

CITY OF GEARHART

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

February 9, 2017

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

STAFF: Chad Sweet & Carole Connell

Minutes

The regular meeting of the Gearhart Planning Commission for February 9, 2017 was called to order at 6pm by President Virginia Dideum.

Discussion for clarification of Carole Connell's appearance by telephone, on **MOTION** by Anderson, 2nd by Owsley minutes of January 12, 2017 were unanimously approved as corrected.

The financial report as of February 2, 2017:

Planning Commission Expenses

Year to date 5,893.84

Balance 2,606.16

Planning Commission Secretary Expenses

Year to date 15,855.65

Balance 14,144.35

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

STAFF REPORTS

Connell reminded Commissioners of the joint TSP work session on February 16th to talk about the draft plan elements for the highway.

Sweet reported that Terry Lowenberg did submit an appeal of the Planning Commission decision regarding denial of allowing lottery machines in an approved conditional use.

Sweet noted the joint TSP work session on February 16th @ 6pm.

An informational Town Hall meeting has been schedule by the Fire Department committee for March 14th to present information and answer questions about the fire station replacement in the future.

Vacation rental update – Sweet noted 84 homes have applied for permits; tax revenue just from the homes is \$82,000 additional total revenue from all rentals over last year of \$142,000. The program is handle able, he anticipates code enforcement will be an issue in the spring with the new building official Mark Brien assisting with code enforcement.

Recreational Vehicles – City Council will be looking at a draft RV ordinance next month and then decide to adopt the ordinance or drop it all together. The Council is also looking at public property issues governing RVs within the Municipal Code.

LUBA appeal Ordinance 901 & 902, Transient Lodging Dwelling – the record has been set, the appellant's attorneys are putting their case together, the city will be allowed to respond and the hearing will be set.

Volunteer efforts in Gearhart – Sweet reported trail maintenance will begin on Duncan Trail volunteer dates will be posted on the blog. Gibbs Olson is working with the Army Corp of Engineers to get permitting finished for Duncan Trail Crossing between 8th & 10th Streets.

COMMISSIONER REPORTS

Dideum reported Commissioners were given a new list of staff/councilor emails when the city changed the website.

GOALS LIST

No action taken

CORRESPONDENCE

Only related to agenda items

VISITORS COMMENTS

None

The public hearing to consider application #17-003CU submitted by Gearhart Golf Links LLC to expand a nonconforming use and allow 16 guest rooms above the cart barn for property located at 1157 N Marion was called to order by Dideum.

Dideum read the hearings disclosure statement into the record. Dideum asked if there was any conflict of interest, exparte contact or personal bias from any Commissioner. None was declared.

Dideum asked if there were any challenges to the commission hearing the application before the commission. None was voiced.

Connell reviewed the staff report and the supplemental report recommending approval with conditions.

Taggard asked if the pull-in parking on the west side of Marion is city property or Gearhart House property.

Connell stated the parking is Gearhart House property.

Dideum asked for clarification if the request is to alter and expand as reported by Connell or new as reported by the building official.

Connell said per the building code the structure is new and has to meet all building code requirements, per the zoning code and planning it's a nonconforming structure being expanded and is a conditional use.

Davis asked about the building height and how it is measured.

Connell explained it is a technical definition of how it is measured; the applicant will give further clarification.

Smith asked about the roof style if it is a mansard roof or gable roof and how it is measured depending on the roof line, he noted there was no elevation indicated on the drawings. Smith further asked if the chimneys should be excluded since they are not really chimneys and should be subject to the height restriction. Smith commented applications coming before the commission present with a need or demand; he has not found any of his neighbors who see this as a need and asks who determines need and demand.

Connell said there is an aerial view that better depicts the mansard roof line. Connell reported the average height is 29'6".

APPLICANT REPORT

George Signori, Ankrom Moisan Architects, 38 NW Davis St. #300, Portland, OR 97209 – noted the cart barn is near the end of life and inadequate in size with no ability for the golf course to operate as a *play and stay site*. The existing hotel does not provide for a 4-sum and the Sandtrap is often full so the addition of 16 rooms will fill the need and allow for upgrading the site to a first class course, another

goal of the project was to provide a coaching clinic. One challenge was architectural incorporating an iconic history /structure into the existing cart barn, the solution was to expand the footprint by 8% to allow for more cart storage and clinic space and the 16 guest rooms would get the facility to the *play & stay* component. The parking lot has been grown towards the 1st fairway so they will need to repair the pavement and there will be a new driveway. The biggest issue was solving the building from an history approach, taking the elements from the current building and replicating them in a smaller scale into the new building and using the mansard roof idea to bring the scale down, measurements are taken from the flat roof of the mansard and the center line of each side of the building averaging and arriving at the height. From an architectural standpoint to passersby the chimneys are legitimate weather they are spewing smoke or radio waves.

Correspondence was entered into the record.

Lori & Dan Thurston, 22312 SW 107th Ave, Tualatin, OR 97062

OK for 16 guest rooms above golf course cart barn.

Allen Smock, 14920 NE Rose Pky, Portland, OR 97230

Does not approve of the conditional use.

Lisa Cerveny, P O Box 2368, Gearhart, OR 97138

Asked if there is a community need for the development, a new structure will obscure a lovely vista and add density to the area. Please deny the application.

Elizabeth Brooks , 2545 SW Terwilliger Blvd #1036, Portland, OR 97201

Opposed to adding more density of cars and people.

Susan Edy, 707 F Street, Gearhart, OR 97138

Not opposed to the proposal but the request is in conflict with the Comprehensive Plan by promoting tourism, request the project go forward but within the framework of the preexisting codes and ordinances.

Testimony was open to proponents.

