- B. Comprehensive Plan Background Report: By reference adoption updates the original Comprehensive Plan Background 1994 report pages 34 – 37 Parks and Recreation.
- C. Maps & photos to be included in the Park Plan: Add TSP Volume 1 maps re: location, assessment and project costs of planned pedestrian and bike facilities, Figures 4,5 & 7. Add Oregon Bike Route Trail and Oregon Coast Trail. Add photographs of select parks and trails.
- D. Gearhart PRMP Capital Improvement Plan: City Council review of Park Plan Sections 4 & 5 (pages 21-24)
- E. Gearhart Zoning Ordinance  
Amend the Gearhart Zoning Ordinance GZO Section 3.9 P Parks and Open Space Zone with a cross reference to assure compliance with the Gearhart Parks Master Plan in new

development. Amend the zone to apply the Necanicum estuary 50' riparian vegetation setback provision for City Parks located on the estuary.

- F. Amend the Subdivision Ordinance with a cross reference of compliance with the Gearhart PRMP in new land divisions and subdivision development.
- G. The CAC and the Planning Commission recommend the City Council formally name the Trails End/Centennial/City Center Park.

## SUMMARY CONCLUSION

It is recommended that the Gearhart City Council consider testimony and propose additions, deletions, or corrections to the draft plan. The amendments are important to the residents and visitors of the Gearhart community, finding the amendments comply with the relevant policies of the Gearhart Comprehensive Plan and that there is a need to include community parks and recreation policies and guidelines in its planning policies and development regulations.

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### V. Purpose of the Amendments

The draft plan is consistent with the Gearhart Comprehensive Plan Goal 8 Recreation Policy 4 which states: "The City will create a master parks and trails plan so that development and maintenance may proceed in an orderly way, as funds may become available." The amendments are also consistent with the Gearhart Transportation System Plan (TSP) which identifies walking paths, sidewalks and evacuation route locations to accommodate pedestrian, bicycling and recreation and sight-seeing throughout the community.

### **Why is the City considering the proposed land use amendments?**

The absence of a park plan for Gearhart with adopted policy and land use development guidelines discourages the opportunity to plan for the future of Gearhart residents and visitors.

- Prior land use decisions affecting city parks and open spaces have occurred without the foresight of specific policies and guidelines relevant to city parks.
- The Gearhart Transportation System Plan (TSP) provides projects in multiple locations citywide to enhance pedestrian trails, bicycle routes and emergency evacuation routes. The proposed park plan adds trails and a cross references TSP facilities and routes.
- The proposed park plan provides the ability for the city to consider if new development is consistent with relevant park plan policies, has access to parks, and whether on-site park improvements in a new development may be applicable.
- The City of Gearhart does not have adequate funding to maintain and develop park and recreation improvements. Adoption of the plan establishes a premise for the City to request state or federal funding for city park improvements.

For these reasons the Oregon Parks and Recreation Department (OPRD) awarded the City a \$15,000 grant to develop a Parks Master Plan with policies and standards for Gearhart. The grant was awarded in October 2019 and for the past year two and a half years City officials, staff and residents have devoted significant time and resources to develop the plan. The grant has paid for costs incurred by the city planner in the development, preparation, and publication of the plan. The grant will fund plan graphics, photos, and publication.

#### VI. GZO Article 11 Amendment Procedures and Approval Criteria

The amendments to the Comprehensive Plan and Zoning Ordinance are legislative and may be initiated by the Planning Commission, the City Council, or a property owner. After public notice of Planning Commission and City Council public hearings on the matter, the amendments shall be reviewed in accordance with the procedures of GZO 13.050 Administrative Provisions

The first evidentiary public hearing by the Planning Commission was October 14, 2021. The Planning Commission continued the hearing twice, held another work session and on February 10, 2022, made amendments to the plan and forwarded their recommendation to the City Council. On March 2, 2022, 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, Zoning and Subdivision Ordinances. 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.

