

CITY OF GEARHART

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

June 8, 2017

MEMBERS: Carl Anderson, Jeremy Davis, Virginia Dideum, Terry Graff, Richard Owsley, Russ Taggard and David Smith.

STAFF: Carole Connell and Chad Sweet

Minutes

The regular meeting of the Gearhart Planning Commission for June 8, 2017 was called to order at 6:00 pm by President Virginia Dideum.

On **MOTION** by Taggard, 2nd by Davis, the minutes of May 11, 2017 were unanimously approved.

The financial report of June 2, 2017 was as follows:

Planning Commission expenses:

Year to date	7630.65
Balance	869.35

Planning Commission Secretary Expenses:

Year to date	27,024.29
Balance	2,975.71

On **MOTION** by Taggard, 2nd by Owsley, the financial report of June 2, 2017 was unanimously approved.

STAFF REPORTS

Sweet reported on the short term vacation rental permits with parking being the biggest issues, in addition to the variance applications to be heard this evening there are potentially several more applications to come in. Administratively the application completion date will be extended due to availability of contractor and limited city staff to process. As long as an application is in process the timeframe will be extended until completion.

Sweet reported on the LUBA appeal of Ordinance 901 & 902. The city won all seven issues brought up by the petitioners, the applicants can still file an appeal with the Oregon State Court of Appeals.

Connell reported on the Transportation System Plan, ordinance amendments are coming to the commission in a public hearing July 13th. On June 29 an advisory committee meeting will be held from 1-3 pm at city hall followed by a joint council / commission work session at 6pm in the fire station.

COMMISSIONERS REPORTS

None

CORRESPONDENCE

Margaret Marino – submitting her resignation from the Sand Dune Committee.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

Dideum read the disclosure statement into the record. She asked if there was any conflict of interest, ex parte contact or bias from any commissioner for either of the hearing before the commission. None was declared.

She asked there were any audience challenges to the commission hearing the applications before the commission. None was voiced.

Dideum opened the public hearing at 6:15 pm to consider application #17-006V submitted by Muffie LaTourette to allow use of the garage as two of the approved parking spaces for property located at 288 1st Street and further described as Assessors Plat 6 10 9AA, Tax Lots 9700 & 9702.

Connell declared the applicant was her first cousin and Sweet would be presenting the staff report. Sweet reviewed the staff report and recommendation.

Dideum asked for clarification since both the driveway and the garage measure 16' but the driveway photos appear larger. Sweet noted the measurements may be due to the way he was using the measuring wheel and the driveway could be as wide as 16'8"

Applicant Presentation

Muffie LaTourette, 2004 NW Irving Street #1, Portland, OR 97209/ 288 1st Street, Gearhart – LaTourette showed pictures of her 16 x16 storage room stating she has no reason to use her garage as storage since she has ample room for storage with the storage room. She showed pictures of the driveway 16'8" x 25' which exceeds space for 2 compact vehicles. The house was built in 1980 to code; the garage measured 23'10" x25' which far exceeds the minimum requirements for 2 standard parking spaces stating the garage has always been used for parking. She states tandem parking meets the intention of the code by getting more cars off the street with lesser street cut. The nature of vacation renters is to park and walk as much as possible not repeatedly moving cars and use of the garage as off street parking more than qualifies for the off street criteria for parking spaces. As an alternative they could remove landscaping on the Marion Street side and add gravel

but this would also eliminated 2 more parking spaces from Marion. She is requesting the variance be granted to allow the garage as off street parking space because they exceed the criteria and have more than enough room. LaTourette stated this is a family home, they only rent about 5 weeks a year to offset costs of having a home on the coast.

Davis asked if the interior of the garage has been used in the past for rentals.

LaTourette – said yes, she provides a garage clicker for the tenants. As a landlord she qualifies renters, she does not want groups or people that will abuse the property. She charges a \$1000 deposit; renters are charged \$250 for losing the clicker and if they violate any of her rules they forfeit the \$1000.

Smith asked if she rents 5 weeks a year is there a minimum rental period she requires.

