



CITY OF GEARHART

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CITY OF GEARHART PLANNING COMMISSION
City Staff Report for CKI /Gronmark Land Partition
Carole Connell, City Planner
March 1, 2018

APPLICATION DATA

REQUEST: Jim Gronmark requests approval of a two-lot Land Partition to re-configure an existing parcel line that was created by deed in 2015.

FILE NUMBER: File# 18-002P Gronmark

OWNER: James Gronmark
1377 SE 11th Place
Warrenton, Oregon 97146
503-738-2369

APPLICANT: Same as above

SURVEYOR: CKI Land Surveying
PO Box 2699
Gearhart, OR 97138

LOCATION: 4911 Gronmark Lane, Map 7-10-34CA Tax Lot 2101 and 2102

EXHIBITS: 1. Applicant's land partition application form; Tentative Partition, CKI 1-18-18
2. SWCA Wetland Determination, 12-8-17
3. Gearhart Wetland Inventory map

T7N R10W SEC 34CA WM
CLATSOP COUNTY

Scale 1:1200



Cancelled
Accounts:
100411
2004
3001

ROAD 198301 HARRI State/Plaza Oregon North FIPS 3603 JoffE41



March 13, 2008

7.10.34CA

These maps are produced for reference purposes only and are not intended to be used for legal purposes. They are not to be used for any purpose other than the one for which they were prepared. The County does not warrant the accuracy of the information shown on these maps.

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20



OREGON COAST HWY. 101 OREGON

SEE MAP 7 10 34C

SEE MAP 7 10 34

SEE MAP 7 10 34

5. Gearhart Police Chief: no comment 1-29-18
6. Gearhart Fire Department: letter with concerns 2-8-18
7. Gearhart Public Works
8. Gearhart Building Inspector & City Administrator: concur with Fire Chief regarding fire access to east end of Gronmark Lane

PROCEDURES: Application deemed complete: 1-26-18
Notice sent: 2-16-18
Notice published: 2-16-18
Initial Public Hearing: 3-8-18
120-day decision due: 5-26-18

I. APPLICABLE REVIEW CRITERIA

a. 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

b. 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

c. Oregon Fire Code (OFC)

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 Gronmark Lane, a 30-wide private access easement for 10 properties. The easement is graveled and not improved to OFC access standards.
3. Site Characteristics: The site is in the flood hazard zone "X". Wetlands exist on the east side of Parcel 2, TL 2102. The abandoned rail right-of-way is privately owned where it adjoins the east boundary of the subject site. Applicant's Sheet 2 of 2 illustrates a future home site for Parcel 2.

4. Agency comments: Fire access concerns were received from the City Administrator, Gearhart Fire Department and Building Official. There were no concerns reported by City Police Chief, City Public Works or Clatsop County.
5. Procedure: Approval of a land partition shall be in accordance with the application and procedural requirements of GZO Article 13 Administrative Provisions, the Gearhart Subdivision Ordinance and Oregon Fire Code (OFC).

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 parcels are planned to be reconfigured so that Parcel 1 is 36,508 SF and Parcel 2 will be 21,761 square feet. The two proposed parcels exceed the minimum 10,000 square foot lot size. Each parcel is encumbered by a private driveway access easement on the north 30 feet of the parcel. There is an existing dwelling on Parcel 1. The modified lot line between the two parcels alleviates the current setback violation for the existing garage on Parcel 1. The City Building Official will review dwelling plans for a future home on Parcel 2 regarding setbacks, height and lot coverage in accordance with the R-1 standards.

Wetland: In a prior partition approval for a parcel across the street (Johnson 2017) the parcel owner was required to perform a site specific wetland determination for that parcel. The determination also included the subject parcel being considered in this case. The applicant's Tentative Partition Plan Sheet 1 of 2 locates the wetland as determined by SWCA Environmental Consultants.

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.
- f) FINDINGS: A wetland has been identified on the east side of the site. The applicant's site map dated 1-18-18 illustrates the wetland boundary on Parcel 2. Applicant's Sheet 2 illustrates a future building envelope that is 25 feet west of the wetland line which has been extrapolated from the land division from the north. The City has not filed a wetland land use notification form with the Oregon Department of State Lands that identifies the proposed activity consistent with ORS 227.350 because the proposal illustrates that a home can be built 25 feet from the wetland on Parcel 2.