#### VII. Comprehensive Plan and Zoning Ordinance Amendments

##### A. Comprehensive Plan Amendments

The proposed amendments will add new park planning policies currently not addressed in the Gearhart Comprehensive Plan in the form of a cross-reference to the policies and capital improvements identified in the Gearhart Parks and Recreation Master Plan.

##### B. Zoning Ordinance Amendments:

The proposed draft plan proposes amendments applicable to city-owned parks zoned Parks and Open Space P, as well as planned pedestrian path and bicycle route connections. The amendments include implementing comprehensive plan policies in Goals 8, Recreation and 10 Transportation, and establish standards, requirements, incentives, and other measures to be applied in the review and authorization of new land uses in city-owned parks and in some private development activities.

1. GZO Section 3.9 Parks and Open Space Zone uses: The amendments will retain the existing permitted and conditional uses in the zone, add a 50-foot riparian vegetation protection standard for city-owned parks in the Necanicum estuary, and a cross-reference to the policies and plans in the Gearhart PRMP.
2. GZO Section 4.080 Transportation; Pedestrian Access and Circulation

- a. Purpose section: Add reference to the Gearhart PRMP pedestrian and bicycle recreation trails and routes.
  - b. Standards section: Add reference to the Gearhart PRMP policies and planned improvements
- C. Subdivision and Land Partition Ordinance Amendments:
- 1. Section 39 Recreation and utility Easements: “Easements for such uses as...planned recreational bike and pedestrian trails in accordance with the Gearhart Transportation System Plan (TSP) and the Gearhart Parks and Recreation Master Plan (PRMP) shall be identified...
  - 2. Section 44 Land for Public Purposes: “The Planning Commission may require the reservation for public acquisitions of public park or recreation trails in accordance with the Gearhart PRMP”...
  - 3. Section 37 Principals of Acceptability for a land division shall conform to any development plans including the Gearhart TSP and the Gearhart PRMP.

VIII. GZO Section 11.040 Amendment Approval 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.

A. Amendment Criterion 1: Comprehensive Plan Policy Compliance

The Comprehensive Plan provides multiple policies in several plan sections supporting the development and adoption of a Gearhart Parks Master Plan as follows:

1. Goal 1 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 to assure citizen involvement is provided in the amendment process when adopting new or revised standards. The City has ensured that technical information is available to citizens, the Planning Commission and City Council who represent the wide diversity of views and interests in the community. Citizen involvement and an open process are provided for in the Gearhart Zoning Ordinance Article 10 Amendments and Article 12 Procedures 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 procedures 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 comply with the Gearhart Comprehensive Plan and Statewide Planning Goals.

When making comprehensive plan and zoning ordinance 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. Adoption of the Plan will bring the City into compliance with the state LCDC Goal 8 Recreation as well as the city policy in the Gearhart the Comprehensive Plan policy to develop and adopt a park plan,

The project was partially funded by a \$15,000 grant from the Oregon Parks and Recreation Department. The state notice to proceed was issued on October 3, 2019, but the project was delayed due to the COVID outbreak. In April 2020 the City staff began the process and sought interested citizens from neighborhoods throughout the city to serve on a park plan advisory committee.

The Gearhart Parks Master Plan Advisory Committee served as the project advisory committee and prepared the draft plan. The Committee held 14 public meetings and work sessions to prepare the draft plan between October 2020 and August 2021. The meetings were advertised and open to the public. There are city records of all meetings. The CAC members represented several neighborhoods and included the Director of the Seaside Parks and Recreation Department, a Gearhart resident. In addition, a public survey was posted and mailed to all residents in the city. Survey results are in the plan appendices.

In September and again in October 2021 the City website published the CAC's draft document as it was developed over the course of the project. In October the Planning Commission held the first of three public hearings and deliberated on February 10, 2022, forwarding their revised version of the Plan to City Council.

On March 2, 2022, City Council will hold another public hearing on the document to provide opportunity for additional comment and feedback. 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 initial hearing and notice was published more than 20 days before the initial Planning Commission hearing held on September 9, 2021, postponed it until October 14, 2021, and left the hearing open twice for additional testimony in November and January 2022. The City finds the process for developing the proposed Gearhart Park and Recreation Master Plan

and policies complies with city and state citizen involvement and land use planning goals and procedures.