None

Testimony was open to opponents.

Tom Thies, P O Box 2831, Gearhart, OR 97138

Thies has concerns it is a golf course becoming more of a resort, leaning towards tourism.

Testimony was open to neutral comments.

Jeanne Mark, P O Box 2627, Gearhart, OR 97138

Mark asked about the potential maximum occupancy, she asked if we are promoting more tourism, she has not seen a landscaping plan and that is important, she asked what the proportion of the small building with respect to the larger building, she is having trouble understanding the parking is it 46 or 29 units and would it encroach on the P zone.

Sharon Kloepfer, P O Box 2512, Gearhart, OR 97138

The drawing is bothering her aesthetically since the building is not parallel to the street and asked if it bothers the commissioners.

Applicant Rebuttal

Signori said there was a need from the owner's side.

With regards to the number of people simple math gets it to 68 people total including the existing hotel. He verified all rooms have king beds and each room rents to 2 people.

They will meet any landscaping requirements, they are known for landscaping throughout their facilities. The proportion to each facility is correct and the height of each facility is correct, what is not correct is there is more space between the buildings than depicted.

The building is cocked because they are building above the existing cart barn which is cocked.

Parking is being dealt with in the most compacted and less invasive way keeping parking in the existing lot growing into the golf course, P zone.

Jason Bangild, General Manager Gearhart Golf Links, P O Box 2874, Gearhart, Oregon 97138 – commented on the existing condition of the cart barn being held together by paint, deplorable and it is the first thing you see and the last thing you see. With regards to bringing in tourists Jason said projects have been to beautify the course at the same time not increasing annual rounds. Due to the weather no matter how many buildings they have there will still be limited rounds. They are a public golf course not with the goal of bringing in tourists but enhancing the experience for all participants. The teaching facility is important to him allowing him to teach and provide a place for participants to use the swing facility on rainy days. Due to the limited space for the cart barn he needs to bring in fleets of carts during tournaments.

Steven Able, Attorney Stoel Rives, 760 SW Ninth Ave #3000, Portland, OR 97205 – clarified definition of height importing the 30-32 feet number to the deck line of the mansard roof line. He pointed out 'nonconforming use' provision allows for uses to be moved within the golf course use and parking could occur anywhere on the course under that provision.

Davis asked about the angle of the building and if building on the nonconforming structure is what drives that – a limitation on conforming to the nonconforming.

Connell said yes and noted some of the building is located in the right of way and the plan would be to move the building out of the right of way.

Signori noted the physical need to meet the requirement to maintain the nonconforming structure and structural reason to maintain the retaining wall to protect the street from falling into the parking lot.

Owsley asked when the cart building was built and if they would be putting a new building on old concrete and if the building could be built straight.

Signori – 60s or 70s. He said they would use the old concrete to hold up the street and add structure. He doesn't think crookedness of a building is a problem from the code standpoint.

Dideum asked about the fence around Verizon and asked if it would be more than chicken wire.

Bangild was of the understanding the fence would be cedar and there would be a shed with cedar siding.

Dideum asked of Signori his written comments about shared parking not overlapping with golfers and overnight lodging.

Smith comments on the design structure and refusal to bring the nonconforming in to compliance asking how the decision was made noting the proposal allows for an even larger nonconforming structure.

Signori stated it was allowed in the code to use what was already there; they are reusing the retaining wall and concrete floor. In starting all over the building height would not work and the parking would not work.

Smith stated the chimneys are not required by the structure, and questions the reason for two chimneys/ antennas that are 40' above grade and felt the cell tower should be a separate issue.

Signori said the objective was to make the idea of antenna go away and make it a part of the building.

Anderson stated the chimneys are one tower cut in half, half of the array on each side of the building, a change in height would affect the radio frequency.

Dideum asked about front entrance from Marion and asked how people are going to get there after check-in.

Signori said there will be a ramp to the new building and an entrance door on the south side.

The public hearing was closed at 7:33 pm.

Connell will be adding the condition of a landscape plan per city approval.

On **MOTION** by Davis, 2nd by Taggard, conditional use permit #17-003CU for Gearhart Golf Links to allow construction of 16 guest rooms above the cart barn at 1157 N Marion Avenue was approved subject to conditions on page 11 of the January 5, 2017 staff report excluding #8 and adding a condition requiring a landscape plan that addresses the shielding of the Verizon equipment. Approved 6-0, Smith Abstain. (See attached)

Public Hearing #17-004V to consider allowing a concrete sidewalk and raised railed platform in the side yard for Young Life Breakaway Lodge, 220 Nita Avenue was called to order at 7:45pm.

Dideum asked if there was any conflict of interest, exparte contact or personal bias from any Commissioner. Taggard said he built the June house adjacent to the lodge about 10 years ago, Anderson has worked in conjunction with the summer camp program for the last 10 years and felt he could be non-biased in his deliberations.

Dideum asked if there were any challenges to the commission hearing the application before the commission. None was voiced.

Connell reviewed the staff report noting not all four criteria have been met and recommends denial.

Applicants Report

Jeff Johnson, Young Life Manager, P O Box 2685, Gearhart, OR 97138 – (page2)Johnson corrected the west side walk saying it extends just short of center of the property; (page 3) he clarified parking on Nita would be out of the main flow of traffic on the unimproved portion not to disrupt traffic; (page 4) Johnson has talked to Mr. June regarding the project. (page 5) questions the practice of driveway crossing right of way saying it has been acceptable around town, the reason for extending the walk into the right of way is to connect with the street and the portion of the lawn Young Life maintains this would facilitate off-loading of the truck and lessen time on site. (page 6) The motivation of the project is to relieve activity for neighbors on D Street and Marion narrower streets. The project is in compliance with the comprehensive plan and has a positive impact, a quicker process.

