

5-5-21 Note to PC: Commissioner Graff asked me to summarize the Buildable Land Inventory (BLI) report’s suggested ways to amend our current zoning standards to encourage more housing options in the City. Please take time to read this 6-page excerpt from the BLI to help us determine PC priorities. Carole

(BLI Excerpt) **Strategies to Address Current and Future Housing Needs**

The 2018 Clatsop County Housing Study identified a variety of strategies for the City of Gearhart and other communities in Clatsop County to consider in addressing current and future housing needs. Those strategies are summarized in the following table. The City’s ability to implement of these strategies will depend on availability of adequate staff and monetary resources, as well as opportunities for partnering with other housing development and advocacy organizations in the area. The *Relative Level of Effort* column in the table reflects a combination of the relative amount of staff resources required, degree of community outreach needed, and extent to which implementation requires actions from other jurisdictions or organizations.

Several specific strategies related to updating the City’s Zoning Ordinance are described in more detail in the following section of this document. Information about other strategies is found in the accompanying Clatsop County Housing Strategies Report.

Strategy	Relative Level of Effort	Notes
Land Supply Strategies		
Strategy #1. Ensure land zoned for higher density is not developed at lower densities	Low-Medium	Requires relatively modest set of code updates to either revise list of allowed uses in specific zones and/or establish higher minimum densities; likely to require some public outreach and consideration of Tsunami Hazard Overlay zone density limitations in “M” scenario areas.
Strategy #2. Further assess infrastructure issues	Medium-High	Requires additional research and coordination with local service providers in unincorporated Clatsop County and assessment of alternative wastewater treatments strategies in Gearhart.
Policy and Code Strategies		
Strategy #1. Adopt supportive and inclusive comprehensive plan policies	Medium	Can be completed as part of a future Comprehensive Plan update using draft policy amendments prepared during this process.
Strategy #2. Streamline and right-size off-street parking requirements	High	Additional public involvement necessary. Changes should consider availability of on-street parking and varying conditions in different neighborhoods.
Strategy #3. Facilitate “missing middle” housing types in all residential zones	High	Proposed amendments to zoning ordinance to allow for single-family attached housing in conjunction with changes to lot coverage standards will help implement this strategy.

Strategy	Relative Level of Effort	Notes
Strategy #4. Encourage cottage cluster housing	Medium	Additional public involvement necessary. Model code provisions are available. This project may also consider engaging with potential developers of this specific housing types. Lot size requirements associated with septic systems in Gearhart may make this strategy challenging or less feasible to implement.
Strategy #5. Promote accessory dwelling units	Low-Medium	Additional public involvement necessary. May be appropriate to combine with Strategy #6 (missing middle). Need to consider relationship to short-term rental/vacation rental regulations and impacts on septic systems.
Strategy #6. Incentivize affordable and workforce housing	Low-Medium	Engage with affordable housing providers to ensure incentives are useful and valuable. Consider pairing incentives with other code changes, such as allowing higher density/height in exchange for affordability standards.
Incentives for Development		
Incentive #1. Streamlining permitting and review process	Medium-High	Determine whether this is needed and possible given current permitting timelines and available staffing resources.
Incentive #3. Tax exemptions and abatements	Medium-High	Consider adopting ordinance to allow use of specific abatement programs for qualifying developments or apply exemptions or abatements on project-specific basis. Can provide a sizable developer incentive over time. Most programs must be established in local policy, and in some cases a specific district must be designated.
Funding Strategies		
Funding Source #2. Construction excise tax	Medium-High	A good source of funding for developer incentives and affordable housing programs. This source will fluctuate with development market cycles but can build revenue quickly if applied to both residential and commercial construction. Evaluate the relative costs and benefit of this strategy and how revenues would be used, including opportunities for development incentives, given relatively limited development fees in Gearhart (e.g., no local system development charges).
Funding Uses #1. Public/private partnerships	Medium-High	Public/private partnerships can become more systematized once specific incentive and funding programs are established. The county should inventory and engage with potential partner agencies in affordable housing, financing, community land trusts, etc.