LaTourette – she prefers 3 – 5 days, she finds long term renters are harder on the house.

Dideum . . . d what her plan was to make sure 4 cars parked in tandem.

LaTourette said it was part of the agreement they have to park in the garage and if they do not they forfeit the deposit. Since the ordinance took effect last year they have had about 5 renters and they all have parked in the garage, it's part of the contract that is signed and nonnegotiable. She explains the 'No Parking' on 1st Street, something the family is still getting used to. LaTourette clarified the garage is wider than the opening. She would like to be an example of what can be done right for Gearhart.

Tom Hendrickson, 2004 NW Irving #1, Portland, 97209 – asked what a standard size garage door is.

Taggard said 16'.

There were no proponents, no opponents, no neutral testimony and no correspondence.

No applicant rebuttal.

The public hearing was closed at 6:45 pm.

On **MOTION** by Taggard, 2nd by Davis, a motion was made to approve the variance request file #17-006V. Motion unanimously failed.

On **MOTION** by Taggard, 2nd by Davis, variance application #17-006V was unanimously approved to allow use of the garage as two of the required off street parking for property located at 288 1st Street and further described as Assessors Plat 6 109AA, Tax Lot 9700 and 9702. Said variance is approved with the conditions as recommended by city planner. (See attached)

Dideum opened the public hearing at 7:05 pm to consider application #17-007V submitted by Bob & Clare Carson to allow use of the garage as one of the approved parking spaces for property located at 226 Ridge Drive and further described as Assessors Plat 6 10 10BA, Tax Lot 2500.

Connell reviewed the staff report and recommendations noting receipt of a letter from a neighbor who is OK with the request if the hedge is trimmed back.

Owsley asked about the hedge and parking in the right of way if the hedge were trimmed.

Connell said 'no' the requirement is parking on the property.

Graff asked if the two parking spaces on the property are legal parking spaces, and where does the hedge fit into the parking scheme.

Connell said the 2 parking spaces are legal. The hedge became apparent because of the neighbor comments and narrow road, trimming the hedge would facilitate the free flow of traffic.

Smith asked if in the normal course of activity, the home with extra visitors would not be able to park without being in the street and removal of the hedge make it easier for the house to fit into the neighborhood and a good reason to include the conditions of hedge removal.

Dideum asked if the city required other homeowners to remove plantings in the right of way.

Sweet said no. He did clarify that the street only has a 30 foot right of way. Sweet said cleaning up the ROW would be an opportunity for the commission to make something better for the community.

There was no applicant or applicant's representative. Connell clarified he was a geologist and is working in a remote location.

Correspondence was entered into the record from Charlie and Ruth Kero, 298 Ridge Drive – thru traffic has been a problem due to the hedge growing into the right of way. They would have no objection to the variance if the hedge was trimmed back.

There were no proponents, no opponents, and no neutral testimony.

The public hearing was closed at 7:25 pm.

On **MOTION** by Anderson, 2nd by Owsley, a motion was made to approve application #17-007V with conditions one and three of the staff report prepared by the planner to allow for use of the garage as one of the required off street parking spaces for 226 Ridge Drive and further described as Assessors Plat 6 10 10BA, Tax Lot 2500.

On **MOTION** by Taggard, 2nd by Smith, an amendment to the motion was made to include condition #2 of the staff report prepared by the planner. Motion passed 5-2 Anderson – nay, Owsley- nay, Graff – aye, Davis –aye, Taggard – aye, Dideum – aye, Smith – aye.

MOTION to approve the variance – Motion failed 4-3. Anderson – nay, Owsley – aye, Graff – nay, Davis – aye, Taggard – aye, Dideum – nay, Smith –nay. (See attached)

OLD BUSINESS

None

NEW BUSINESS

Sweet reported on the status of the proposed fire station. There will be more research done on other sites that are not the city park but the park has not been ruled out, potential sites will be at the corner of Highlands and Sheridan and the second location will be in the Palisades. The fire committee will be coming to the council to request more funds for research.

Dideum asked Sweet what the status of the dune vegetation committee was. Sweet said the committee has 3 more meetings before they make a recommendation to the council.

