

R 10/10/2018

October 6, 2018

Gearhart City Council,

I live on McCormick Gardens Rd. and my house is probably the one closest to the street of all of them. My husband and I have lived on the road for almost 40 years, and until recently didn't see many changes. When the housing development on Hillila Rd. and Highway 101 went in, traffic noticeably increased on McCormick Gardens. This is because many of the people in those homes drive up and down McCormick Gardens to use the light on Pacific Way. Getting out onto 101 from Hillila, even turning right, and especially in the summer, is very dangerous. This is to say nothing of turning left off 101 onto Hillila which at the best of times is a hazard. Speeding on our road has become a huge problem with this increase of traffic, as it is a straight stretch until the two 90* turns on the north and south ends.

About the 90* turns at both ends of the road; if traffic from the proposed Palmberg development is routed onto McCormick Gardens as proposed, I can foresee head on collisions. People coming around those corners cut into the wrong lane and go too fast. An increase in 2 or 3 car homes at the south end will increase this risk. Also, the light onto Highway 101 is a very dangerous one. Hardly a month goes by when someone either going north or south doesn't run that light or turn left in front of an oncoming car. Not to mention how many times I've almost been hit by someone blindly backing out of the Dairy Queen parking lot onto Pacific Way. There are often parked cars in the road or cars backing out from Terry Bacon's shop and Gearhart Ironwerks too, and the blind hill heading up and down off Railroad Ave. is another place where cars often drive on the wrong side of the road and with too much speed. Having more and more people using the Pacific Way light from the east will not be a good thing.

McCormick Gardens Rd. is a country road. Every day there are dog walkers, older people out for exercise, bicyclists, skate boarders, joggers, families pushing baby strollers, and of course, elk, deer, squirrels, great blue herons and bitterns in the ditches, ducks and geese crossing with babies, and birds flying back and forth across the road. We don't need more cars! Please think about the impact another housing development will have on the people and the wildlife that live "on the wrong side of the tracks" where it has mostly been peaceful and quiet for all these years.

Thank you.
Jan Wieting

88189 McCormick Gardens Rd.
Gearhart OR 97138

October 10, 2018
HGSI Project No. 18-2287

Bill Palmberg
Palmberg Paving Company
499 Ridge Drive
Gearhart, Oregon 97138

Copy: Li Alligood, Otak

Via e-mail with hard copies mailed on request

**Subject: SUPPLEMENTAL CONSULTATION REGARDING PRELIMINARY GEOTECHNICAL
ENGINEERING REPORT
PROPOSED RESIDENTIAL DEVELOPMENT
PALMBERG PROPERTY
GEARHART, OREGON**

Reference: *Preliminary Geotechnical Engineering Report, Proposed Residential Development, Palmberg Property, Gearhart, Oregon; Hardman Geotechnical Services Inc. (HGSI) report dated June 7, 2018.*

This letter has been prepared to address alternative development concepts for the Palmberg Property in Gearhart, Oregon. HGSI's *Preliminary Geotechnical Engineering Report*, referenced above, focused on a preliminary development plan that consists of 25 single-family lots with associated streets and infrastructure. However, the report was not intended to exclude other development concepts. The primary geotechnical constraint to site development is the presence of undocumented fill at various locations throughout the site, which will need to be overexcavated and replaced with properly compacted engineered fill beneath structures and pavements.

We understand that alternative development concepts may be considered for the site. This might include a mix of single-family and multi-family structures, a cluster of apartment-type buildings, or a combination of single- and multi- family structures. Based on our subsurface exploration and engineering evaluations, these alternate development concepts are considered feasible from the geotechnical perspective, provided the structures are no higher than about 4 stories.

The recommendations of the HGSI preliminary geotechnical report would remain applicable for the alternative development concepts, although the report recommends geotechnical review of the proposed grading plan as the design progresses. HGSI is available to consult during the design process, and provide supplemental geotechnical recommendations as needed.

October 10, 2018
HGSI Project No. 18-2287

Within the limitations of scope, schedule and budget, HGSI executed these services in accordance with generally accepted professional principles and practices in the field of geotechnical engineering at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.



We appreciate this opportunity to be of service.

Sincerely,

HARDMAN GEOTECHNICAL SERVICES INC.



