

# 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  
November 2, 2017

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## APPLICATION DATA

REQUEST: Request for approval of a two-lot Land Partition to create two legal parcels

FILE NUMBER: File# 17-014P Johnson

OWNER: Ben Johnson  
89125 Stellar Lane  
Warrenton, OR 97146

APPLICANT: CKI Surveying  
PO Box 2699  
Gearhart, OR 97138

LOCATION: East end of Gronmark Lane via private road easement, Map 7 10  
34CA Tax Lots 1800 & 1901

EXHIBITS:

1. Applicant's land partition application form; Preliminary Partition Plat CKI 9-29-17, Gronmark Ln access easement
2. Wetland boundary delineation - *pending*
3. DSL Wetland Delineation concurrence letter - *pending*
4. Gearhart Wetland Inventory map
5. Gearhart Police Chief: no comment 9-11-17
6. Gearhart Fire Department: letter with conditions 10-10-17
7. Gearhart Public Works: questions & conditions 10-26-17



8. Gearhart City Administrator: OK 10-26-17.

PROCEDURES:      Application deemed complete: 9-30-17  
                         Notice sent: 10-20-17  
                         Notice published: 10-20-17  
                         Initial Public Hearing: 11-9-17  
                         120-day decision due: 1-19-18

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 a private access easement extending from Highway 101 east to the proposed Parcel 2. Parcel 1 will have access from the Gronmark Lane easement by a dedicated driveway easement across Parcel 2.
3. Site Characteristics:

The two parcels were not created in accordance with city and state land partition requirements. Clatsop County created tax lot 1900 when the railroad right-of-way was abandoned. It is a landlocked, narrow and possibly unbuildable parcel. Tax Lot 1801 was created by deed, not by land partitioning. The proposal reconfigures the two parcels into two full size lots for two dwellings.

Heavily vegetated wetlands exist on the west side of Tax Lot 1801. The east end rises in elevation in a dune formation to the old rail bed. As reconfigured both

parcels will have wetland and dune area with the dwellings planned on the east side of each.

4. Agency comments: Comments were received from the City Administrator, Gearhart Fire Department and City Public Works. 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: Parcel 1 is 11,888 sf and Parcel 2 is 11,906 sf. The two proposed parcels exceed the minimum 10,000 square foot lot size and create 2 dwellings on 23,794 sf (.54 acre). A future dwelling on each parcel will be required to meet the R-1 lot coverage maximum and the minimum property line setback standards.

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: The City and the applicant have identified wetland area on the west side of the site. The City requested that the applicant provide a certified wetland delineation. The delineation is pending and is expected to be available before the hearing. The DSL will be notified and has not yet concurred with the applicant's wetland delineation. Any excavation, fill or construction within 25 feet of the wetland requires engineered plans and city approval. An approved wetland delineation will allow the applicant to identify the building envelope for the each dwelling on the proposed parcels. The driveway easement across Parcel 2 for access to Parcel 1 shall also be considered in relation to the approved wetland boundary.

3. Article 6 Supplementary Provisions

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

FINDINGS: The City finds that all existing parcels on Gronmark Lane were created with no public street frontage, except the parcel abutting the highway. City subdivision standards permit an easement as a substitute for actual street frontage. In

the current parcel configuration tax lot 1900 (rail ROW) is landlocked. The proposed reconfiguration and legal partitioning of the two parcels also creates a landlocked Parcel 1. The applicant proposes a legal access easement across Parcel 2 that is 25 feet wide.

- 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. The two parcels are large enough for two off-street parking spaces and will likely include a 2-car garage.

- 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 either parcel 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. 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. It is recommended that a building envelope in accordance with R-1 setback standards be provide. Subject to confirmation of the wetland delineation by DLS, this information can be provided with the final plat submittal or at the time of a building permit request.

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 2 is provided by the existing Gronmark Lane easement that extends along the west 75 feet of the parcel's south property line. Access to Parcel 1 is proposed by a 25' access and utility easement across Parcel 2. The applicant will be required to establish a shared driveway maintenance agreement for the driveway. The driveway must be improved to Fire District specifications.

Fire Access: The Gearhart Fire Department letter dated 10-10-17 indicates the proposed access road, turnaround design and fire hydrant access are in compliance with Fire Department access and water supply requirements. The Fire Chief said the access road and driveway shall be a minimum of 14-foot wide improved surface.

- b) Section 39 - Recreation and Utility Easements:

FINDINGS: The City finds there are no plans for recreation easements on the subject site. Access: A 25 foot access and utility easement is proposed across Parcel 2 to provide access and utilities to Parcel 1, and natural gas, water, communications and electrical lines. Water: The City Administrator said there is no indication of the size of the water main pipe being extended and there is no information what size water pipe will be extended to each dwelling. He said the water main extension may need to be designed and submitted to the Clatsop County Health Department prior to

installation. A condition of approval regarding water line approvals 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. 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 but has not been approved by DSL.

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 parcels. The proposed partition potentially provides area for two home sites east of and outside of the designated wetland. DSL approval of the delineation and flagging the wetland boundaries is required.