However, as a condition of approval a future building permit on Parcel 2 should include wetland flagging and proof of the minimum 25' setback from the wetland, as well as stamped engineered excavation and fill plans if necessary for construction.

3. Article 6 Supplementary Provisions

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

FINDINGS: The City finds that Parcels 1 and 2 do not have access to a public street. Both parcels incorporate an existing 30' wide private driveway easement. The easement was originally created in 1998 for access to partitioned land, and then was extended east in 2015 to serve additional parcels. Per city standards an easement can be a substitute for actual street frontage. Both parcels exceed the minimum easement frontage of 25 feet.

- 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 Parcel 2.

- 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, or excavation and grading commences on Parcel 2 the applicant shall obtain city approved plans. 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 2. 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 2. This information can be provided with the final plat submittal or at the time of a building permit submittal for Parcel 2.

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 is from an existing 30-foot wide private access and utility easement. According to the OFC and the Gearhart Fire Dept. the driveway must be improved to code specifications from Hwy 101 to the east property line of Parcel 2.

Fire Access: The Gearhart Fire Department indicates the condition of Gronmark Lane and the number of homes it serves is not in compliance with fire access requirements of the OFC. At the time a Final Partition Plan is submitted 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 20 feet wide as well as an area to safely turnaround a fire department apparatus per OFC 503.1.1.

- Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on both sides of the access easement.
- 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 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 30’-foot access and utility easement exists on the north property lines of each parcel. Existing utilities include natural gas, water, communications and electrical lines. There is no known easement maintenance agreement between the estimated 10 property owners who depend on the easement for access to their homes. An easement maintenance agreement should be a condition of approval.

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. Street frontage is provided by a legal access easement across each parcel. But the street is substandard and does not comply with OFC construction requirements. Lot lines run at right angles to the street. There is a known wetland on the east side of Parcel 2 that is unsuitable for any development. A future dwelling on Parcel 2 can meet the 25-foot minimum setback from the wetland boundary.

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 on Parcel 2.

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 east side of the parcel. A wetland determination has been made. The proposed partition provides buildable area for Parcel 2 that is outside of the designated wetland.

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. A 20-foot wide road improvement plan in accordance with OFC shall be provided with the Final Plat submittal to the City for approval. 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. Gronmark Lane shall be improved to OFC access standards. 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.

- 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 Tentative Land Partition subject to the following conditions of approval recommended in the findings, as may be modified by the Commission:

- A. Within one year of this tentative approval the Final Partition Plat shall be submitted to the City for Planning Commission approval. If necessary, the applicant may request that the City grant an extension to the one year expiration.

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 a tree removal, excavation and fill permit from the City Administrator.
2. Prior to Final Plat approval and issuance of a building permit on Parcel 2, the applicant shall provide plans in accordance with OFC and Gearhart Fire Department as follows,