Dideum questioned Johnson's statement about taking traffic off Nita.

Johnson said they would not be taking traffic off Nita but stopping at Nita and taking traffic off D Street and Marion, much narrower streets.

Dideum asked about truck parking in the summer when the Nita Street parking is full.

Johnson said there is still room for parking in the undeveloped portion of Nita to the north and access for cars to get by.

Smith asked if this was the best approach to solve the issue and if other ideas were explored.

Johnson said what this solves is getting the traffic off of D and Marion and the impact to the neighbors it also allows for a shorter delivery time.

Correspondence was entered into the record.

Matt & Lynn Nichols, 5303 NE 178th Street, Lake Forest, WA 98155

Request will have a negative impact on the residential intention of the comprehensive plan, adding commercial deliveries to Nita will add noise and traffic, request the variance be denied.

Judd & Kathy Todd, P O Box 2326, Gearhart OR 97138

They agree not all of the criteria have been satisfied, they object to the proposal unless it is vetted with the proposed advertised expansion. If the application is approved they recommend 'all truck deliveries should enter and exit on B Street'.

William June, 1975 SW Edgewood Rd, Portland, OR 97201

He has concerns about the proposed ramp affecting his privacy; the frequency of use and noise associated with the new ramp.

Testimony was open to proponent

None

Testimony was open to opponents

Bill June, 1975 SW Edgewood Rd, Portland, OR 97201 – he is the closest neighbor to the project, his outdoor use area is coordinated to Young Life's minimum use, they are good neighbors but noisy neighbors. He submitted pictures of proximity to the development. June is reluctant to rely on vegetation to provide screening. The project will take a tranquil area and make it a more active area; he would like to have the impact on them considered, the proposed conditions do not mitigate their issues.

Testimony was open to neutral comments.

None

Applicants Rebuttal

Johnson stated deliveries are made during regular business hours.

Connell noted talking to Molly Hurley property owner on B Street who said a lot of children bicycle on Nita and B streets because it is a protected area

The public hearing was closed at 8:20pm.

On **MOTION** by Davis, 2nd by Owsley, variance application #17-004V submitted by Young Life Breakaway Lodge to construct a sidewalk and raised railed platform in the side yard setback was denied. 6-0 Anderson abstained (See attached)

OLD BUSINESS

None

NEW BUSINESS

Sweet presented correspondence to the commission regarding dune vegetation removal. Sweet would like to keep the discussion moving. Due to the language in the Beaches and Dunes Overlay zone and interpretation preventing removal of vegetation up to 50% property owners are not permitted to remove noxious weeds. While the city is reviewing a plan for the dune Sweet proposes bringing a draft amendment to the BAD Overlay zone to allow for noxious weed removal and maintain a buffer zone around the current fire road for emergency operations. Another issue that needs to be fixed is the lack of regulatory 'time' for vegetation removal. Sweet will be working with the attorney, sending the draft to DCLD and bring the amendment to the Commission for discussion and public hearing in April.

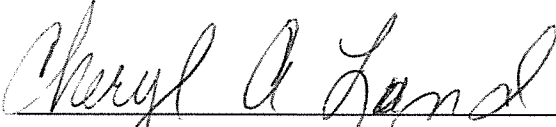
CONCERNS OF THE COMMISSION

None


QUESTIONS FOR LAND USE ATTORNEY

Davis asked for a legal interpretation of the variance criteria and if an applicant must meet 1 or all 4 criteria.

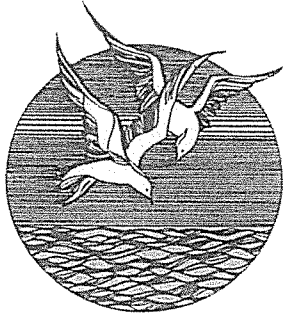
On **MOTION** by Graff, 2nd by Owsley, the meeting was adjourned at 8:40pm.



Planning Commission Secretary



approved



CITY OF GEARHART

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BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT FOR A) FINAL FINDINGS
CONDITIONAL USE PERMIT TO ADD 16) AND ORDER
HOTEL ROOMS; CITY FILE #17-003 CU)

APPROVAL of a Conditional Use Permit to construct a new building with 16 hotel rooms, a golf training room, golf cart storage and cellular equipment by altering and expanding the nonconforming existing golf cart barn structure at the Gearhart Golf Links

Applicant: George Signori
Ankrom Moisan Architects, Inc.
38 NW Davis Street
Portland, Oregon 97209

Property Owner: Gearhart Golf Links, LLC
PO Box 2824
Portland, OR 97208

Location: 1157 N. Marion Avenue; Tax Lot 100 Map 06N103

Completeness: 12-01-16
Notice Mailed: 12-23-16
Notice Published: 12-23-16
120-day deadline: 03-28-16

- Exhibits:
- Supplemental Staff Report, 2-2-17
 - Application, narrative, site plan, elevations 11-29-16

- Traffic Impact Memorandum, Lancaster Engineering 10-25-16
- Gearhart Fire Chief: see comments and concerns letter dated 12-20-16
- Gearhart Building Inspector: Building code occupancy change, letter dated 12-26-16
- Gearhart Police Chief: parking concerns in letter dated 12-12-16
- Gearhart City Manager: questions on 12-12, 12-14 & 12-29-16 decommission water main
- Letters from Allen Smock dated 12-28-16 , Lisa Cerveny 1-9-17, Elizabeth Brooke, Lori and Dan Thurston 1-4-17 and Susan Edy 2-9-17

Gearhart Zoning Code Review Criteria:

