

ORDINANCE NO. 935

AN ORDINANCE AMENDING THE ZONING MAP FOR THE CITY OF GEARHART BY CHANGING THE ZONING DESIGNATION FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) FOR PROPERTY DESCRIPTION ON ASSESSORS PLAT 61003BA, TAX LOTS 1700 AND 1800, WEST OF HIGHWAY 101, ADJOINING PINE RIDGE DRIVE AT THE INTERSECTION OF GEARHART LANE.

The City of Gearhart does ordain as follows:

Section 1. The City of Gearhart Zoning Map shall be amended to change the zoning designation of property located in the City of Gearhart and described on Assessors Plat 61003BA, tax lots 1700 and 1800, west of Highway 101, adjoining Pine Ridge Drive at the intersection of Gearhart Lane from R-1 (Low Density Residential) to R-3 (High Density Residential).

Passed by the Common Council of the City of Gearhart this 1st day of February 2023.

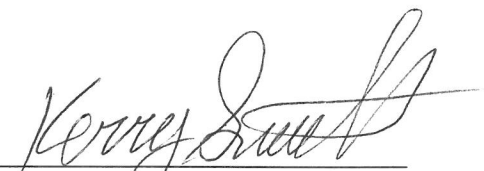
YEAS: 5

NAYS: 0

ABSENT: 0

ABSTAIN: 0

Signed and approved by the Mayor of the City of Gearhart this 1st day of February 2023.


Kerry Smith, Mayor

ATTEST:


Chad Sweet, City Administrator

**BEFORE THE CITY COUNCIL
OF THE CITY OF GEARHART**

**IN THE MATTER OF AN APPLICATION) FINAL FINDINGS
FOR A ZONE CHANGE) AND ORDER**

A decision to **APPROVE** 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.

City File #12-008ZMA

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

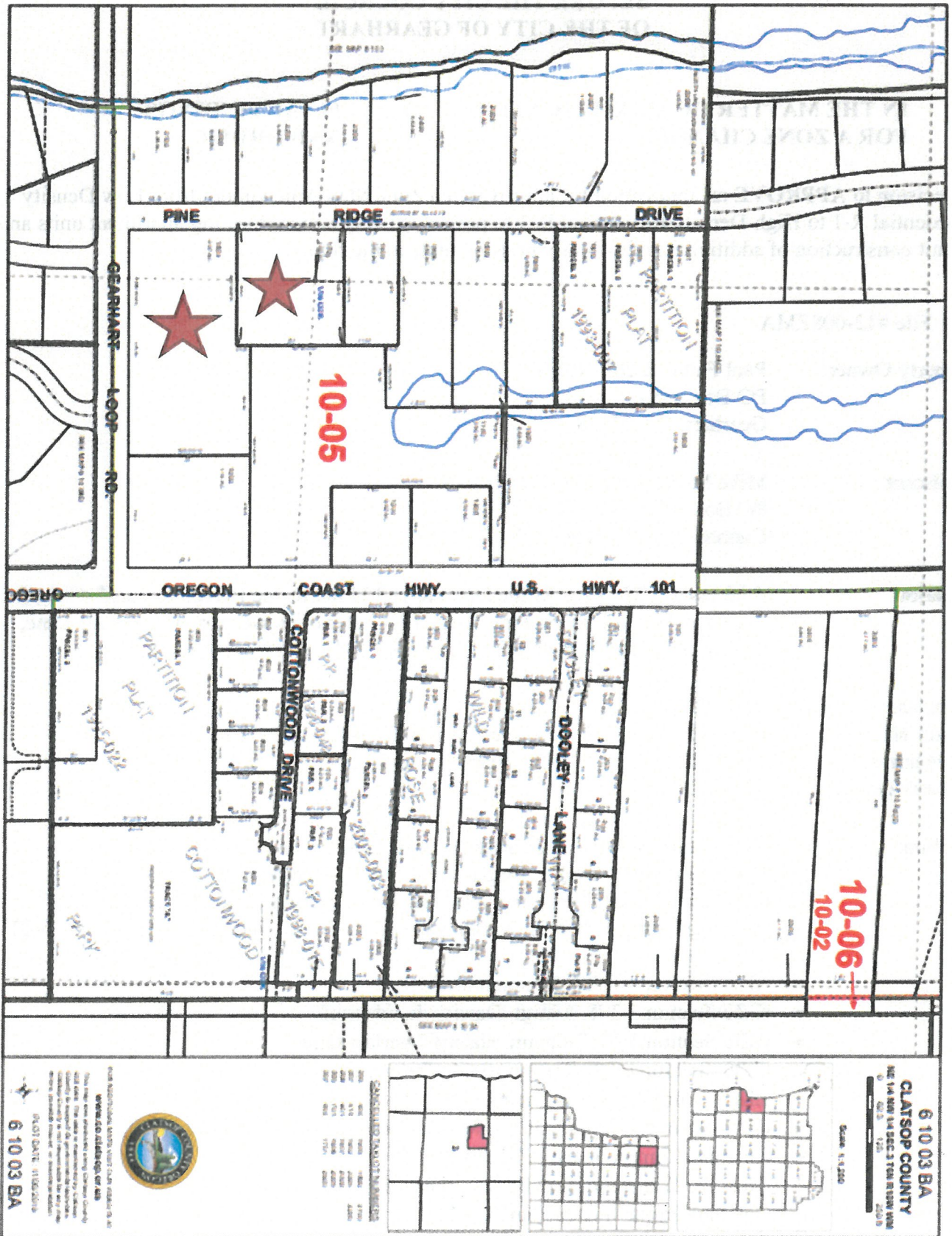
Applicant: Mike Morgan, Consulting Planner
 PO Box 132
 Cannon Beach, Oregon 97110