Strategy	Relative Level of Effort	Notes
Funding Uses #3. Land acquisition/use public lands/ community land trust	Medium-High	Cities and perhaps a regional coordinator should inventory existing “surplus” public lands that might be repurposed for housing projects in partnership with development partners. Similarly, key parcels and sites for acquisition should be confidentially identified but will likely be contingent on building of funding from tax increment financing, a construction excise tax or other sources. A community land trust could be engaged to manage and develop properties.
Regional Collaboration		
Regional collaboration and capacity building	Medium-High	Requires inter-agency engagement among county and cities to decide the purview of this office or position in housing issues across the county. Can serve as first point-of-contact for partners and community and direct a more coordinated response to housing issues among the communities of the county which face different housing needs, opportunities and constraints.

Potential Zoning Ordinance Amendments

Based on the findings of the Housing Needs Projection and Buildable Lands Inventory processes conducted for the City of Gearhart and on an associated review of the City’s Zoning Ordinance for consistency with these findings and general compliance with Statewide Planning Goal 10, the following amendments to the City’s Zoning Ordinance are recommended.

Allow for single-family attached homes (typically referred to townhomes or rowhouses). This form of housing was identified as a needed housing type in the assessment of projected housing needs identified in the *2019 Clatsop County Housing Needs Study*. However, the City’s Zoning Ordinance currently does not allow for this form of housing or even define it. While it may be challenging to develop townhomes in Gearhart, given the lack of a community wastewater treatment system, the City’s Zoning Ordinance still should allow this form of housing to ensure consistency with Statewide Planning Goal 10 and other state rules that require cities to provide clear and objective standards for needed housing.

Update standards that limit development on small lots or on a vacant residential lot that is owned by the adjacent property owner. These provisions are intended to ensure that adequate land is available to meet septic system requirements in Gearhart, given the lack of a sewer system. They are embedded in each Residential Zoning designation under the “Additional Use Restriction” sub-sections. As written, these standards are confusing and may not result in their intended function in practice. Revised ordinance language is recommended to address this same objective.

Provide additional residential land capacity for multi-family housing. Currently, multi-family housing only is allowed in two zones in Gearhart – the R-3 (High Density) residential zone and the RCPD

(Residential Commercial Planned Development) zone. Multi-family is allowed as an outright permitted use in the R-3 zone and as a conditional use in the RCPD zone. The *Housing Needs Projection* prepared for the City in 2018 projects the need for a modest number of multi-family housing units during the planning period (seven (7) units). There is very little remaining buildable land in the R-3 zone (0.3 acres which is estimated to only accommodate two dwelling units). There is additional capacity in the RCPD zone, but multi-family housing must go through a conditional use process for approval in this zone. As a result, two optional changes are recommended for consideration to address this issue:

- Rezone a modest amount of land to the R-3 designation to provide enough capacity for needed multi-family housing in a zone where it is allowed outright; or
- Amend the Zoning Ordinance to provide clear and objective standards for development of multi-family housing in the RCPD zone without requiring a conditional use permit.
- Consider amending the allowed density in the Tsunami Hazard Overlay (THO) zone, if needed, to correspond to the maximum allowed densities in the R-2 (11 unit per acre) and R-3 zone (16 units per acre).

Following are recommended potential Zoning Ordinance amendments to address the first two issues. Amendment language is provided in underline/strikethrough format. Amendments have not yet been prepared to allow for multi-family housing in the RCPD zone without requiring a conditional use permit.

ALLOW SINGLE-FAMILY ATTACHED HOUSING

The following Zoning Ordinance amendments are recommended to address this issue.

Section 1.030 Definitions

Add the following definitions to this section of the Ordinance:

XX Dwelling, Single-Family Attached. A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A single-family attached dwelling also is commonly called a “townhouse,” “rowhouse,” “attached house,” or “common-wall house.”

XX Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship, living together in a dwelling unit and no more than four additional persons, who need not be related, who live together as a single household unit.

Amend the following definition:

79 Dwelling, Single-Family Detached. A detached residential dwelling unit other than a manufactured dwelling designed for and occupied by one family only.

Section 3.2 R-1: Low Density Residential Zone

Amend Section 3.120 Outright Permitted Uses as follows:

In an R-1 Zone the following uses and their accessory uses are permitted outright.

