

October 7, 2021

## **CITY OF GEARHART STAFF REPORT**

To: Gearhart Planning Commission

From: Carole Connell, City Planner

Re: October 14, 2021 Public Hearing

City File # 21-004 CP.ZTA Gearhart Parks Master Plan Draft October 2, 2021

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### I. Proposal

A public hearing to consider the Draft Parks Master Plan prepared by the Parks Master Plan Citizens Advisory Committee (dated 10-02-21) resulting in legislative amendments to the Gearhart Comprehensive Plan and Zoning and Subdivision Ordinances and initiated by the City of Gearhart.

### II. Applicable Amendment Review Criteria and Procedures

1. GZO Article 11 Amendments
2. GZO Article 13 Administrative & Procedural Provisions
3. GZO Section 3.9 Parks and Open Space Zone
4. Gearhart Comprehensive Plan and Background Report
5. Gearhart Transportation System Plan (TSP)
6. Gearhart Subdivision Ordinance

### III. Summary of Proposed Amendments in Exhibit A

- A. Gearhart Comprehensive Plan: Adopt the Gearhart Parks Master Plan, and amend the Comprehensive Plan Chapter Goal 8 Recreation, Goal 10 Transportation and any other relevant Plan sections to include a reference to and adoption of the Gearhart Parks Master Plan
- B. Comprehensive Plan Background Report: The draft plan will provide an update of the original Comprehensive Plan Background 1994 report pages 34 – 37 Parks and Recreation.
- C. Maps to be included in the Park Plan: Add TSP maps illustrating, assessing condition & costs of planned pedestrian and bike facilities, Figures 4,5 & 7. Add maps of existing and proposed parks. Add photographs of select parks and trails.
- D. Gearhart Zoning Ordinance  
Amend the Gearhart Zoning Ordinance GZO Section 3.9 P Zone Parks and Open Space with a cross reference to assure compliance with the Gearhart Parks Master Plan in new development. Identify zone text amendments
- E. Amend the Subdivision Ordinance with a cross reference to assure compliance with the Gearhart Parks Master Plan in new subdivision development. Identify text amendments.

### SUMMARY CONCLUSION

It is recommended that the Gearhart Planning Commission consider testimony and propose additions, deletions or corrections to the draft plan. The city finds the amendments are important to the residents and visitors of the Gearhart community, finding the amendments are in compliance with the relevant policies of the Gearhart Comprehensive Plan and that there is a need to include community parks and recreation policies and guidelines in its planning policies and development regulations.

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#### IV. Purpose of the Amendments

The draft plan is consistent with the Gearhart Comprehensive Plan Goal 8 Recreation Policy 4 which states: “The City will create a master parks and trails plan so that development and maintenance may proceed in an orderly way, as funds may become available.” The amendments are also consistent with the Gearhart Transportation System Plan (TSP) which identifies walking paths, sidewalks and evacuation route locations to accommodate pedestrian, bicycling and recreation and sight-seeing throughout the community.

#### **Why is the City considering the proposed land use amendments?**

The absence of Parks Master Plan for Gearhart with adopted policy and land use development guidelines eliminates the opportunity to plan for the future of Gearhart residents and visitors.

- Prior land use decisions affecting city parks and open spaces have occurred without the foresight of specific policies and guidelines relevant to city parks.
- The Gearhart Transportation System Plan (TSP) provides projects for multiple locations to enhance pedestrian trails, bicycle routes and emergency evacuation routes. The proposed Park Plan adds trails and also cross references and incorporates TSP facilities and routes.
- The Park Plan provides the ability for the city to consider if new development is consistent with relevant park plan policies, has access to parks and whether on-site park improvements to new development may be applicable.
- The City of Gearhart does not have adequate funding to maintain and develop park and recreation improvements. Adoption of the plan establishes a premise for the City to request state or federal funding for city park improvements.

For these reasons the Oregon Parks and Recreation Department (OPRD) awarded the City a \$15,000 grant to develop a Parks Master Plan with policies and standards for Gearhart. The grant was awarded in October 2019 and for the past year two years City officials, staff and residents have devoted significant time and resources to develop the plan. The grant has paid for costs incurred by the city planner in the development, preparation and publication of the plan. The grant will fund plan graphics, photos and publication.