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, Karen Johnson 11-30-22, Paulina Cockrum 12-05-22

- 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 is 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 of 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 a 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.

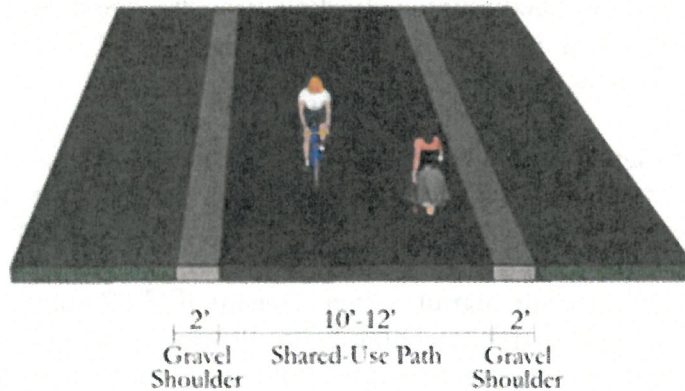
FINDINGS: The subject zone map amendment could result in “new development” because the R-3 zone increases the residential density and allows multi-family housing currently not permitted on the site. Therefore, improvements to existing abutting streets are required, at least at the time of new development.

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:

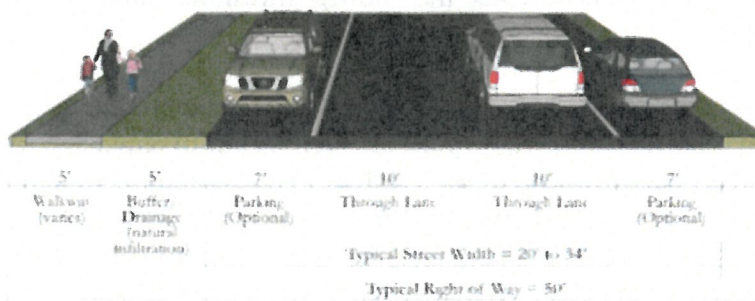
- a. Project #G11: add pedestrian/bicycle/evacuation improvements and signage on both sides of Gearhart Loop (Lane) Road from Hwy 101 to Cottage Ave.

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 duplex, three, four and 5+ plex units in 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.

The 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 gross acres x 10 d.u. per acre = 30 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, Bud's 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 City Council 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

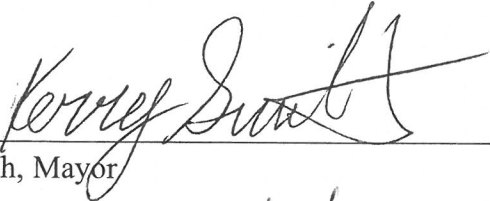
construction to ensure there is adequate septic capacity on the site. The Council chose to restrict housing allowance only as allowed in the R-3 zone.

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

1. Maximum site density shall not exceed 30 dwelling units, required as a deed restriction.
2. Tourist accommodations or short-term rentals are prohibited, required 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 required the two existing parcels be consolidated.
5. Restricted to housing as allowed in the R-3 zone, required as a deed restriction.

V. DECISION

1. Based on the findings in this report as amended by the City Council on December 7, 2022, the Council moved 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 on January 4, 2023.

Signed: 
Kerry Smith, Mayor

Date: 2/1/2023

DATE MAILED: 2/7/2023

APPEAL: In accordance with the Gearhart Zoning Code Section 13.060 (7) the decision of the City Council may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days of the date this final order is signed. The complete case, including this final order is available for review at the City.