Other relevant Comprehensive Plan Policies:

2. General Development Goals: *“To preserve the low density, semi-rural character of Gearhart. To ensure that development occurs in a manner that is in harmony with the sensitive coastal environment that defines Gearhart.”*
3. Open Space, Scenic Areas, Historic and Natural Resources (LCDC Goal 5): *“To conserve, preserve, and protect open space, scenic areas, historic and natural resources in and around the Gearhart community for future generations.”*
4. Air, Water, and Land Resource Quality (LCDC Goal 6): policy “1. *The City will require the separation and buffering of industrial and transportation related noise sources from noise sensitive areas through the use of . . . setbacks, buffer strips, berms, performance standards and overlay zones . . .* policy 2. *The City will encourage the use of alternative modes of transportation to the automobile . . .*”
5. Geology and Geologic Hazards (LCDC Goal 7): “Policies Related to Reducing Development Risk in High Tsunami Risk Areas: 2... *Encourage open space, public and private recreation and other minimally developed uses within the tsunami inundation zone area.* 6. *Protect and enhance existing dune features and coastal vegetation to promote natural buffers and reduce erosion.”*
6. Recreation (LCDC Goal 8): *“To encourage further development of recreational facilities in the Gearhart area commensurate with air, land, water, environmental and scenic resources.”*
7. Economy & Energy (LCDC Goals 9 and 13): “Policies: . . . *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; and policy 5. The City will discourage proposals for municipal projects not essential to public health, safety and welfare, which would increase the City’s existing bonded debt and place unreasonable financial burdens on residents.”*
8. Transportation (LCDC Goal 12): “*Goal 1: Access and Connectivity for All Modes. Provide a transportation system that ensures a convenient and accessible network for all modes of travel, including walking, biking, using transit, and driving. . . Goal 4: Livability, Health, and Recreation: ...4.2 Preserve and enhance the Ridge Path as a recreational asset for the city and a segment of the Oregon Coast Trail by establishing connections to the path, requiring appropriate access easements, and maintaining the path surface. . . 4.4 Coordinate with the Oregon State Parks Department to regulate driving and parking on the beach within the Gearhart Urban Growth Boundary. . .*”

*Goal 5: Environmental Resources: policy 5.2 Implement local, state, and federal regulations to minimize the impacts of transportation on environmental resources, including streams, freshwater wetlands, estuaries, dunes, and habitat areas.”*

FINDINGS: The Planning Commission finds the proposed Park Plan policies and development standards recognize the coastal environment is sensitive and will protect those attributes and maintain the semi-rural character of Gearhart. The Planning Commission finds the amendments will encourage preservation of open space and natural resources.

The Planning Commission finds the draft amendments do not change the current lands zoned Park and Open Space P or add new lands zoned P. The amendments as written do not change the permitted or conditional uses in the Park Zone.

The Planning Commission finds the proposed policies and regulations will ensure Gearhart has specific guidelines and standards to address park and recreation needs relevant to future development proposals and to assure that new development is located and built within proximity to park resources. Adoption of the proposed amendments will allow for outside funding assistance to help make future public park improvements. This is an important budgeting option for the city and will help to meet its goals to create an active, healthy, and livable community.

The Planning Commission finds the amendments delineate objective standards to assure future growth and development projects consider park and recreation needs in a comprehensive manner. Neighborhoods with access to park facilities will add a value that compliments city goals for a stable and 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 development and subdivision standards will assure that roads, walkways, paths, and connections to city services will be reviewed in accordance with the proposed Park Plan policies.