#### V. GZO Article 11 Amendment Procedures and Approval Criteria

The amendments to the Comprehensive Plan and Zoning Ordinance are legislative and may be initiated by the Planning Commission, the City Council or a property owner. After public notice has been provided the amendments shall be reviewed in accordance with the procedures of GZO 13.050.

The first evidentiary public hearing by the Planning Commission is October 14, 2021. The Planning Commission may continue the hearing or decide to act on the amendments in the form of a recommendation to the City Council. The City Council will hold a public hearing on the Planning Commission's recommendation. The Council's final decision will be in the form of a legislative ordinance amending the Comprehensive Plan, Zoning and Subdivision Ordinances. A person defined as a "party" to the subject amendment process may appeal the City Council decision to the state Land Use Board of Appeals (Article 12). Anyone who sent a letter or testified at the hearing will be notified of the decisions.

## VI. Comprehensive Plan and Zoning Ordinance Amendments

### A. Comprehensive Plan Amendments

The proposed amendments will add new park planning policies currently not addressed in the Gearhart Comprehensive Plan in the form of a cross-reference to the Parks Master Plan.

### Zoning Ordinance Amendments:

The proposed plan needs to be cross-referenced to the Parks and Open Space P Zone Section 3.9, as well the Subdivision ordinance to implement the comprehensive plan policies by establishing standards, requirements, incentives, and other measures in the review of new development. There are proposed policies that may be listed as uses or limitations in the ordinances, such as park benches in the Beaches and Dunes overlay Zone, riparian vegetation protections in the estuary, beach dune grass mowing limitations.

## VII. GZO Section 11.040 Amendment Approval Criteria

Before amendments to the Comprehensive Plan or the text of the zoning or subdivision code are approved findings will be made assuring the amendments are consistent with the goals and policies of the Comprehensive Plan, the Statewide Planning Goals, and that there is a public need for the proposed amendments. The Gearhart Comprehensive Plan is in compliance with the statewide land use planning goals. This report addresses only relevant city goals and policies.

### A. Amendment Criterion 1: Comprehensive Plan Policy Compliance

The Comprehensive Plan provides multiple policies in several plan sections supporting the development and adoption of a Parks Mast Plan for the city as follows:

1. Goal 1 Citizen Involvement, Revision, Implementation and Process Goals LCDC Goal 1 & 2

Comprehensive Plan Goals 1 & 2 policies establish a process and implementation mechanism for land use planning and regulation to assure citizen involvement is provided in the amendment process when adopting new or revised standards. The City has ensured that technical information is available to citizens, the Planning Commission and City Council who represent the wide diversity of views and interests in the community. Citizen involvement and an open process are provided for in the Gearhart Zoning Ordinance Article 10 Amendments and Article 12 Procedures to ensure the citizens receive responses to their comments at meetings, in the meeting minutes or in writing, and that the city will maintain a record of meetings. The procedures require an advertised public hearing process with a recommendation by the Planning Commission and a decision by the City Council based on findings that there is a public need for the amendments and that the amendments are in compliance with the Gearhart Comprehensive Plan and Statewide Planning Goals.

When making comprehensive plan and zoning ordinance revisions the goals and policies of the Plan provide the underlying principles to measure the amendments against. The implementation policies assure when revisions are made that the broader community interest is served by the modification. Plan policies set forth guidance to assure that development standards remain effective over time.

FINDINGS: The Gearhart Planning Commission maintains an active list of prioritized goals to assure they are keeping up with changing laws, trends and broader community interests. Adoption of the Plan will bring the City into compliance with the state LCDC Goal 8 Recreation as well as the city policy in the Gearhart the Comprehensive Plan policy to develop and adopt a park plan,

The project was partially funded by a \$15,000 grant from the Oregon Parks and Recreation Department. The state notice to proceed was issued on October 3, 2019, but the project was delayed due to the COVID outbreak. In April 2020 the City staff began the process and sought interested citizens from neighborhoods throughout the city to serve on a park plan advisory committee.