- GZO Section 1.030 Definitions
- GZO Section 3.5 General Commercial C-2 Zone
- GZO Article 6 Supplementary Provisions
- GZO Section 8.040 Conditional Use Review Criteria
- GZO Section 8.060 Additional Modification of Standards for CUP
- GZO Section 10.040 Change of a Nonconforming Structure
- GZO Article 13 Application, Notice & Hearing Procedures

I. FINDINGS

- A. Proposal: The applicant proposes to expand their hotel lodging capacity with a new building compatibly designed with the existing Gearhart Hotel. The new three-story structure (80' x 113') utilizes the foundation of the existing one-story golf cart barn to construct a new building adjoining Marion Avenue. The building includes a virtual golf training facility on the first floor, 16 new guest rooms on the first and second floors, golf cart storage in the basement and mechanical equipment on the mansard roof. The existing roof, beams and a portion of the west wall of the cart barn will be demolished. A new structure will be built that increases the size of the cart barn by 85% for a total area of 13,370 square feet. Two cellular antenna are shrouded within two architectural chimney stacks on the roof and cellular equipment is enclosed by a fence in the parking lot.
- B. Site information: The subject parcel is an established existing 18-hole golf course with an 18-room hotel, a 7,596 SF restaurant and 1,752 SF of office space. There is a 67-space parking lot on the south side of the existing building. The original hotel approval was granted a parking variance to provide 1 space per hotel room rather than the required 1.5 spaces per room.
- C. Plan and Zone Standards: The site is designated Commercial by the Gearhart Comprehensive Plan and is designated General Commercial C-2 by the Gearhart Zoning Ordinance. Hotels, motels and tourist accommodations are a Conditional Use in the C-2

Zone. Office space is a permitted use. The application proposes to alter and expand the existing nonconforming golf cart barn as the foundation for the new structure, allowing the building to be located on the west property line instead of setback 25 feet from the front property line as required by the C-2 zone.

The existing golf cart barn is a nonconforming structure because when it was built it was cited on and partially over the front property line. Subsequent city zoning regulations established a 25 foot setback from the front property line. The cart barn foundation and walls are incorporated into the building in order to retain the nonconforming setback status of the cart barn. A nonconforming structure is defined in GZO section 1.030 as follows:

#123 Nonconforming Structure or Use: A lawful existing structure or use at the time this ordinance or any amendments thereto becomes effective which does not conform to the requirements of the zone in which it is located.

D. GZO Section 3.5 C-2 General Commercial Zone

1. The purpose of the C-2 zone is to provide a broad range of commercial uses and activities to serve the needs of the City and its visitors.
2. Section 3.540 C-2 Zone Standards.
 - a. C-2 Zone Conditional Uses: Per Section 3.530 #8. Hotel, Motel or other tourist accommodations are permitted in accordance with Article 8 Conditional Uses. A public utility (cellular equipment) is an outright permitted use in the C-2 Zone.
 - b. Yards: The front yard shall be a minimum of 25 feet; the rear and side yard shall be 5 feet or the same as in the abutting residential zone. The proposed structure is not near a side or rear property line. The proposed building is located on the front property line in the northwest corner then angles east to an estimated 10 feet from the property line in the southwest corner.
 - c. Height restriction: Maximum height shall be 30 feet from grade. Building Height is defined as “*the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the highest point of a pitched roof.*” The applicant indicates the height measurements are set to the deck line of the mansard section of roof in the middle of the building. Plan set sheet A3.01 and A3.02 indicate the height ranges from 23’ at the street grade to 32’ from grade of the east elevation. The applicant indicates the average height of the four walls is 29’6” measured at the center of each wall and divided by four. The architectural chimney shrouds for the cellular antenna exceed the 30-foot building height limit.

- d. Lot Area: No minimum requirement
- e. Lot Coverage: No maximum restriction
- f. Off-Street parking: As specified in Section 6.130
- g. Sign Requirements: As specified in Section 6.140
- h. Buffer Requirements: None required because the proposed building has no yard area that abuts a residential zone
- i. Landscaping requirements: None required but planned to be provided

E. GZO Section 8.020 Planning Commission Authority

This section provides that the Planning Commission shall have the authority to approve, approve with conditions or disapprove Conditional Use Permits in accordance with the standards and procedures of the section, addressed below. Oregon courts have found that a listed conditional use is an allowed use subject to conditions of approval applicable to the site and use.

F. GZO Article 10 Nonconforming Uses

Section 10.010 Purpose

“Invariably, at the time a zoning ordinance is adopted or amended, certain uses which existed prior to the adoption or amendment will not conform to the use or dimension regulations for the District. These are known as nonconforming uses, and in order to feasibly adopt the zoning ordinance and so as not to cause undue hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in this section.”

The hotel expansion is proposed to be located over the existing cart barn north of the existing hotel and pro shop parking area. The applicant is requesting approval to locate the new building atop the cart barn structure and expand it east to utilize the street frontage and parking areas, to avoid expanding into the golf course and to locate within the C-2 zone boundary.

The existing cart barn is built on and slightly over the front property line. As noted earlier, the front yard setback in a C-2 zone is 25 feet. By utilizing the existing nonconforming cart barn structure, the zoning regulations allow a nonconforming structure to be altered as follows:

10.040 Change of a Nonconforming Structure

Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage requirements may be altered or extended

providing the alteration or extension does not exceed the area, height, or lot coverage requirements of this ordinance.

FINDINGS: The nonconforming cart barn structure can be altered because it is not being altered or extended in a manner that exceeds the lot area, height or lot coverage requirements of the C-2 zone. Significantly, the above qualification does not include exceeding the “setback” requirement. Therefore enlarging the cart barn footprint by 85% is in conformance with these provisions.