Connell handed out the replacement pages for the zoning ordinance for the new recreational vehicle amendments.

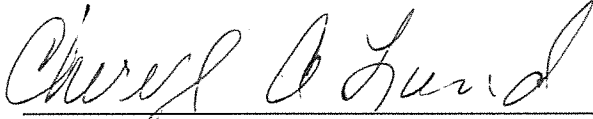
CONCERNS OF THE COMMISSION

None

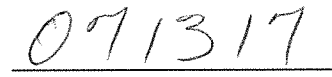
QUESTIONS FOR THE LAND USE ATTORNEY

None

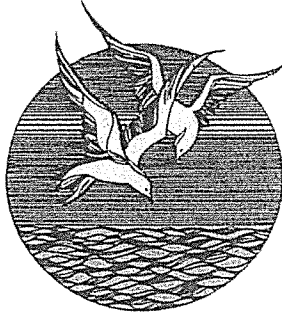
ON MOTION by Anderson, 2nd by Graff the meeting was closed at 7:40 pm.



Cheryl A. Lund, secretary



approved



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BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT) FINAL FINDINGS
FOR A VRD SETBACK VARIANCE) AND ORDER

CITY FILE #17-006V VRD Parking LaTourette

- A. **APPROVAL** of a Variance to allow for the use of the existing garage for two of the required four off-street spaces to meet occupancy and parking requirements for a 4-bedroom vacation rental dwelling.

Property Owner: Muffie LaTourette and Maria Black
2004 NW Irving Street # 1
Portland, OR 97209

Applicant: Same as Owner

Location: 288 1st Street; Tax Lots 9700 & 9702 Map 06N9W Section 09AA

Completeness: 04-14-17
Notice Mailed: 05-18-17
Notice Published: 05-18-17
Initial hearing: 06-08-17
120-day deadline: 08-12-17

Exhibits: Applicant's application, narrative, site plans & photos
Gearhart Volunteer Fire Dept. letter 4-13-17
Gearhart Building Inspector letter 5-04-17
Gearhart City Manager: email 4-17-17

Gearhart Police Chief: letter 1-24-17
Gearhart Public Works: no comment
Public Notice response: none

Applicable Criteria: GZO Section 3.1 Low Density Residential Zone R-1
GZO Section 7.030 Vacation Rental Permit Standards and Procedures 1)
Maximum Occupancy Calculations a.2) Off Street Parking; and 4) Off-
Street Parking Requirements
GZO Section 9.010 Variances
GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

A. Proposal: The purpose of the request is to allow for the use of the existing garage for two of the required four off-street spaces to meet occupancy and parking requirements for a 4-bedroom vacation rental dwelling.

B. Site information: The subject parcel has frontage on both Marion Avenue and 1st Street. 1st Street is a local street with no sidewalk. The dwelling and its front door face 1st Street, but due to an uphill slope and lack of space between the dwelling and the pavement, there is inadequate area for parking on 1st Street. A “No Parking” sign is posted on 1st Street.

Marion Avenue is a collector street that accommodates heavier traffic volumes than a local street. The pavement width is 22 feet, the sidewalk is 5.5 feet wide, the gravel strip is 8.5 feet wide and the ROW width is 60 feet. The garage and driveway on the east side of the dwelling provides parking and vehicle access onto Marion Avenue. On the north side of the residence there is a septic tank and drain field, lawn and landscaping. There is a slight uphill slope from Marion Avenue to the rear yard of the house.

C. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated Low Density Residential R-1 by the Gearhart Zoning Ordinance. The GZO Article specifies 7 Vacation Rental Standards and Procedures.

D. Agency Coordination: The proposal was referred to city departments.

The Fire Chief said “the garage is large enough to qualify as a two-car garage and suggested a yearly random inspection be required to confirm the garage is not being used for storage, has not been altered and still meets the minimum requirement for a two-car garage (fee for inspection to be determined).”