The Gearhart Parks Master Plan Advisory Committee served as the project advisory committee and prepared the draft plan. The Committee held 14 public meetings and work sessions to prepare the draft plan between October 2020 and August 2021. The meetings were advertised and open to the public. There are city records of all meetings.

In addition, a public survey was posted and mailed to all residents in the city. The plan has a detailed section describing survey results and public input.

In September and again in October 2021 the City website published the draft document as it was developed over the course of the project. The Commission and City Council will provide opportunity for comment and feedback during the public hearings. All meetings are recorded to maintain a record. In accordance with GZO Article 13 Administrative Provisions notice of a public notice was mailed to the DLCD more than 35 days before the initial hearing and notice was published more than 20 days before the initial Planning Commission hearing on September 9, which was postponed until October 14, 2021. The City finds the process for developing the proposed Gearhart Park and Recreation Master Plan and policies has occurred in compliance with city and state citizen involvement and land use planning goals and procedures.

2. General Development Goals: *“To preserve the low density, semi-rural character of Gearhart. To ensure that development occurs in a manner that is in harmony with the sensitive coastal environment that defines Gearhart.”*
3. Open Space, Scenic Areas, Historic and Natural Resources (LCDC Goal 5): *“To conserve, preserve, and protect open space, scenic areas, historic and natural resources in and around the Gearhart community for future generations.”*
4. Air, Water, and Land Resource Quality (LCDC Goal 6): policy “1. *The City will require the separation and buffering of industrial and transportation related noise sources from noise sensitive areas through the use of . . . setbacks, buffer strips, berms, performance standards and overlay zones . . .* policy 2. *The City will encourage the use of alternative modes of transportation to the automobile . . .*”
5. Geology and Geologic Hazards (LCDC Goal 7): “Policies Related to Reducing Development Risk in High Tsunami Risk Areas: 2... *Encourage open space, public and private recreation and other minimally developed uses within the tsunami inundation zone area.* 6. *Protect and enhance existing dune features and coastal vegetation to promote natural buffers and reduce erosion.*”
6. Recreation (LCDC Goal 8): *“To encourage further development of recreational facilities in the Gearhart area commensurate with air, land, water, environmental and scenic resources.”*
7. Economy & Energy (LCDC Goals 9 and 13): “Policies: . . . *It is a goal of the City to ensure a stable and healthy economy in Gearhart through all available resources, both human and natural resources; and policy 5. The City will discourage proposals for municipal projects not essential to public health, safety and welfare, which would*

*increase the City's existing bonded debt and place unreasonable financial burdens on residents."*

8. Transportation (LCDC Goal 12): *"Goal 1: Access and Connectivity for All Modes. Provide a transportation system that ensures a convenient and accessible network for all modes of travel, including walking, biking, using transit, and driving. . . Goal 4: Livability, Health, and Recreation: ...4.2 Preserve and enhance the Ridge Path as a recreational asset for the city and a segment of the Oregon Coast Trail by establishing connections to the path, requiring appropriate access easements, and maintaining the path surface. . . 4.4 Coordinate with the Oregon State Parks Department to regulate driving and parking on the beach within the Gearhart Urban Growth Boundary. . . . Goal 5: Environmental Resources: policy 5.2 Implement local, state, and federal regulations to minimize the impacts of transportation on environmental resources, including streams, freshwater wetlands, estuaries, dunes, and habitat areas."*

FINDINGS: The City finds the proposed policies and development standards recognize the coastal environment is sensitive and will protect those attributes and maintain the semi-rural character of Gearhart. The amendments will encourage preservation of open space and natural resources.

The City finds the proposed policies and regulations will ensure Gearhart has specific guidelines and standards to address park and recreation needs relevant to future development proposals and to assure that new development is located and built within close proximity to park resources. Adoption of the proposed amendments will allow for outside funding assistance to help make future public park improvements. This is an important budgeting option for the city and will help to meet its goals to create an active, healthy and livable community.