EXPIRES: 06-30-2019

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October 11, 2018

Via Email

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Gearhart Planning Commission
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PO Box 2510
Gearhart OR 97138
(503) 738-5501
planning@cityofgearhart.com

Re: Oregon Coast Alliance (ORCA) testimony re request to rezone from RA, rural Agriculture to R2, Medium Density Residential

On behalf of Oregon Coast Alliance (ORCA) please accept the following testimony in opposition to the application to rezone 27 acres from Rural Agricultural to R2, Medium Density Residential. For the reasons below, the application must be denied.

I. The application is inconsistent with GZO Section 3.13 Freshwater Wetland and Lake Overlay Zone

The purpose of this zone is to conserve significant freshwater wetlands and lakes. While the proposal purports to restrict the use on identified wetlands, the applicant has not addressed that the residential development may otherwise effect wetlands, regardless of whether the development is occurring on the wetlands themselves. The allowed uses and accessory uses in the overlay zone are generally passive and beneficial to the wetlands. The same cannot be said of significant residential development. The septic systems, roads, and other accessory uses that occur in conjunction with residential dwellings have not been fully addressed by the applicant, and, as a result, there can be no finding of consistency with GZO Section 3.13.

II. The application has not demonstrated that the amendment will meet a land use need

The applicant alleges that “[l]ocal housing authorities and others have determined there is a need for more affordable housing in the north coast region.” The applicant has not demonstrated that the proposed houses will, indeed, be affordable. For example, the applicant has not shown that the proposed houses are any more affordable than those that already exist in Gearhart. Moreover, there is no housing need in Gearhart unless it is demonstrated how much residentially-zoned land is currently available. Beyond those basic issues, it is unclear how much residentially-zoned land is available that is not afflicted by contaminated soils and would also adversely affect wetlands by residential development. Considering all of these issues, there is simply no need for a residential development amidst contaminated soils that would also have an adverse effect on wetlands and waters of the United States. Indeed, the applicant has not shown that such a need exists, when considering all relevant circumstances.

III. The application has not demonstrated that the uses permitted by the amendment are compatible with the land use development pattern in the vicinity of the request

Surrounding property to the north and south is Rural Agricultural and C-2 and R-2 to the west. Adjoining land outside the City and UGB is under Clatsop County jurisdiction and is zoned RA-1 by the county with additional Conservation and Rural Land designations. There is also no sufficient demonstration that the subject property will sufficiently act as a buffer between higher density zoning to the west and lower density on unincorporated lands to the east.

IV. The application has not demonstrated that the land is physically suitable for the uses to be allowed in terms of slope, soils, flood hazards and other relevant considerations

The findings for this provision do not account for the contaminated soils and adverse effects to wetlands. DEQ noted that “[t]here are localized areas of residential soil contamination in the former operational areas of the site and tax lot 1000 ... soil excavated or moved on-site during development work must not be placed in proximity to wetlands.” Residential development will entail the transport of contaminated soils, but the applicant has not identified where such contaminated soils will be deposited or transported. At one point, DEQ noted that the majority of the site, with the exception of tax lot 1000, did not present a significant threat to human health or the environment and issued a partial no further action. DEQ subsequently determined that a No Further action

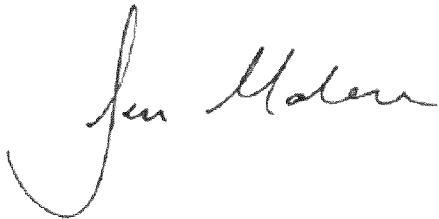
was required for tax lot 1000. Thus, there still remains areas that are a significant threat to human health or the environment, and proposal to put residences in this area is unconscionable. Clearly, residential uses should not be permitted on contaminated soils, where grading will occur, unearthing those contaminated soils. The proposed findings fail to address this issue in any regard, as it relates to this provision. Moreover, the very fact that so much of the land is undevelopable indicates that the land is not physically suitable for residential development.

Even more concerning is the statement that the primary constraints on development are the “localized and unpredictable documented fills, and relatively shallow groundwater with the potential for caving sands in trench excavations.” Again, the misguided notion that this property is appropriate for residential development is alarming, especially in light of the “preliminary” and “ cursory” septic review. The septic evaluation is admittedly based on a “ cursory inspection,” and leaves unanswered issues of “wetlands boundaries,” “proper[] remediation to DEQ standards,” and the “type size and size of septic system that will be required for each proposed lot.” It is entirely unclear, from this incomplete and premature analysis, whether septic systems could be adequately sited on the subject property given the saturated and contaminate soils.

V. Conclusion

For the reasons provided above, the application must be denied.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sean T. Malone". The signature is written in black ink and is positioned above the typed name and title.

Sean T. Malone
Attorney for ORCA

Cc:
Client