



CITY OF GEARHART

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

CITY OF GEARHART PLANNING COMMISSION
City Staff Report for Romine Land Partition
August 3, 2017

APPLICATION DATA

REQUEST: A request by Ray Romine for City approval of a two-lot Land Partition to create one new single family home site

FILE NUMBER: File# 17-008P Romine

OWNER: Ray Romine
2170 Skyline Drive
Seaside, Oregon 97138
romine4@charter.net

APPLICANT: Same as above

SURVEYOR: OTAK Inc.
Dale Barrett
4253-A Hwy 101 North
Gearhart, OR 97138

LOCATION: North side of Hillila Road, North half of Tract A, Map 6-10-3BD
Tax Lot 3300, Heritage Dunes Subdivision

EXHIBITS: 1. Applicant's land partition application form; Preliminary Partition Plat, OTAK 3-14-17
2. OTAK wetland boundary map illustration 7-19-17

3. DSL Wetland Delineation concurrence letter, 8-3-16
4. Gearhart Wetland Inventory map
5. Gearhart Police Chief: no comment 7-10-17
6. Gearhart Fire Department: letter with conditions 7-12-17
7. Gearhart Public Works: with condition 7-24-17
8. Gearhart Building Inspector: agrees with Fire Chief 7-25-17
9. Gearhart City Administrator: see wetland inventory; water service required to site.
9. Clatsop County: No reply received

PROCEDURES: Application deemed complete: 6-26-17
 Notice sent: 7-21-17
 Notice published: 7-21-17
 Initial Public Hearing: 8-10-17
 120-day decision due: 10-25-17

I. APPLICABLE REVIEW CRITERIA

Gearhart Zoning Ordinance criteria relevant to the application are:

- Section 3.1 Low Density Residential R-1
- Section 3.13 Freshwater Wetland and Lake FW Zone
- Section 6.030 Street access; 6.130 Off Street Parking; 6.161; 6.180 Excavation; 6.195 Tree Removal
- Section 11.010 Application Information and Procedures

Gearhart Subdivision Ordinance sections relevant to the application are:

- Sections 23 - 26 Land Partitioning
- Sections 37 - 46 General Regulation and Design Standards
- Sections 47 - 50 Improvements

II. Site Information, Review and Procedures

1. Plan & Zone designations: The site is planned Residential and zoned Low Density Residential R-1. In the R-1 zone the proposed single family dwelling is an outright permitted use. The minimum lot size is 10,000 square feet.
2. Access: Site access is on Hillila Road, a county road which is paved and has 40 feet of right-of-way. Parcel 2 has direct access to Hillila Road. The proposed Parcel 1 will have access to Hillila by a dedicated driveway easement across Parcel 1. The partition plat includes a 10-foot wide roadway dedication on the parcel's Hillila Road frontage.

3. Site Characteristics: The tree-covered site is in the flood hazard zone "X". Wetlands exist on the west boundary. The east end rises in elevation in a dune formation. The abandoned rail right-of-way is privately owned where it adjoins the east boundary of the subject site. Parcel 2 has been graded and a dwelling is near completion. The dwelling on Parcel 2 is setback from the delineated wetland. Parcel 1 is a future home site.
4. Agency comments: Comments were received from the City Administrator, Gearhart Fire Department, Public Works and Building Official. There were no concerns reported by City Police Chief or Clatsop County.
5. Procedure: Approval of a land partition shall be in accordance with the application and procedural requirements of GZO Article 11 Administrative Provisions and the Gearhart Subdivision Ordinance.

III. FINDINGS

1. GZO Section 3.1 Low Density Residential R-1: The R-1 zone permits a maximum of 4 dwelling units per acre. The minimum lot size is 10,000 square feet. Lot coverage maximum is 35% and building height maximum is 30 feet or two stories, whichever is less.

FINDINGS: The subject parcel is .96 acres and is proposed to be divided into two 20,946 square foot parcels for 2 single family dwellings. The two proposed parcels exceed the minimum 10,000 square foot lot size. The City Building Official reviewed the construction plans for the dwelling under construction regarding setbacks, height and lot coverage for Parcel 2. A future dwelling on Parcel 1 will be required to meet the same R-1 standards.

Wetland: In a prior 2014 approval the parcel owner was required to perform a site specific wetland delineation to determine if the subject parcel can be developed. The wetland delineation was provided to DSL by Ecological Land Services. DSL approved the delineation in their letter dated 8-3-16. On June 30, 2017 the City Planner and the DSL representative met on site to verify the wetland flagging in relation to the dwelling under construction. DSL was satisfied with the setback of the dwelling and found there had been no wetland fill. There was no additional correspondence from DSL.

2. GZO Section 3.1380 Development Standards in the FW Zone:
 - a) Development, construction or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City.