The City finds the amendments delineate objective standards to assure future growth and development projects consider park and recreation needs in a comprehensive manner. Neighborhoods with access to park facilities will add a value that compliments city goals for a stable and healthy economy.

9. Housing (LCDC Goal 10)

The Gearhart Housing Goal policies ensure decent, affordable housing and housing availability for all residents of the Gearhart area.

FINDINGS: The Planning Commission finds that when new housing is built the development and subdivision standards will assure that roads, walkways, paths and connections to city services will be reviewed in accordance with the proposed park plan policies.

10. Transportation (LCDC Goal 10)

FINDINGS: The City finds the proposed amendments are consistent with and support the Gearhart TSP which identifies numerous pedestrian, bicycle and evacuation routes. The amendments add specific guidance to assure consistency with relevant element of the TSP when reviewing new development proposals. The proposed Park Plan is consistent with the following transportation policies on page 25 of the Gearhart Comprehensive Plan:

*1.1 Improve connectivity for people walking or biking by completing gaps in the current network of pedestrian and bicycle facilities.*

*1.2 Where street connections are not possible or desired, seek development of multi-use path connections between disconnected streets or public access ways to create a more connected and continuous transportation system for walking, biking and rolling.*

*2.1 Coordinate with ODOT to provide mobility on U.S. 101 while integrating the needs for local access and for modes other than the private automobile.*

*4.1 Pursue the development of a network of local shared access paths and trails in coordination with the regional trail network*

*4.2 Preserve and enhance the Ridge Path as a recreational asset for the city and a segment of the Oregon Coast Trail by establishing connections to the path, requiring appropriate access easements and maintain a path surface.*

11. Urban Growth (LCDC Goal 14)

*The Gearhart Urban Growth Goal policies are established to manage urban growth.*

FINDINGS: The Planning Commission finds the Plan and amendments will also be applicable to land outside the city but inside the Gearhart UGB. The Park Plan identifies the need to support new park facilities in areas identified as underserved and without adequate recreation opportunities.

12. Necanicum Estuary (LCDC Goals 16 & 17)

The Gearhart Necanicum Estuary Goal policies are established to maintain all identified marsh areas in their natural, productive condition.

FINDINGS: The amendments affect a portion of the estuary zoned Park P. There are no proposed changes to the Park Zone in the draft Plan. The Planning Commission has expressed interest in considering adding the Necanicum Estuary 50' setback provisions to the Park Zone.

The provision reads as follows:

*Necanicum River Estuary setback: All structures and uses shall be setback fifty feet (50) from the Necanicum River Estuary, unless direct water access is required in conjunction with a water dependent use. The setback shall be measured from the mean high-water line. Riparian vegetation within this setback shall be protected as specified in GZO Section 6.070 (5).*

13. Beaches and Dunes (LCDC Goal 18)

The Gearhart Beaches and Dunes Goal is to conserve, protect, develop, and restore the resources and benefits of coastal beach and dune area consistent with local goals, policies, and regulations, state law and federal regulations.

FINDINGS: The City finds the Park P Zone is located in locations within the BAD Overlay. The proposed plan policy amendments include addressing the number and location of existing and new benches located in the dunes. If these policies are recommended to be approved and/or amended they should be added to the Park Zone to assure compliance in the future. The bench policy has been floating around for decades causing confusion over what it is and who is responsible for it, until now. Another policy issue to add to the zone or the BAD zone is the mowing of beach grass.

B. Amendment Criterion 2: Demonstration of Public Need

FINDINGS: For the reasons set forth in in the Comprehensive Plan Goal 8 Recreation which has had a policy to develop a Parks and Recreation Plan since conception of the Comprehensive Plan in 1974. Further, based on the stated purposes and intent of the plan document, state approval to fund development of a park plan, and the above findings, the City has determined there is a public need for the amendments.

VII. SUMMARY and RECOMMENDATION

The development of a Gearhart Parks Master Plan is consistent with the goals and policies of the Comprehensive Plan. Public testimony, corrections, additions or deletions to the document shall be considered by the Planning Commission and City Council. Adoption of the plan is required by Oregon Parks and Recreation District by March 1, 2022, pending an extension approval.