G. GZO Article 6 Supplementary Provisions

1. 6.060 Clear Vision: There shall be a clear vision triangle where all driveways intersect with Marion Avenue per city specifications of 20’ in each direction for a service drive. There will be increased congestion of walkers, bicyclists and vehicles in the entry areas of the hotel. The clear vision requirement should be a condition of approval.
2. 6.130 Off-Street Parking Requirements: A hotel requires 1.5 spaces per guest room plus the office/clinic space requires 1 space for each 300 square feet. Parking spaces shall be 9’ x 18’ for standard vehicles and 8’ x 16’ for compact vehicles. Compact spaces may not exceed 50% of the total.

FINDINGS: A new 46 space parking lot is proposed on the east side of the proposed building. The proposed building is required to have 24 spaces for the 16 new guest rooms and 5 new spaces for the virtual golf training office space, for a total of 29 new spaces. The parking plan as revised indicates there are 46 new spaces in the new lot east of the proposed building. The applicant’s site plan indicates there will be 23 standard spaces and 23 compact spaces (50% each). The applicant does not intend to illuminate the parking lot with light fixtures.

The original hotel was granted a parking space variance to provide 1 space per hotel room instead of 1.5 spaces. There are 67 existing parking spaces adjacent to the existing building. There are also an estimated 21 spaces at the end of the first hole used for overflow parking. The combined existing and new buildings and uses are required to have a total of 125 off-street parking spaces. Deducting the overflow lot, the required loading berth and the on-street spaces from the plans, there are a total of 108 spaces for the entire facility. But the deficiency is accounted for due to the parking variance approved for the original building.

3. 6.140 Passenger Loading Zone: Guest reception and loading for the hotel addition will occur in the area provided for by the existing hotel. Pedestrian access from the

new building to the existing building is provided from a street level entry door along a pedestrian walk to the service drive, which connects to the existing entry drive. All existing on-street parking on the Marion Avenue frontage shall be removed to reduce pedestrian, bicycle and vehicle congestion.

4. 6.140 – 6.150 Off-Street Parking and Loading Provisions: Parking spaces may not be used for loading berths. A loading berth for the new building is not indicated on the original plans, but the applicant provided a revised site plan (1-5-17) adding a loading berth to the north side of the new building. The proposed service drive is 20 feet wide and paved. The service drive and parking stall shall be permanently marked. A landscape or fence buffer from a parking lot is only required where adjoining a residential use.
5. Section 6.182 Excavation, Fill and Grading Standards: The Uniform Building Code Chapter 70 compliance applies to all excavations and fill within the city and UGB. The applicant is required to provide an excavation/grading and fill plan for approval prior to issuance of a building permit.
6. Section 6.195 Preservation and Removal of Trees: Removal of 5 or more trees within a 12 month period requires city approval. The applicant indicates 9 trees will be removed to grade and pave additional parking on the east side of the new building. A tree is defined as a minimum size of 12” diameter at 4.5 feet high. Tree specifications were not provided in the original plan but the applicant indicated on 1-5-17 that all of the trees are less than 9” diameter.

The Planning Commission must approve tree removal based on at least one of the criteria. Criterion C. applies, stating there is a *“necessity to remove trees in order to construct proposed improvements including placement of structures, on-site sewerage disposal facilities, access ways, utilities, the need to make essential grade changes, and other authorized activities.”* The project plan requires grading on the east side of the building in order to provide required off-street parking.

7. Section 6.220 Outdoor Lighting: requires that fixtures be shielded or recessed into the building design to avoid casting glare onto adjacent property or upward into the night sky. A lighting plan is not provided but the applicant indicated wall mounted lights are likely.

H. GZO Section 8.040 General Conditional Use Review Criteria

Before a conditional use is approved, findings will be made that the use will comply with the following standards:

1. The proposed use is consistent with the policies of the Comprehensive Plan:

The Comprehensive Plan and the Zoning Code designate the subject property for general commercial use. The following Comprehensive Plan policies are relevant to the request to construct a new building for additional hotel guest rooms and office space:

Existing Plan Policies

- a. *The City will limit commercial activity in the City, in terms of both land devoted to commercial uses and the types of uses permitted in commercial zones, to a level that is compatible with Gearhart's residential character;*

PROPOSED FINDINGS: The amount of land devoted to commercial zones is not affected by the proposal because the site is currently zoned commercial and the new building is within the C-2 zone boundary. The existing hotel is an established permitted use proposed to be expanded to better serve their customers. The new use will increase the level of commercial activity in the area, which must be mitigated by adequate provisions for access, off-street parking, and vehicle and pedestrian circulation on the site. Approval of a conditional use may require site specific conditions to assure the increase in activity is ameliorated to the extent that the use remains compatible with Gearhart's residential character. Several conditions of approval are recommended.

- b. *The City will prevent the City from becoming a tourist destination. To achieve this policy the City, through its land-use designation shall seek to accommodate only a limited level of tourist development;*

PROPOSED FINDINGS: The subject land is already designated General Commercial C-2. The proposed use does not seek to expand the commercial zoning designation. The portion of the golf course zoned commercial will be built-out with the addition of this structure. Future commercial development at the golf course would require a zone change.

- c. *The City will work to achieve a level of commercial development that supports the needs of the residents of Gearhart, rather than serving a regional commercial center role, or providing for major tourist destination facilities;*

PROPOSED FINDINGS: The Gearhart Golf Course is an existing use that has served a regional commercial role and a major tourist attraction in Gearhart for 125 years. The City has determined that the portion of the course zoned C-2 is intended

to accommodate tourist accommodations. The applicant proposes to improve the facility and serve its customers by increasing the number of guest rooms.

d. The City will establish Zoning ordinance standards to protect residential areas from adjacent commercial development.