The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City, if the wetland boundary cannot be determined without the information.

- b) All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Department of State lands and the US Army Corps of Engineers to determine whether they have jurisdiction over a proposed use or activity. If the Oregon Department of State lands and / or the US Army Corps of Engineers determine that they have jurisdiction over a proposed use or activity, no construction shall commence until authorizations from these agencies have been obtained. If mitigation is part of a permit authorization process, it shall satisfy city mitigation requirements.
- c) When property proposed for development is wholly or partially within areas identified as wetlands within the City's FW Zone boundary, the City shall file a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350.
- d) When fill is permitted, a signed stamped report and plan review by a qualified professional such as a licensed engineer and / or a licensed engineering geologist shall be required that recommends that the fill shall cover no more area than the minimum necessary to accomplish the proposed activity, that the fill will not increase sedimentation or flooding to the site or downstream properties and cause adverse impacts to the site and surrounding area. Mitigation of impacts to replace native vegetation or lost wetland functions may be required. A development permit shall be obtained from the City and authorizations from state and federal agencies shall be obtained.
- e) When excavation is permitted, a signed stamped report and plan review by a qualified professional such as licensed engineer and / or a licensed engineering geologist shall be required that recommends that the excavation shall cover no more area than the minimum necessary to accomplish the proposed activity, that the excavation will not increase sedimentation or flooding to the site or downstream properties, and that the activity will not cause adverse impacts to the site and surrounding area.

FINDINGS: As shown on the attached map a wetland has been identified on the west side of the site. The DSL has concurred with the applicant's wetland delineation. The applicant's site map dated 7-19-17 illustrates the wetland

boundary on Parcel 1 and 2. The City and DSL approved the dwelling location on Parcel 2 based on the required 25' wetland boundary setback. The proposed 25' access and utility easement provides the required setback for dwellings on both parcels. However, as a condition of approval a future building permit on Parcel 1 should be accompanied by proof of the minimum 25' setback from the wetland as well as excavation and fill plans..

3. Article 6 Supplementary Provisions

- a) Section 6.030 Street access: requires a minimum of 25 feet of frontage.

FINDINGS: The City finds that Parcel 2 has an estimated 233 feet of frontage on Hillia Road. Parcel 1 has an estimated 25.5' of Parcel 2's frontage for use as a private driveway easement. An easement can be a substitute for actual street frontage.

- b) Section 6.130 Off-Street Parking: Two off-street parking spaces are required per dwelling.

FINDINGS: The City finds that when a building permit is requested the Building Official will require that two off-street parking spaces be provided on each parcel.

- c) Section 6.161 Landscape Plan on Hwy 101: All new subdivisions are required to provide a minimum 10' wide landscaped buffer on lots adjacent to Highway 101.

FINDINGS: The City finds that the subject partition does not have frontage on Highway 101.

- d) Section 6.180 Excavation: Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards shall first require an excavation and fill permit from the City Administrator.

FINDINGS: The City finds that before vegetation removal, excavation or grading commences on Parcel 1 the applicant shall obtain city approved plans, and this should be a condition of approval.

- e) Section 6.195 Tree Removal: The purpose of this section is to assure that mature trees are removed only when necessary. A tree is defined as at least 12 inches in diameter at 4.5 feet above grade. Any person planning to cut more than 5 trees within a 12 month period shall first obtain a tree removal permit from the City.

FINDINGS: The application does not describe tree removal plans for Parcel 1. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.

- f) Section 6.200 Protection of Archaeological Sites: The Building Official shall review building permits and the City Administrator shall review other land use actions that may affect a known archaeological site.

FINDINGS: The City is not aware of an archaeological site on the subject parcel.

4. Subdivision Ordinance Sections 23 – 36 Land Partitioning submittal requirements

- a) Sections 24 to 36 describe partition plat submittal requirements, review procedures and final plat filing requirements.

FINDINGS: The City finds that the relevant data has been provided except that vegetation and tree removal plans, excavation and fill plans or site contours have not been provided for Parcel 1. This information can be provided with the final plat submittal or at the time of a building permit submittal for Parcel 1.

5. Subdivision Ordinance Sections 37-46 General Regulation and Design Standards

- a) Section 38 - Streets (a summary of relevant subsections): A land partition shall conform to the city street design standards.

FINDINGS: No new public or private streets are planned to the two parcels. Instead, access to Parcel 1 is proposed by a 25.5' access and utility easement. The applicant will be required to establish a shared driveway maintenance agreement for the driveway. The driveway must be improved to Fire District specifications. Access from Hillila Road to the existing dwelling on Parcel 2 is also available in the easement.

Fire Access: The Gearhart Fire Department letter dated July 11, 2017 outlines several access requirements for fire access safety in accordance with Oregon Fire Code (OFC). Prior to issuance of a building permit on Parcel 1 the applicant shall provide information showing compliance with the following:

- Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than

14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.

- Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on both sides of the access easement, unless the driveway width provides for on-street parking.
- Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
- Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650’ to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.

b) Section 39 - Recreation and Utility Easements:

FINDINGS: The City finds there are no plans for recreation easements on the subject site. A 25.5’-foot access and utility easement is proposed across Parcel 2 to provide utilities to Parcel 1. Existing utilities include natural gas, water, communications and electrical lines. A condition of approval that a water main be installed per city and fire requirements should be required.

c) Section 40 - Building Sites: Each lot shall be appropriate for the location, environmental features and for the type of development proposed. Each lot shall abut a street for a width of at least 25 feet. Through lots shall be avoided. Lot lines shall run at right angles to the street. Land which the Commission finds unsuitable for partitioning for reasons including flooding, improper drainage, wetlands or other concerns shall be set aside for a use which does not pose a danger or a negative impact.

FINDINGS: The City finds proposed Parcels 1 and 2 are appropriately sized and shaped for street frontage. Parcel 1 has street frontage by a legal access easement across Parcel 2. The parcels are not through lots located between two streets. Lot lines run at right angles to the street. There is a known wetland on the west side of the parcels that is unsuitable for any development. The wetland delineation was approved by DSL on 8-3-16. The dwelling on Parcel 2 exceeds the 25-foot minimum setback from the wetland boundary. A dwelling on Parcel 1 will be required to meet the wetland setback.

d) Section 43 – Water Courses: The land divider shall dedicate a right-of-way for storm drainage purposes, conforming to the lines of any natural water course or

channel, stream or creek that traverses the partition, or find an alternative method to dispose of storm water.

FINDINGS: The City finds that the proposal does not identify a natural water course on the site and does not include a plan for storm water runoff. At the time of a building permit request the applicant will be required to illustrate the location of roof drains and driveway drainage.

e) Section 46 – Wetlands and Areas Subject to Inundation: The Planning Commission may prohibit the partition of any portion of property which lies within the floodplain or wetlands of any stream or drainage course. These areas shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.

FINDINGS: The City finds that the official Gearhart Local Wetland Inventory LWI map illustrates a wetland on the west side of the parcel. The proposed partition provides area for two home sites west of and outside of the designated wetland. Staff requested contours of Parcel 1 to assure proper home placement is available. City staff met with the DSL representative at the site on June 29, 2017 and found the wetlands were flagged. DSL recommended the flagging be confirmed for accuracy. Staff requested the engineer confirm the flagging, and OTAK provided the data on an exhibit dated 7-19-17.

6. Subdivision Ordinance Sections 47 – 50 Improvements

a) Section 47 Improvement Standards and Approval

- 1) Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission.
- 2) Improvement work shall not be commenced until the City has been notified.
- 3) All required improvements shall be constructed under the inspection and to the satisfaction of the City.
- 4) All underground utilities shall be constructed prior to surfacing of the streets.
- 5) A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.

FINDINGS: The City finds that utility installations have been provided to serve Parcel 2. City staff indicated a water main shall be installed to the site. The applicant shall provide a map to the City showing all public improvements upon completion of installation.

b) Section 48 Improvement Requirements:

- 1) Public streets shall be improved.
- 2) Structures necessary for drainage, access and public safety shall be installed.
- 3) Storm water facilities or ground water recharge facilities shall be installed per city specifications.
- 4) Water mains and fire hydrants shall be installed per city specifications.
- 5) Underground utilities shall be installed.
- 6) Street lighting per city specifications shall be installed.
- 7) Street signs shall be installed per city specifications.
- 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
- 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The City finds that public and private utilities are available to Parcel 1 and 2. If applicable, street lighting and street sign locations and specifications shall be determined by City staff. City staff has not indicated a need for drainage improvements or easements. Damage to public streets related to the development shall be restored to existing conditions before the damage.

- c) Section 49 – Monuments: Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 - Monuments

FINDINGS: The above requirement should be a condition of approval.

- d) Section 50 – Survey Requirements: The surveyed plat shall be set according to ORS 92 and city specifications outlined in Section 50 – Survey Requirements.

FINDINGS: The above requirement should be a condition of approval.

IV. CONCLUSION

Based on the findings in this report, subject to additional information provided at the public hearing, Staff recommends approval of the proposed Land Partition subject to the following conditions of approval recommended in the findings, as may be modified by the Commission:

Prior to issuance of a building permit:

1. Removal of more than 1,000 SF of vegetation or excavation of more than 50 cubic yards on Parcel 1 shall first require an excavation and fill permit from the City Administrator.