10. Transportation (LCDC Goal 10)

FINDINGS: The Planning Commission finds the proposed amendments are consistent with and support the Gearhart TSP which identifies numerous pedestrian, bicycle and evacuation routes. The amendments add specific guidance to assure consistency with relevant elements of the TSP when reviewing new development proposals. The

“Highway 101 Improvement and Safety Plan” is due for completion in 2022. That plan will include several highway crossings for pedestrians and bicycles. The crossings will significantly improve the safety of walking and biking on or across the highway and will help to connect existing and future park facilities on the east and west sides of town. The proposed Park Plan is consistent with the following transportation policies on page 25 of the Gearhart Comprehensive Plan:

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

*1.2 Where street connections are not possible or desired, seek development of multi-use path connections between disconnected streets or public access ways to create a more connected and continuous transportation system for walking, biking and rolling.*

*2.1 Coordinate with ODOT to provide mobility on U.S. 101 while integrating the needs for local access and for modes other than the private automobile.*

*4.1 Pursue the development of a network of local shared access paths and trails in coordination with the regional trail network*

*4.2 Preserve and enhance the Ridge Path as a recreational asset for the city and a segment of the Oregon Coast Trail by establishing connections to the path, requiring appropriate access easements and maintain a path surface.*

#### 11. Urban Growth (LCDC Goal 14)

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

FINDINGS: The Planning Commission finds the Plan and amendments will be applicable to land outside the city but inside the Gearhart UGB. The Park Plan identifies the need to support new park facilities in areas identified as underserved and without adequate recreation opportunities.

#### 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 Planning Commission finds the amendments affect the portion of the estuary zoned Park P. A proposed change to the Park Zone in the draft Plan includes adding the Necanicum Estuary 50’ setback provisions to the Park Zone as follows:

*Necanicum River Estuary setback: All structures and uses shall be setback fifty feet (50) from the Necanicum River Estuary*



*unless direct water access is required in conjunction with a water dependent use. The setback shall be measured from the mean high-water line. Riparian vegetation within this setback shall be protected as specified in GZO Section 6.070 (5).*

13. 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 Park P Zone designation has four locations within the BAD Overlay. These include the North Ocean Front dunes, the Ocean Front Dunes west of Lesley Miller Park, the South Ocean Front dunes connecting to the Little Beach Dunes extending east to Wellington Trail Head. The Fire Lane Trail traverses all the dunes from the trail head on the south to the UGB on the north. The proposed plan policy amendments address the number and location of existing and new benches located in the dunes. The bench policy has been a topic of the Gearhart Homeowners for decades causing confusion over what it is and who is responsible for it, until now.

B. Amendment Criterion 2: Demonstration of Public Need

FINDINGS: The Planning Commission finds for the reasons set forth in the Comprehensive Plan Goal 8 Recreation policies to develop a Parks and Recreation Plan since conception of the Comprehensive Plan in 1974, there is a demand and public needs for the proposed plan. Further, based on the stated purposes and intent of the plan document, state approval to fund development of a park plan, and the above findings, the City has determined there is a public need for the amendments.

IV. RECOMMENDATION

The Gearhart Parks Master Plan CAC and the Gearhart Planning Commission recommend approval of the plan as may be further amended by the City Council. Sections 4 & 5 Existing and Proposed Park Capital Improvement Plan (p. 21-24) were prepared by city staff. The CAC and Planning Commission decided those sections were for staff and City Council to determine.

Motion options:

1. Based on the findings in this report, I move we direct city staff to prepare a final draft of the plan, the zoning and subdivision amendments and an ordinance to approve the proposed Gearhart Park and Recreation Master Plan, as amended by Council tonight.
2. I move to continue the subject hearing until \_\_\_\_\_ because \_\_\_\_\_

3. I move to deny the proposed amendments based on a new set of findings to support denial.

# Subject: FW: Gearhart Parks Master Plan - Comments



**connellpc@comcast.net**

to Carole Connell

You are viewing an attached message. City Of Gearhart Mail can't verify the authenticity of attached me

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**From:** Eric Eisemann <[e.eisemann@e2landuse.com](mailto:e.eisemann@e2landuse.com)>  
**Sent:** Wednesday, January 19, 2022 2:27 PM  
**To:** Cheryl Lund <[planning@ci.gearhart.or.us](mailto:planning@ci.gearhart.or.us)>  
**Cc:** [connellpc@comcast.net](mailto:connellpc@comcast.net); Bob Morey <[scofinz@aol.com](mailto:scofinz@aol.com)>  
**Subject:** Gearhart Parks Master Plan - Comments

Good afternoon.