1. Single-family detached dwelling

Section 3.3 R-2: Medium Density Residential Zone

Amend Section 3.210 Purpose as follows:

The purpose of the R-2 Medium Density Residential Zone is to provide housing consisting of a mixture of single family and multi-family house housing. The maximum allowable density shall be ~~six~~ (6) 11 dwelling units per acre.

Amend Section 3.220 Outright Permitted Uses as follows:

In an R-2 Zone the following uses and their accessory uses are permitted outright.

1. A use permitted outright in the R-1 Zone.

2. Single-family attached dwelling.

[Renumber list of other allowed outright permitted uses in this subsection.]

Amend Section 3.240 R-2 Zone Standards as follows:

In an R-2 Zone the following standards shall apply.

1. Lot Size:

Lot area shall be a minimum of 7,500 square feet. The minimum lot size for residential uses shall be as follows: single family dwelling, 7,500 square feet; duplex, 10,000 square feet; triplex, 12,500 square feet; Fourplex, 15,000 square feet; Single-family attached dwelling, 3,750 square feet per dwelling unit.

6. Lot coverage

Maximum area that may be covered by a dwelling structure and accessory buildings shall not exceed 35% of total area of the lot for all dwelling types, except that that for single-family attached dwellings, the maximum area that may be covered by a dwelling structure and accessory buildings shall not exceed 50% of total area.

Section 3.3 R-3: High Density Residential Zone

Amend Section 3.340 R-3 Zone Standards as follows:

In an R-3 Zone the following standards shall apply.

1. Lot Size:

Lot area shall be a minimum of 5,000 square feet. The minimum lot size for residential uses shall be as follows: single family dwelling, 5,000 square feet; duplex, 7,500 square feet; triplex, 12,500 square feet; single-family attached dwelling, 3,500 square feet per dwelling unit; multi-family dwelling, 5,000 square feet for the first units and 2,500 square feet for each additional unit.

UPDATE STANDARDS THAT LIMIT DEVELOPMENT ON SMALL LOTS OR ON A VACANT RESIDENTIAL LOT THAT IS OWNED BY THE ADJACENT PROPERTY OWNER

Update provisions related to General Exceptions to Lot Size Requirements (Sections 3.145, 3.245, 3.345, 3.445, and 3.545) as follows:

If a lot or the aggregate of contiguous lots in residential and commercial zones held in a single ownership are recorded in the office of the County Clerk at the time of the passage of Ordinance 477 (dated January 24, 1978) has an area or dimension which does not meet the respective lot size requirements, the holdings may be occupied by a use permitted in this zone subject to the other requirements of this zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling. However, no dwelling shall be built on a lot with less area than 4,000 square feet. However, an owner is entitled to an exception only if his property is isolated. If the owner of an undersized holding owns another lot adjacent to it, he is not entitled to an exception. Rather, he must combine the two holdings to form one which will meet, or more closely approximate the area requirements of this ordinance.

XX. Nonconforming lots in residential and commercial zones. Nonconforming lots are lots which do not meet the area or dimension requirements of this zone. The ownership status of a nonconforming lot for the purposes of the standards below shall be the ownership of the lot or lots as recorded in the office of the County Clerk at the time of the passage of Ordinance 477 (dated January 24, 1978). Nonconforming lots may be occupied by a use permitted in the applicable zone subject to the other requirements of the same zone, provided that:

1. The lot is at least 4,000 square feet in area;
2. If there is an area deficiency, residential use shall be limited to a single-family dwelling; and
3. If there is an area deficiency and the nonconforming lot is contiguous to a vacant lot in the same ownership, the lots shall be consolidated to form one lot which will meet or be no less than 90% of the lot size area requirements of this ordinance.

The updated provisions could be included in each zone as is the case with the code now. Alternatively, these provisions could be added to Article 10 (Nonconforming Uses). That may be a more appropriate location given that they are related to nonconforming uses and it would prevent the need to repeat them in multiple sections. It also would make it easier to update these provisions in the future, if needed. In addition, the individual zones could include references to Article 10, if desired.

Prior to adopting these amendments, the City should ensure that these provisions do not result in a “taking” of property by denying the owner of an individual lot or parcel any use or economic value of their property. Consultation with the City’s legal counsel regarding this issue is recommended.