2. Prior to issuance of a building permit on Parcel 1, in accordance with Gearhart Fire Department letter dated July 11, 2017,
 - Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of the road is in accordance with the OFC Road Standards. This includes an improved surface of no less than 14 feet wide; if the driveway is greater than 150 feet from Hillila Road an area to safely turnaround a fire department apparatus may be required per OFC 503.1.1.
 - Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on both sides of the access easement, unless the driveway width provides for on-street parking.
 - Water Supply: The minimum available fire flow for single family dwellings served by the municipal water supply shall be 1,000 gallons per minute. If the structure is over 3,600 square feet the required fire flow shall be determined according to OFC Appendix B (OFC B105).
 - Hydrant Spacing: The Fire Chief and Building Inspector shall approve the existing hydrant spacing of an estimated 650’ to Parcel 1, or require installation of a new hydrant in accordance with the minimum 500-foot spacing requirement.
3. A future home on Parcel 1 will be required to install a water main on the property to connect to city water, and the applicant shall pay the water connection fee prior to the issuance of a building permit. If applicable, street lighting and street sign locations and specifications shall be determined by City staff prior to applicant installation of said improvements.
4. The final partition plat shall include declaration of a common private road maintenance agreement between the two parcels to assure the driveway is adequately maintained.
5. Prior to development, Parcel 1 will be required to flag the approved wetland delineation. Site wetlands shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps. A future building permit on Parcel 1 shall be accompanied by proof of the minimum 25’ setback from the wetland.
6. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.
7. The applicant shall provide a map to the City showing all public improvements upon completion of those improvement installations.

8. Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 – Monuments. The surveyed plat of the partition shall be set according to ORS 92.060 and city specifications outlined in Section 50 – Survey Requirements.
9. This approval is valid for one year from the date this final decision was signed. Within that one year the Partition Plat shall be submitted to the City for approval. If necessary, the applicant may request that the City grant an extension to the one year expiration.

V. DECISION OPTIONS

The Planning Commission has the following motion options:

1. Based on the Findings in the City Staff Report I move we approve the proposed Preliminary Partition Plat for Ray Romine, File # 17-008P subject to the conditions of approval as presented and/or as modified by the Planning Commission; or
2. Due to the need for more information, I move that we continue the public hearing for the proposed Preliminary Partition Plat for Ray Romine, File # 17-008P until the September 14, 2017 meeting; or
3. Based on the testimony received and revised findings as directed by the Commission, I move that we deny the proposed Preliminary Partition Plat for Ray Romine. File #17-008P.

Cheryl Lund

From: Carole Connell
Sent: Friday, September 08, 2017 8:12 AM
To: 'Chad Sweet'
Cc: 'Cheryl Lund'
Subject: RE: Water Connection Gearhart

Please include this in the PC packet.
thanks

From: Chad Sweet [mailto:chadsweet@cityofgearhart.com]
Sent: Thursday, September 07, 2017 5:08 PM
To: Carole Connell; Cheryl Lund
Subject: Fwd: Water Connection Gearhart

Romine water response from Warrenton below.
Chad

----- Forwarded message -----

From: James Dunn <jdunn@ci.warrenton.or.us>
Date: Thu, Sep 7, 2017 at 2:42 PM
Subject: RE: Water Connection Gearhart
To: Chad Sweet <chadsweet@cityofgearhart.com>

Chad,

Thank you for the opportunity to respond to this inquiry. See my answers to your questions below.

1) Does Warrenton have a policy allowing water connections within another municipalities water district?

The City Does not have a written policy, but there is no intent or desire to provide water service in another agency's service area. Furthermore, it is a common practice not to do so.

2) Has Mr. Romine received permission from the City of Warrenton to make that connection to your city's water main?

Mr. Romine has not received permission to connect to the City of Warrenton's water main.

From: Chad Sweet [mailto:chadsweet@cityofgearhart.com]
Sent: Thursday, August 24, 2017 3:29 PM
To: James Dunn <jdunn@ci.warrenton.or.us>
Subject: Water Connection Gearhart

Good afternoon Jim,

A landowner named Ray Romine is developing a parcel of land within the City of Gearhart, our urban growth boundary, and our water district. Gearhart is requiring Mr. Romine to connect to the Gearhart water system by extending the water main to his property.

Mr. Romine wants to connect his parcel of land to the City of Warrenton water main located near Trestle Drive as the connection to Warrenton would be less expensive for Mr. Romine.

Jim, I have a couple of clarifying questions for you.

- 1) Does Warrenton have a policy allowing water connections within another municipalities water district?
- 2) Has Mr. Romine received permission from the City of Warrenton to make that connection to your city's water main?

I appreciate your time.

Thank you,

Chad

Chad Sweet | City Administrator
City of Gearhart
698 Pacific Way | Gearhart, Oregon 97138
Office: [\(503\) 738-5501](tel:5037385501) | Fax: [\(503\) 738-9385](tel:5037389385)

chadsweet@cityofgearhart.com

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