Please accept these brief comments regarding Section 2.D of the Draft Gearhart Parks Master Plan, made on behalf of the c

Sections 2.D.1, 2.D.2 and 2.D.3 are a simple listing, an inventory, of seven "*Other privately-owned properties potentially rele*

- Section 2.D.1 describes only the size, location, and zoning of the five holdings of the North Coast Conservancy, Inc
- Section 2.D.2 describes only the size and location of the property owned by the Confederated Tribes of the Clatsop
- Section 2.D.3 describes the size, location, and zoning of the property and then goes on to discuss the current use

As you will note, the inventory is silent regarding the current use or speculative use of the other six properties. Why does the  
We suggest a description of the former school site should be consistent with how Section 2.D describes the six other sites. V

*Property at 1002 Pacific Way formerly occupied by the Gearhart Elementary School*  
8.5 acres previously owned by Seaside School District #10 was sold in November 2020 to SCOFI Gearhart LLC, an Oregon

Thank you for considering this request to describe all properties on the inventory equally.

Sincerely,

Eric Eisemann  
On behalf of SCOFI Gearhart, LLC

E<sup>2</sup> Land Use Planning LLC  
2554 NE 48<sup>th</sup> Ave.  
Portland, OR 97213  
360.750.0038  
[e.eisemann@e2landuse.com](mailto:e.eisemann@e2landuse.com)  
[www.e2landuse.com](http://www.e2landuse.com)

## 2.D Other Privately-Owned Properties Potentially Relevant to Parks Planning

### 2.D.1 Holdings of North Coast Land Conservancy, Inc.:

- 37.7 acres of undeveloped land at north end of City limits, just west of Neacoxie Creek (Zoning: R1-Low Density Residential)
- 28.7 acres of undeveloped land at north end of City limits, just west of Highway 101, east of the residential properties along Pine Ridge Drive, identified as Tract D (south of Shamrock Road) and Tract E (north of Shamrock Road) on the Plat of Shamrock Pines (1997) (Zoning: R1-Low Density Residential)
- 10.5 acres of undeveloped land just west of Highway 101 and just south of Gearhart Loop Road (Zoning: RCPD—Residential-Commercial Planned Development)
- 3.2 acres of undeveloped land south of G Street and east of Woodland Court (Zoning: A2 – Aquatic Conservation)
- 63.2 acres of undeveloped land just north and east of City limits at northwest corner of City

2.D.2 Holdings of the Confederated Tribes of the Clatsop-Nehalem: 18.2 acres of undeveloped land just south of City limits at confluence of Neacoxie Creek and Neawanna Creek.

2.D.3 Property at 1002 Pacific Way formerly occupied by the Gearhart Elementary School – 8.5 acres previously owned by Seaside School District #10 and occupied by the Gearhart Elementary School; sold in late 2020 to Scofi Gearhart, LLC (a privately-held Oregon limited liability company). The current owner of the property has discontinued public access to the property, but has informally indicated an intent to reopen the eastern portion of the property to public access at some point in the future and a desire to redevelop the western portion of the property for some sort of private commercial and/or residential use, as yet undetermined, which new use would be subject to future approval by the City of change in zoning for the property. (Current Zoning – PSP-Public and Semi-Public)

# MEMORANDUM

In this packet is the final draft of the Parks Master Plan. There will be additional pictures of our parks, beaches, and dunes, etc. taken throughout Gearhart by Don Frank that will be added into the final plan. These pictures are not available yet, however we are hoping to have them prior to the council meeting on March 2<sup>nd</sup>. If you have any questions please contact Carole or I via email at [connellpc@comcast.net](mailto:connellpc@comcast.net), [planning@cityofgearhart.com](mailto:planning@cityofgearhart.com) or by phone at (503)738-5501.

Thank you,

Angoleana Brien  
Planning Assistant