The City Building Official said “the residence currently has 16’ 6” spaces (sic) in front of the garage which would meet the requirements for two 8’ x 16’ compact vehicles allowed when four parking spaces are required. If the garage is in fact not being used as storage, and adequate space and vehicle access exist in the garage, I believe a variance would be appropriate in this case.”

The City Manager said (in summary) the permit application shows a request for a permit allowing up to four bedrooms but the Clatsop County Health Authority has not verified the septic capacity yet. The home has two adequate spaces to park in the driveway. The 16’6 inch wide garage door is one-foot six inches too narrow to accommodate two standard spaces inside the garage. It’s not clear how the garage “bump-outs” will help with this situation. He said people may find it inconvenient to park in the garage when they arrive if cars are parked in the driveway because then they would use the parking on the right-of-way. He said ascetically use of the garage would allow for the lawn and landscaping to remain as is, making for a more residential feel. The City Manager measured the driveway width again on 5-30-17 and determined it is 16’ wide.

The Police Chief said in summary the police department has had to respond to this residence on a number of occasions for parking issues on 1st Street and no parking signs have been installed.

E. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential R-1 zone is to provide for low density single family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses.

FINDINGS: The single family residence is a permitted use in the R-1 Zone. Surrounding uses are single family dwellings, city tennis courts, a water treatment facility and a city park.

F. GZO Section 6.130 Off-Street Parking Requirements

A single family residence is required to have a minimum of two off-street parking spaces that are either graveled or paved. The parking space shall be located on the same lot with the dwelling.

FINDINGS: The subject dwelling is a permitted use in the zone and meets the requirement of two off-street parking spaces for a single family dwelling. Currently there are four paved spaces, two of which are on the lot in the driveway and two are in the

garage. Further, in accordance with Section 6.150 Off-Street Parking and Loading – General Provisions:

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

FINDINGS: The parking was satisfied for the original single family dwelling because the minimum of two spaces were provided. The recently adopted vacation rental standards increased the parking requirements. The existing parking on the site is not in conformance with the vacation rental requirements because four outside spaces are now required.

G. GZO Article 7 Vacation Rental Standards and Procedures

Section 7.030 Maximum Occupancy Calculation

2) Off-Street Parking: One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.

FINDINGS: The vacation rental permit requests a 4-bedroom occupancy which requires a minimum of 4 outside, off-street parking spaces that may not include the garage. The 4 bedroom occupancy has been approved by DEQ.

The existing driveway provides two 8'3" x 23" stalls that are outside. Those stalls do not meet the allowed 9'x15" reduced standard for an existing structure but do meet the compact dimension (8'x 15") allowed for 50% of the required 4 spaces.

Therefore, if approved the garage must accommodate two standard spaces each a minimum of 9'x 18'. The dimensions for the garage spaces are about 8' 3" x 24' 8". Although once inside the garage widens to an estimated 26'8" and there is additional usable width inside the garage. Of the four proposed spaces all meet the minimum depth

and once inside the garage spaces meet the 9' standard width required for at least 50% of the four spaces.

Section 4. Off-Street Parking Requirements

- a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.030 (1) (a) (2) above, and are not required to be paved.
- b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street means within private property boundaries.

FINDINGS: The proposed parking plan is required to be posted in the dwelling and all spaces are to be available for guests.

H. GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities

A Variance to requirements of this ordinance with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation and evidence submitted by the applicant all three (3) of the following expressly written findings are made:

Approval Criteria

1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Ordinance; and

FINDINGS: The Planning Commission found present traffic volumes at the site or in the vicinity have not been quantified. Future traffic volumes on Marion Avenue are projected to increase as described in the draft Gearhart Transportation System Plan (TSP).

The Planning Commission heard the subject four parking spaces are tightly arranged and tandem spaces may be inconvenient for guests. A four-bedroom vacation dwelling could attract multiple families. But there is no evidence that the projected increase in traffic volumes on Marion Avenue will result in negative impacts on traffic flow in the area.