PROPOSED FINDINGS: The City established zoning standards to protect residential areas from commercial development. The applicant is required to comply with provisions for off-street parking, loading, access, circulation, signage, lighting, fire safety and septic safety. The subject neighborhood has developed more densely than most of Gearhart because of the commercial hotel, the higher density condominiums, and the public beach access. The City has the authority to ameliorate the increased impacts associated with adding 16 hotel rooms by adding appropriate conditions of approval.

e. 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.

PROPOSED FINDINGS: The expansion will increase the value of the golf course property, add jobs in the city and increase clientele for Gearhart businesses in accordance with the goal to ensure a stable and healthy economy.

f. The City will work to ensure that the Gearhart Golf Course, the second oldest in Oregon, remain a viable recreation resource.

PROPOSED FINDINGS: The proposed building addition is architecturally appealing and compatible with the existing hotel. The request to expand the hotel supports the continued viability of the Gearhart Golf Course, an important recreational resource in Gearhart.

Plan Compliance Summary: It can be found that the proposal is in compliance with a number of the relevant Comprehensive Plan policies and the intent of the C-2 zone, as long as the increase in activity in the neighborhood is adequately addressed with appropriate conditions of approval.

2. A demand exists for the use at the proposed location. Several factors which shall be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees), availability of similar uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitable zoned sites for the use;

PROPOSED FINDINGS: The hotel owner finds there is a demand for additional “stay-and-play” guest rooms and a need for additional golf cart storage. The proposed use is locationally dependent and cannot be compared to other C-2 zoned parcels on Highway 101. The R-3 zone also permits hotels conditionally. The land west of Marion in this vicinity is zoned R-3, but is essentially developed. The hotel is accessible to all customers, there are no other golf courses in Gearhart and there are no other parcels of land planned for a golf course and the associated amenities

3. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties:

PROPOSED FINDINGS: The long-standing golf and hotel use of the property and its location, size and operating characteristics may occasionally have some adverse impact on surrounding properties.

4. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

PROPOSED FINDINGS: The applicant provided a Technical Memorandum from Lancaster Engineering dated October 24, 2016 indicating the impacts of the proposed guest rooms are expected to generate between 10 – 14% more vehicular traffic to and from the site. The peak impact is on a Saturday when as estimated 11 additional vehicles are projected to either enter or exit the site an hour. The engineer stated the proposed expansion is not projected to cause any significant traffic impacts to the street system in the area. Accordingly they indicate no mitigation is necessary. See the Trip Generation summary table on pages 4 – 6 of the report and the report conclusion on page 7.

5. Public facilities and services are adequate to accommodate the proposed use:

PROPOSED FINDINGS: The subject building has access to water connections and other public facilities and services that must be permitted by the city and DEQ prior to occupancy. City staff identified an abandoned water line on the site that should be decommissioned as a part of this project. Compliance with fire safety and adequate septic disposal shall be a condition of approval.

6. The site’s physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use; and:

PROPOSED FINDINGS: For decades, the site has functioned appropriately for golfing and hotel activity. There are no known constraints related to topography or soil conditions on the parcel.

7. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on site drives, parking area, loading areas, storage facilities, setbacks, buffers, utilities or other facilities which are required by City ordinance or desired by the applicant.

PROPOSED FINDINGS: Site expansion is constrained by the golf course and existing streets. The new building provides the required drives, sidewalks, parking, loading and utilities. The nonconforming front yard setback is permitted within the parameters of Article 10 Nonconforming Uses and Structures. The staff is concerned about the off-street parking shortage. The employees be required to use the overflow lot at the end of the first hole.

I. Section 8.060 Additional Modifications of Standards for Conditional Uses

The Planning Commission may impose additional conditions if necessary to protect the best interest of the City as a whole. These additional conditions may include:

1. Increasing the required lot size or yard dimension;
2. Limiting the height of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;

PROPOSED FINDINGS: The plan complies with the required lot size and yard dimensions, the width of access points and street width and the required parking spaces associated with the subject 16 guest rooms and the office/clinic space. The two chimney stacks exceed the building height but were determined to be architecturally proportional on the building and an acceptable architectural solution to hiding the two cellular antennas.

6. Limiting the number, size, location and lighting of signs;

PROPOSED FINDINGS: The applicant has not provided a signage plan, but will be required to locate signage in accordance with C-2 sign regulations.

7. Requiring diking, fencing, landscaping or other facilities to protect adjacent or nearby property;

8. Designating sites for open space; and

PROPOSED FINDINGS: The subject use is not required to provide designated open space.

9. Hours of use or operation.

II. SUMMARY CONCLUSION

The City finds that overall the proposal is a use in compliance with the Comprehensive Plan policies, the intent of the C-2 zone and the Zone Code development standards with additional improvements as set forth in conditions of approval.

III. DECISION

Based on the findings in this order the Planning Commission approved a Conditional Use Permit for the Gearhart Hotel expansion on February 9, 2017 subject to the following conditions of approval:

1. Prior to issuance of a building permit the applicant shall obtain septic approval from DEQ/Clatsop County.
2. The applicant is required to provide an excavation/grading and fill plan for City approval prior to issuance of a building permit.
3. The applicant shall file a sign permit request with the City prior to installation of any signs.
4. The applicant shall provide evidence of compliance with the Gearhart Fire Department conditions described in their letter dated 12-20-16. (Attached)
5. The applicant shall provide a plan for protecting existing trees on the site during and after development.
6. The service drive and parking stalls shall be paved and permanently marked.
7. All existing on-street parking on the Marion Avenue frontage must be removed to reduce pedestrian, bicycle and vehicle congestion.