## 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 requires that improvements shall not commence until all utility and plans have been approved and the plat has been recorded. The applicant shall notify the city before work commences and also 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. Street lighting and street signs are not required on private streets. The City Building Official will determine drainage improvements or easements. Damage to public streets (Highway 101) 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 Tentative Land Partition subject to the following conditions of approval, as may be modified by the Commission:

Prior to issuance of a building permit:

1. A wetland delineation is pending and is expected to be available before the hearing. The DSL will be notified and has not yet concurred with the applicant's wetland delineation. Any excavation, fill or construction within 25 feet of the wetland requires engineered plans and city approval. Subject to a DSL- approved wetland delineation, the applicant shall identify the building envelope for the each dwelling on the proposed parcels. If the approved delineation changes the lot configuration the applicant shall revise the tentative partition plan accordingly.
2. 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.
3. In accordance with the Gearhart Fire Department letter, prior to occupancy a minimum 14-foot wide improved surface access driveway to Parcel 1 shall be constructed.
4. Water Service: Prior to submittal of the final partition plat indicate the size of the water main pipe being extended on Gronmark Lane easement and the size of the water pipe to each dwelling. The water main extension may need to be designed and submitted to the Clatsop County Health Department prior to installation.
5. The applicant is required to illustrate the location of roof drains, driveway drainage and possible drainage easements for approval by the City Building Official.
6. 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.

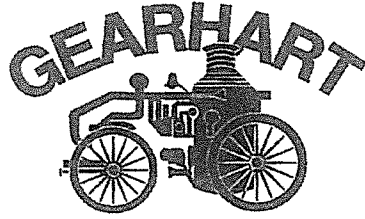
7. Prior to development on each parcel the applicant will be required to flag the approved wetland delineation. Site wetlands shall be preserved from damage or destruction resulting from clearing, grading or dumping of earth, waste or stumps.
8. If more than 5 trees are planned to be removed, the applicant shall first obtain a tree removal permit from the City, which should be a condition of approval.
9. The applicant shall notify the City prior to commencing street and utility work and shall provide a map to the City showing all public improvements upon completion of those improvement installations. Any damage to Highway 101 as a result of the work shall be restored to existing conditions prior to occupancy approval.
10. 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.
11. 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, File # 17-014P 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, File # 17-014P until the January 11, 2018 meeting; or
3. Based on testimony received and/or revised findings as directed by the Commission, I move that we deny the proposed Preliminary Partition Plat File #17-014P.

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](mailto:gearhartfd@cityofgearhart.com) / [gearhartfire.com](http://gearhartfire.com) (web)

October 10, 2017

Carole Connell  
City Planner  
City of Gearhart

RE: Partition Application  
Gronmark Lane  
Plat 7.10.34CA  
Tax Lots 1801 & 1900

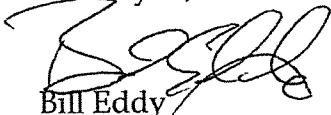
### Fire Department Access & Water Supply

With the construction of the proposed Access Road & Apparatus Turnaround FD Access requirements have been met. Access roads/driveways shall be minimum of 14ft improved surface.

There is a fire hydrant located on Gronmark Lane, the locations of the proposed partition are within 500 feet distance of the existing fire hydrant. This meets FD Water Supply Requirements.

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

Thank you,

  
Bill Eddy  
Fire Chief  
Gearhart fire

## Cheryl Lund

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**From:** Chad Sweet  
**Sent:** Thursday, October 26, 2017 2:14 PM  
**To:** Carole Connell  
**Cc:** Cheryl Lund; Mark Brien; Bill Eddy; Mark McFadden  
**Subject:** Re: Staff input - CKI/Johnson Partition

Input for Mark McFadden (on vacation)

I'll temporarily fill in for Mark regarding water issue.

Possible concerns that can be addressed at the meeting as Mark will be back by the end of this week.

Size of the water main extension?

Size of the home water connection on the lots from the water main?

Water main extension may need to be designed and submitted to the health authority prior to installation.

Chad

On Thu, Oct 26, 2017 at 2:02 PM Chad Sweet <[chadsweet@cityofgearhart.com](mailto:chadsweet@cityofgearhart.com)> wrote:

Hello all,  
All looks good.  
Chad

On Thu, Oct 26, 2017 at 1:41 PM Carole Connell <[connellpc@comcast.net](mailto:connellpc@comcast.net)> wrote:

I have comments from Bill and Jeff.

CC

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**From:** Cheryl Lund [mailto:[planning@ci.gearhart.or.us](mailto:planning@ci.gearhart.or.us)]  
**Sent:** Thursday, October 26, 2017 1:03 PM  
**To:** Mark Brien; Bill Eddy; Mark McFadden; Chad Sweet  
**Cc:** Carole Connell  
**Subject:** Staff input - CKI/Johnson Partition

Good afternoon – REMINDER that Carole needs your staff comments ASAP so she can prepare her report.

This is not a legal street but a series of easements. Also know there is another partition application pending for the same area.

Thank you

Cheryl

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Chad Sweet | City Administrator  
City of Gearhart  
698 Pacific Way | Gearhart, Oregon 97138  
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[chadsweet@cityofgearhart.com](mailto:chadsweet@cityofgearhart.com)

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