The Planning Commission finds the vacation home has continuously operated adequately with the existing parking arrangement since it was built 38 years ago. The homeowner manages their own rentals and cited detailed evidence of their consistent guest vetting, their written rental agreement language requiring vehicles to park in the garage and its provisions for fines in the event of violations. The Planning Commission found it is a more reasonable and desirable solution to allow vehicles to park in the vacant garage rather than requiring construction of two new outdoor spaces on the property that would result in a wider parking strip adjoining the street with more individual movements onto Marion Avenue. In conclusion they found the strict interpretation of the requirements are not likely to affect present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity. This criterion is met.

2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the street; and

FINDINGS: The Planning Commission found there is no evidence that the use of the vacation home in the past 38 years has ever resulted in the parking or loading of vehicles on Marion Street in such a manner as to materially interfere with the free flow of traffic on the street. The Commission finds a reasonable condition should be attached to the renewal whereby the garage can be randomly inspected by City staff to assure it is vacant and usable for parking two vehicles. The annual inspection will also provide city fire and police personnel to identify whether there have been incidents of vehicle interference with the free flow of traffic on Marion Avenue. This criterion is met.

3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this ordinance or policies contained within the Comprehensive Plan.

FINDINGS: The Planning Commission finds that traffic volumes on Marion Avenue will increase, however no evidence has been provided that parking and loading on Marion Avenue has or will create a safety hazard in this location.

The following Comprehensive Plan policy requires development to be compatible with the residential character of Gearhart.

- *“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;”
and;*

FINDINGS: The City adopted standards and procedures for vacation rental dwellings to protect residential neighborhoods from the negative impacts of the transient rental of property including traffic and similar disruptions created by vehicles in adjoining streets. For 38 years the dwelling has been used as a vacation dwelling for the owner or their renters. There is no evidence that use of the dwelling has resulted in increased levels of traffic or similar disruptions due to the existing parking arrangement.

The applicant proposes to adapt their existing circumstances to the vacation rental standards by continuing to use their existing driveway and vacant garage for four off-street parking spaces. The Planning Commission finds that continued use of the vacant garage is reasonable as there has been no known interference with traffic flow and no known safety hazards created by the parking arrangement.

III. DECISION

Based on the findings in this decision on June 8, 2017 the Planning Commission decided to APPROVE the vacation rental parking variance subject to the following conditions:

1. This approval is subject to issuance of a Vacation Rental Dwelling Permit.
2. A yearly random inspection will be performed by the City to confirm the garage is not being used for storage, has not been altered and still meets the minimum requirement for a two-car garage (fee for inspection to be determined).

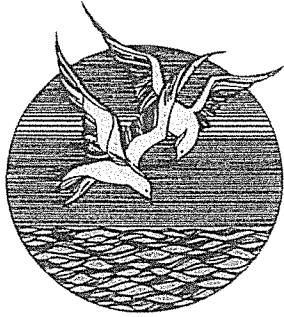
Signed: Virginia A. Dideum
Virginia Dideum, Planning Commission President

Date: 6/13/17

DATE MAILED: 06 14 17

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.



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BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT) FINAL FINDINGS
FOR A VRD PARKING VARIANCE) AND ORDER

CITY FILE #17-007V Carson Vacation Rental Parking Variance

DENIAL of a Variance to seeking relief from vacation rental off-street parking requirements in order to allow use of the garage for one parking space

Property Owner: Bob & Claire Carson
705 Boyer
Walla Walla, WA 99362

Applicant: Same as Owner

Location: 226 Ridge Drive; Tax Lot 2500 Map 06N10W Section 10BA

Completeness: 05-03-17
Notice Mailed: 05-18-17
Notice Published: 05-18-17
Initial hearing: 06-08-17
120-day deadline: 09-02-17

Exhibits: Applicant's application, site plans & photos
Gearhart Volunteer Fire Dept.: no comment
Gearhart Building Inspector: letter 5-4-17
Gearhart City Manager: email 5-26 & 5-31-17, and photos
Gearhart Police Chief: comments 5-4-17
Gearhart Public Works: no comment