8. For City staff approval, the applicant shall submit a site landscape plan including landscaping surrounding the cellular equipment facility in the parking lot.
9. There shall be a clear vision triangle where all driveways intersect with Marion Avenue per city specifications of 20' in each direction for a service drive.
10. The applicant shall coordinate with city staff the decommissioning of an existing water main on the site.

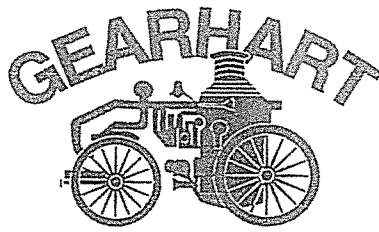
Signed: Virginia A. Dideum
Virginia Dideum, Planning Commission President

Date: 2/14/17

DATE MAILED: _____

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.



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@cityofgearhart.com / gearhartfire.com (web)

December 20, 2016

Sand Trap Cart Barn
Proposed 16 Guest Room Building
1157 North Marion

RE: Fire Department Access & Water Supply

1. All Access road widths shall be a minimum of 20 ft. improved surface.
2. GRADE: Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC D103.2) Grades in excess of the above requirements may be permitted when the access is fully paved and approved by the Fire Chief.
3. Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the finished construction is in accordance with the approved plans or the requirements of the fire code may be requested. (OFC D102.1) (Typical surface, 12-inches of pit run base with 2-inches of $\frac{3}{4}$ minus as a top layer)
4. The proposed direction of travel through the existing Gearhart Hotel/Sand Trap Pub to the Sand Trap Cart Barn raises apparatus safety concerns.

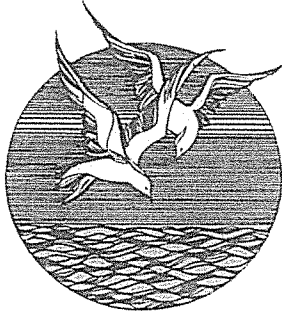
5. 3.540.7 Off Street Parking: The proposed "21 spaces at the maintenance yard". There is no site plan provided for the off street parking at the maintenance yard. All Access and Water Supply requirement shall be met prior to approval by the fire department. The existing structures located at the maintenance yard shall be included in the Access and Water Supply requirements.
6. "No Parking" signs shall be installed, location and type to be determined by the Fire Chief.
7. Access to the upper floor rooms other than a stairway is a concern.

If you should have any questions please feel free to contact me.

Respectfully,



Bill Eddy
Fire Chief
Gearhart Fire



CITY OF GEARHART

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

BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

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

CITY FILE #17-004V Breakaway Lodge

DENIAL of a Variance to construct a concrete walk, foundation and raised platform that will be connected to an existing back porch on the north side of the lodge, located within the minimum 5-foot building setback area of the north side property line. Further, from the existing pavement of Nita Avenue the concrete walk is proposed to commence in the public street right-of-way for a length of 14 feet.

Property Owner: Young Life Campaign
PO Box 520
Colorado Springs, Colorado 80901

Applicant: Jeffrey Johnson
Young Life Campaign
PO Box 2685
Gearhart, Oregon 97138

Location: 220 Nita Avenue; Tax Lot 08000 Map 06N10 09AA

Completeness: 01-11-17
Notice Mailed: 01-20-17
Notice Published: 01-20-17
Initial hearing: 02-09-17

120-day deadline: 05-01-17

Exhibits: Applicant's application, site plans, & photos
Gearhart Volunteer Fire Dept.: no concerns 1-24-17
Gearhart Building Inspector: meet fire code 1-18-17
Gearhart City Manager: comments 1-17-17
Gearhart Police Chief: non concerns 1-24-17
Gearhart Public Works: don't cover water meter 1-23-17
Comments: Christopher June 1-24-17; Kathy & Judd Todd 2-9-17;
Matt & Lynn Nichols 2-9-17

Review Criteria: GZO Section 3.1 Low Density Residential Zone R-1
GZO Section 9.010 Variances
GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to relocate the lodge's food and supply deliveries currently being delivered to the rear of the lodge on Marion Avenue and proposed to be delivered to the front of the lodge on Nita Avenue.
- B. Site information: The subject parcel (7 lots) owned by the applicant has frontage on both Marion and Nita Avenue. The building faces Nita but currently has delivery access on Marion Avenue. The existing lodge building and rear deck is currently located 6'2" from the north property line in compliance with the 5 foot minimum setback requirement. The proposed concrete walkway is 36" – 46" wide. The first 14 feet are in the Nita Ave right-of-way. The walkway is 111 feet long running west just short of the NW property corner. Site topography rises up to the lodge, flattens then drops down in the rear. Therefore the westernmost 29 feet of the walkway must be set on a retaining wall that is 71" at its highest in the rear. The full length of the walkway and ramp is proposed to be situated between 28 and 39 inches from the north property line. The raised platform and railing is as estimated 28" from the north property line.

The walkway is not considered a structure and can be located in the setback. But the ramp and raised platform is a structure and is required to be setback 5 feet. Further, the concrete walk is not permitted in the Nita Avenue public right-of-way, currently a lawn.

- 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. GZO Section 3.1 R-1 Zone requires a 5-foot side yard setback on one side and a 9' setback on the other side.

D. Agency Coordination: The proposal was referred to city departments. The City Building Official is concerned about the wood railing system located 28 inches from the property line, and said the one-hour fire resistant rating can be met by using a non-combustible material or applying a fire resistant product to the wood. City Manager said the noise on D and Marion streets will be reduced, but moved to Nita and B streets.

