

# CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138  
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March 8, 2018

MEMBERS: Carl Anderson, Jeremy Davis, Virginia Dideum, Terry Graff, and Russ Taggard.

STAFF: Carole Connell

## Minutes

The regular meeting of the Gearhart Planning Commission for March 8, 2018 was called to order at 6 pm by President Virginia Dideum.

On **MOTION** by Anderson, 2<sup>nd</sup> by Taggard, Commissioners Dudley and Smith were unanimously granted excused absences from the March 8, 2018 commission meeting.

On **MOTION** by Taggard, 2<sup>nd</sup> by Davis, the minutes of February 8, 2018 were unanimously approved.

The financial report of February 28, 2018 was as follows:

Planning Commission Expenses:	
Year to date	11,522.87
Balance	(1522.87)
Planning Commission Secretary Expenses:	
Year to date	22,660.17
Balance	7339.83

On **MOTION** by Taggard, 2<sup>nd</sup> by Graff, the financial report of February 28, 2018 was unanimously approved.

## STAFF REPORTS

Connell reported the FEMA flood hazard maps *must* be adopted by June 20, 2018, the proposed amendments are to reflect the adoption date. The maps are more current and indicate a net loss in flood plains for the city. The commission will hold a public hearing at the April commission meeting followed by a public hearing with the council in May. All property owners affected by a change in flood plain will be noticed. Staff is preparing maps to indicate changes in properties impacted by flood plain and a map may be available on the website. Text amendments will include new definitions, variance requirements and manufactured homes standards, more for property owners' protection. Properties

moved out of the flood plain gain a huge bonus by not being required to purchase flood insurance. If FEMA flood maps are not adopted as required people will not be able to purchase flood insurance.

#### ETHICS REPORTS

Reports can be filled out after the Oregon Governmental Ethics Commission notifies commissioners by email to set up individual accounts. Reports are due April 15<sup>th</sup>.

It was noted the CERT team is holding an Emergency Preparedness Town Hall on Saturday April 7, 2018 at the Gearhart Fire Hall.

Connell reported the council would be hearing the Dune Vegetation amendments on April 11<sup>th</sup>.

#### COMMISSIONERS REPORTS

Dideum questioned the newspaper article regarding the council *overturning* the commission's decision on the Romine Land Partition when the council decision was made with new information presented by the applicant. Romine will be putting in the water main paying for a 6 inch line and the city will pay the difference from a 6 inch main to an 8 inch main.

#### VISITORS COMMENTS

None

#### PUBLIC HEARING

CKI on behalf of James Gronmark Land Partition #18-002P, 4911 Gronmark Lane, Assessors Plat 71034CA Tax Lots 2101 & 2102 to partition into two (2) legal lots.

Dideum opened the public hearing and read the disclosure statement into the record. She asked if Commissioners had any exparte contact, conflict of interest or bias to declare. None was voiced. She asked if there were any audience challenges to the Commission hearing the application before the Commission. None was voiced.

Connell noted the engineer had been contacted this evening and are OK with the staff recommendations and will not be attending the hearing. Connell reviewed the staff report. She recommended changes to verb age regarding clarification in measuring the 20 foot easement from the adjoining property line on the north side of the easement, providing a fire apparatus turnaround within a dedicated easement and a declaration of a private road maintenance agreement between all parcels that access Gronmark Lane.

Graff asked who owned parcel 1 and why Gronmark was asking for the partition.

Connell said Gronmark owns parcel 1 and the request is to relocate the lot line and allow for another buildable lot.

Dideum ask what the definition of 'improved'.

Connell said 'improved' is an Oregon Fire Code definition relating to width, compaction and depth of surface, the surface will remain gravel.

Graff asked what was north of the development.

Connell said a single family lot that was accessed off highway 101 and could potentially be partitioned in the future.

There were no proponents or opponents to the partition.

#### Neutral Comments

Tom Thies, P O Box 2831 Gearhart, OR 97138 – asked if the maintenance agreement can be put into a deed. He lives on a street that had a maintenance agreement but as property passes the agreement has not passed on with the deed.

There was no applicant.

The public hearing was closed at 6:50pm.

On **MOTION** by Graff, 2<sup>nd</sup> by Davis, by unanimous motion land partition file #18-002P as submitted by CKI on behalf of James Gronmark to partition two (2) parcels into two legal lots for property located at 4911 Gronmark Land and further described as Assessors Plat 71034CA Tax Lots 2101 & 2102 was approved with the revised recommendation and conditions of the city planner. (See attached)

#### GOALS LIST

Connell noted the addition of the June 20, 2018 deadline to approve FEMA amendments.

NEW BUSINESS

None

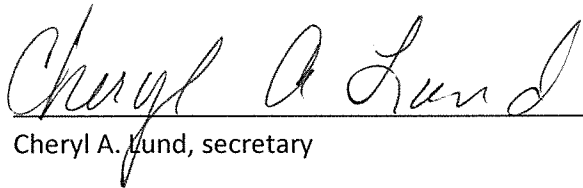
CONCERNS OF THE COMMISSION

None

QUESTIONS FOR THE LAND USE ATTORNEY

None

The meeting was adjourned at 6:59 pm.

  
Cheryl A. Lund, secretary

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approved

**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF GEARHART**

<b>IN THE MATTER OF A PERMIT FOR A TENTATIVE PARTITION PLAN</b>	) ) )	<b>FINAL FINDINGS AND ORDER</b>
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**APPROVAL** of a Tentative Land Partition for a two-lot land division to relocate an existing parcel line that was created by deed in 2015

**FILE NUMBER:** File# 18-002P Gronmark

**OWNER:** James Gronmark  
1377 SE 11<sup>th</sup> 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
4. Gearhart Police Chief: no comment 1-29-18
5. Gearhart Fire Department: letter with concerns 2-8-18
6. Gearhart Public Works
7. 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. 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 the 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.

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 and a dedicated easement in the vicinity to safely turnaround a fire department apparatus per OFC 503.1.1.
- Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on one side 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, the Planning Commission approved the Tentative Partition Plan dated 1-18-18, with the exception of the proposed fire apparatus turnaround illustrated on Sheet 1 because the turnaround is not fully in a dedicated easement. Approval is subject to the following conditions:

##### Conditions of Approval

- A. Within one year of this tentative decision the Final Partition Plan shall be submitted to the City for Planning Commission approval in accordance with these conditions of approval. If necessary, prior to expiration the applicant may request that the City grant an extension to the one year expiration.
1. Prior to issuance of a building permit 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 approval 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 measured from the north line of Parcels 2100, 2101, 2102, 2103 and 2104. The Final Partition Plan shall also include an area to safely turnaround a fire department apparatus in a dedicated easement per OFC 503.1.1.

- Signage: The applicant shall install a “NO PARKING – FIRE LANE” sign on the north side 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 all parcels that access Gronmark Lane to assure the private road is adequately maintained.
  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.

## V. DECISION

On March 8, 2018 The Planning Commission APPROVED the proposed Tentative Partition Plan based on the findings in this report and subject to the conditions of approval.

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

Date: 3/16/18

DATE MAILED: 03 21 2018

APPEAL

In accordance with the Gearhart Zoning Code Section 13.070, 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 outlined in Section 13.070(3).