Letter from Charlie & Ruth Kero, 5-31-17

Applicable Criteria: GZO Section 3.1 Low Density Residential Zone R-1
GZO Section 6.130 Off-Street Parking Requirements
GZO Section 7.030 Vacation Rental Permit Standards and Procedures 1)
Maximum Occupancy Calculations a.2) Off Street Parking; and 4) Off-
Street Parking Requirements
GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities
GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to allow use of the existing garage for one of the required three off-street spaces to meet occupancy and parking requirements for a 3-bedroom vacation rental dwelling.
- B. Site information: The subject parcel has frontage on Ridge Drive a narrow local street with no sidewalks. The street ROW width is 30 feet and the pavement width is 18 feet. The site is flat and fully landscaped. The existing hedge in the front yard between the dwelling and the street is partially located in the street right-of-way. The drain field is south of the dwelling in the side yard.
- C. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated Low Density Residential R-1 by the Gearhart Zoning Ordinance. The GZO Article specifies 7 Vacation Rental Standards and Procedures.
- D. Agency Coordination: City departments were notified and responded as follows:

The City Building Official said “the applicants are proposing to utilize their garage as one of the required off-street parking spaces. During my inspection of the dwelling, the garage did have a vehicle parked inside and was clearly not being used as storage. Since the owners in fact use the garage for parking, and the substantial impact it would have on their yard, landscaping, and privacy hedges to create another off-street parking space, I believe a variance would be appropriate in this case.”

The City Police Chief illustrated on the applicant’s aerial site plan that the hedge is located in the street right-of-way where utilities are located.

The City Administrator said (summarized) the permit application provides three parking stalls of adequate size if one in the garage is approved. He said the three bedroom dwelling could attract more than one family and people may find it inconvenient to park in the garage when they arrive if cars are already parked in the driveway. The front hedge has grown and is encroaching in the right-of-way whereas in the past it was smaller and there was additional space for parking. He said aesthetically use of the garage would allow for the lawn and landscaping to remain as is, making for a more residential feel.

On May 30, 2017 the City Administrator measured the site and found the driveway length is 18 feet from the garage to the property line. Again on June 1 the City Administrator took photos and measurements illustrating the property pin in relation to the street and hedge.

E. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential R-1 zone is to provide for low density single family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses.

FINDINGS: The site is zoned low-density residential R-1 and the subject dwelling is a permitted single family residential use.

F. GZO Section 6.130 Off-Street Parking Requirements

A single family residence is required to have a minimum of two off-street parking spaces that are either graveled or paved. The parking space shall be located on the same lot with the dwelling. See Section 7.030 below for vacation rental parking requirements that override the standard parking requirements for a single family dwelling.

FINDINGS: The subject dwelling met the zone requirement for two off-street parking spaces when the house was built because it had a two-car garage. Subsequent to a remodel there are now three paved spaces, one in the garage and two in the driveway. The applicant estimates the driveway depth is 18'. Further, in accordance with Section 6.150 Off-Street Parking and Loading – General Provisions:

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or

loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

FINDINGS: The parking was satisfied for the original single family dwelling because the minimum of two garage spaces were provided. The recently adopted vacation rental standards increased and override the parking requirements requiring one space per bedroom. The existing parking on the site is not in conformance with the vacation rental requirements because two outside spaces are provided where three are required.

G. GZO Article 7 Vacation Rental Standards and Procedures

Section 7.030 Maximum Occupancy Calculation

2) Off-Street Parking: One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.

FINDINGS: The vacation rental permit requests a 3-bedroom occupancy which requires 3 off-street parking spaces that are outside and may not include the garage. The allowance for smaller compact spaces does not apply because the property has less than four spaces proposed.

The application indicates the two exterior driveway spaces are 9' x 18'. The City Administrator's measurements confirmed from the garage door to the property line is 18 feet and the total driveway width is 17' rather than 18' needed for two 9' wide stalls. The applicant proposes to provide one 14' x 22' stall in the garage which exceeds the standard stall size.

Section 4. Off-Street Parking Requirements

- a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.030 (1) (a) (2) above, and are not required to be paved.
- b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street means within private property boundaries.