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 low-density residential neighborhood surrounds the lodge, considered a Conditional Use in the zone. Marion Avenue in this location is more densely developed than Nita Avenue where there are more vacant lots, the land is flatter and the pavement ends at the subject site. Currently, in the rear of the lodge property there is an asphalted or graveled driveway suitable for delivery trucks to maneuver on site. Delivery trucks directed to the proposed Nita Avenue delivery site would be required to park in the street and walk the property line to deliver merchandise. In either case traffic and disruptions affect surrounding residences, although more may be affected on Marion at this point in time.

F. GZO Section 9.030 Criteria for Granting Variances

A Variance to a requirement of this ordinance with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, decks and walls, and other quantitative requirements may be granted only if, on the basis of the application investigation and evidence submitted, findings are made based on the four criteria listed below. No variance may be granted which will permit a use not permitted in the applicable zone.

1. The request is necessary to prevent a hardship to the applicant; and

FINDINGS: The City finds a variance to residential setbacks is not necessary to prevent a hardship. There is no evidence that the applicant will suffer a hardship if they cannot relocate their deliveries to the north side of the building.

- a. Relevant factors to be considered in determining whether a hardship exists include:

- (1). Physical circumstances related to the property involved:

FINDINGS: Currently the existing deliveries from Marion Avenue are able to park and maneuver on a flat, asphalted area on their own property. The proposed location has varied terrain and requires a retaining wall and structure to be built in the minimum setback adjoining another parcel in order to reach an entry. Further, the trucks need to remain parked in the street while the merchandise is walked to the side porch entry. The proposal requires 14 feet of the walkway to be located in the public street right-of-way. The physical circumstances on the site are more favorable in the current location.

- (2). Whether reasonable use can be made of the property without the variance:

FINDINGS: The City finds that reasonable use can be made of the property without a variance to the north setback in order to build a structure, and without extending a private walkway into public right-of-way.

- (3). Whether the hardship was created by the person requesting the variance:

FINDINGS: The applicant was aware a variance approval was required to locate and construct the walkway and elevated structure in the required setback area. The need for a variance was created by the applicant.

- 2. The proposed development that will result from the granting of the variance will not be injurious to the adjacent area in which the property is located: and

FINDINGS: Christopher June, owner of adjoining Tax Lots 7800 and 7900, sent an email 1-24-17 expressing concern about visual privacy from the proposed ramp/deck structure and the walkway, the increase in noise affecting their outdoor living space and the rerouting of deliveries from Marion to Nita Avenue. The general effects of deliveries will be the same only shifting from adjoining properties on Marion and D streets to adjoining properties on Nita and B streets. But to an abutting property owner the new ramp and elevated platform will add new noise and activity very close to their living space.

- a. Relevant factors to be considered in determining whether the proposed development will be injurious to the adjacent area include:

The physical impacts such development will have such as:

(1) Views from adjacent property;

FINDINGS: The existing land use and zoning is predominantly residential in the immediate and larger surrounding area. A view of the existing operation from adjacent property on Marion Avenue is minimal because of the large setbacks from the existing delivery area and the existing vegetation.

However, the proposed delivery entry effects abutting property to the north and northwest that will have a view of delivery personnel on the walkway and raised structure as well as noise without any intervening land area for a buffer. Further, exterior lights may be added on the proposed walkway or on the building which could also negatively impact the adjoining property.

(2) Privacy available to adjacent property;

FINDINGS: The adjacent properties to the north and west will lose their existing privacy from the use which can be noisy. In addition the view will change by adding the elevated structure and railing, possible lighting and by the delivery personnel on the north side of the building. It appears the existing trees on the adjoining lot to the north will remain but will be very close to the walkway. Walkway construction may affect the survivability of some or all of the trees.

(3) Ability to provide and maintain public improvements such as streets, utilities and drainage;

FINDINGS: Utilities to the subject site will not change. Access to both Marion and Nita Avenues to the building will be maintained with or without the variance. The proposal will add a pedestrian access to the lodge inside the north side yard setback area. The proposed private concrete walkway will be located partially in the public street right-of-way, which is not permissible.

(4) Potential for geologic hazard; and

FINDINGS: The City finds approval or denial of the subject variance request will have no bearing on the potential for geologic hazards on the site or in the area.

(5) Noise Generated.

FINDINGS: There is concern that the current noise and activity from periodic deliveries, up to two times a week in the summer, will increase for abutting properties on the north and northwest sides of the lodge. If approved, there would be a decrease in noise on the west side of the lodge.

3. The request is necessary to enable reasonable use of the property; and

FINDINGS: The City finds there is no evidence that the proposed variance is necessary to enable reasonable use of the property.

4. The request is not in conflict with the Comprehensive Plan.

FINDINGS: The City finds there are policies in the Comprehensive Plan that require 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*

The City finds the proposal will reduce the amount of traffic and noise from deliveries to the lodge from Marion Avenue and D Street, but will increase the same disruptions on Nita Avenue and B Street, as well as to adjoining property owners. Existing structures that share a common property line in the proposed location will lose privacy from their outdoor living space which is very close to the proposed 71-inch high porch structure.

G. GZO Article 13 Application. Notice and Hearing Procedures

The variance application was filed, the notice was mailed and published and a public hearing by the Planning Commission was held on February 9, 2017.

II SUMMARY CONCLUSION

The City finds there is a lack of evidence that the four required Variance Approval Criteria have been met. The City finds construction of a private concrete walkway in the public street right-of-way is not permitted.

III. DECISION

Based on the findings in this decision the Planning Commission decided on February 9, 2017 to DENY the setback variance.

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

Date: 2/14/17

DATE MAILED: _____

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.