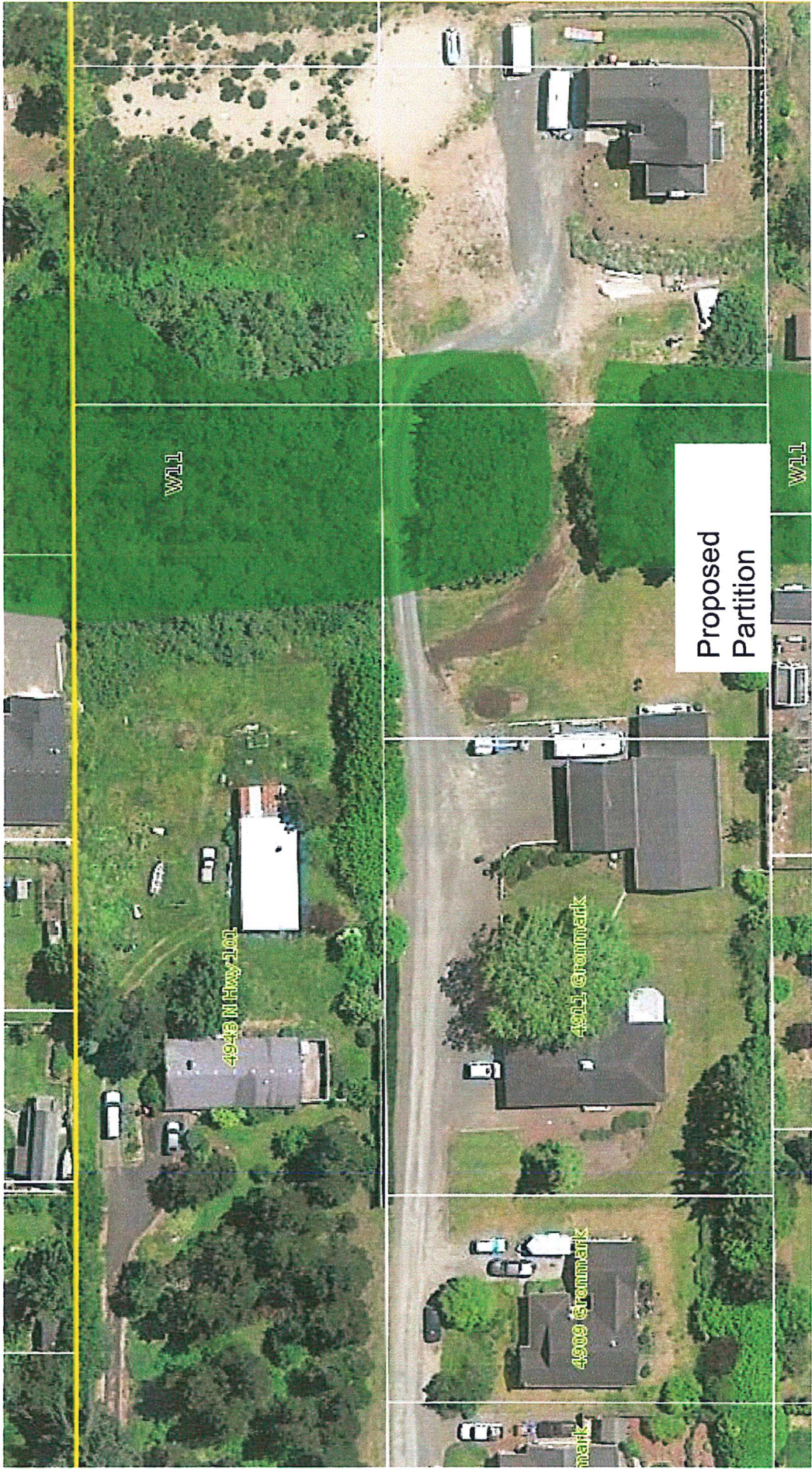
- Driveway Access improvement: The applicant shall provide documentation from a registered engineer that the finished construction of Gronmark Lane is in accordance with the OFC Road Standards. This includes an improved surface of no less than 20 feet wide from Hwy 101 to the east property line of Parcel 2, and shall include an area to safely turnaround a fire department apparatus per OFC 503.1.1.
 - Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on both sides of the access easement.
 - 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 existing hydrant access in accordance with the minimum 500-foot spacing requirement.
3. A future home on Parcel 2 will be required 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. The agreement should include all existing property owners that abut the access easement who depend on it for access.
 5. Prior to development, Parcel 2 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 2 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.
 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 Final 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 staff report, I move we approve the proposed Tentative Partition Plat (File # 18-002P) 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 Tentative Partition Plat meeting; or
3. Based on the testimony received and revised findings as directed by the Commission, I move that we deny the Tentative Partition Plat.



2011 Gearhart Wetland Inventory Map



02/08/2018

James Gronmark Partition
File 18-002P

We have 2 areas of concern for this partition.

- 1) The road width is substandard on Gronmark Ln. The way this neighborhood was developed allowed for a substandard road width of 14 feet which may impact public safety. We recommend an approved service roadway width of 20 feet.
- 2) Also because of the way development occurred there is no adequate fire apparatus turnaround. We recommend an adequate fire turnaround approved by the fire chief be installed in an appropriate area. The apparatus turnaround shall be marked no parking with appropriate signage.

Thank you,



Bill Eddy - Gearhart Fire Chief



Chad Sweet - Gearhart City Administrator