FINDINGS: The proposed parking plan does not meet the required outside location requirements and is about 1 foot less than the combined parking space width standard of 18 feet for two 9' wide stalls. The proposed parking plan is required to be posted for renters and all spaces are to be available.

H. GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities

A Variance to requirements of this ordinance with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation and evidence submitted by the applicant, all three (3) of the following expressly written findings are made:

1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Ordinance; and

FINDINGS: Ridge Drive is a local street with a 30' ROW and a pavement width of 18.5 feet. Current traffic volumes on the street are not known. The street connects to 5th Street. The draft Gearhart Transportation System Plan (TSP) indicates that traffic volumes in the city are projected to increase. Further, 5th Street from Summit Drive to the highway is proposed to provide a highway crossing for bicycles, pedestrians and emergency evacuation. An increase in traffic on 5th Street could increase traffic on Summit Drive and Ridge Drive.

The physical circumstances on the site would require partial removal of established landscaping and an established hedge between the front of the house and Ridge Drive in order to create an outside parking space wholly on the property for a 3-bedroom vacation rental. The site was originally developed for a 4-bedroom dwelling with a two-car garage and a driveway onto Ridge Drive. The dwelling was remodeled by incorporating one of the two garage parking spaces into the interior living area. The applicant plans to advertise their dwelling as a 3-bedroom rather than 4 bedroom rental due to the parking limitations on the site.

The Planning Commission finds Ridge Drive is narrower than most thru-streets in the vicinity. On this street the lot depth of the parcels is also shorter than standard. These dimensions create a situation where the land area in front of the homes on this street combined with the narrow street-right-of-way result in reduced land area for vehicle parking.

The Planning Commission finds evidence was provided by Charlie and Ruth Kero who live two houses to the north that "...parking at the Carson property has been a problem for thru traffic with cars and boat impeding the roadway..." The Commission finds a 3-bedroom vacation dwelling may attract more than 3 vehicles per stay which will force parking on the narrow street. In addition, the anticipated future increase in traffic in Gearhart will further exacerbate conflicts with vehicle parking in the roadway. Therefore the Commission finds the site specific circumstances warrant enforcing the requirement for a minimum of three outside off-street parking spaces.

2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the street; and

FINDINGS: The Planning Commission finds the narrowness of the street and the limited depth of front yards on Ridge Drive constrains the flow of traffic when additional vehicles are parked in the street. If renters arrive and the driveway spaces are taken they will be forced to park in the street until a car can be moved into the garage. Evidence has been provided by a neighbor that the free flow of traffic is impeded by vehicles and a boat parking in the street in front of the Carson dwelling. Therefore the Commission finds that the granting of the variance will result in the parking or loading of vehicles on a public street that interferes with the free flow of traffic and that an additional outside space should be required.

3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this ordinance or policies contained within the Comprehensive Plan

FINDINGS: The Planning Commission determined that vehicles currently park in the street at the subject dwelling due to limited off-street parking, which is a potential safety hazard now that will be exacerbated in the future as traffic increases.

The following Comprehensive Plan policy requires development to be compatible with the residential character of Gearhart.

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

FINDINGS: The City adopted standards and procedures for vacation rental dwellings to protect residential neighborhoods from the negative impacts of the transient rental of property and to discourage increased levels of traffic and similar disruptions. A neighbor resident indicates parking at the Carson's has been a problem for thru traffic due to vehicles impeding the roadway because of the hedge location in the street right-of-way.

The Commission finds it may be inconvenient and impractical to expect vacationers to consistently arrange the use of their cars during their stay by utilizing the garage space. The Commission finds there is evidence of negative impacts on the Ridge Drive residential neighborhood from vehicles parking in the street in front of the applicant's dwelling. The Commission finds it is reasonable to require one additional outside space adjoining the existing driveway spaces.

III. DECISION

Based on the findings in this decision on June 8, 2017 the Planning Commission decided to DENY the subject vacation rental parking variance.

Signed: Virginia A. Diderum
Virginia Diderum, Planning Commission President

Date: 6/13/2017

DATE MAILED: 06/14/17

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.