

CITY OF GEARHART PLANNING COMMISSION

City Staff Report

From: Carole Connell, AICP - City Planner

Re: Request for a Conditional Use Permit approval

October 7, 2021

City File: #21-05 CU

Application Purpose: An application for approval of a Conditional Use Permit to construct a six-unit residential building in a Commercial C-2 zone.

Public Hearing Date: October 14, 2021

Applicant: Dale Barrett, Technical Enterprises LLC
34107 W. Campbell Loop
Seaside, Oregon 97138

Property Owner: Technical Enterprises LLC

Location: 4217 N. Hwy 101; Tax Lot 3000 Map 6 10 03DB00201
Lot size: 28,283 square feet (.64 acres)

Procedures: Application received: 7-15-21
Completeness: 8-14-21
Notice Mailed: 9-23-21
Notice Published: 9-23-21
120-day deadline: 12-12-21

Exhibits

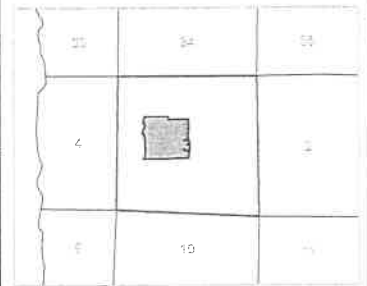
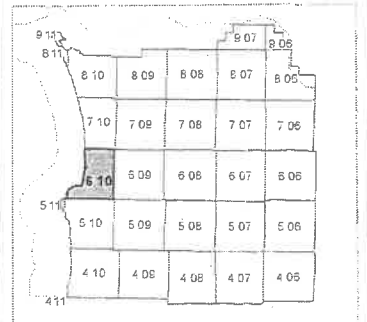
- Gearhart Fire Chief, no fire concerns, parking comments, email 9-16-21
- Gearhart Building Inspector, no concerns subject to code compliance, email 9-21-21
- Gearhart Police Chief, parking comments, email 9-13-21
- Gearhart Public Works, utility comments, email 9-13-21
- Gearhart City Manager, parking comments, email 9-17-21
- Clatsop County, no comments, emails 9-13, 9-20 and 9-27-21

Gearhart Zoning Code Review Criteria:

- GZO Section 3.5 General Commercial C-2 Zone
- GZO Section 3.14 Tsunami Hazard Overlay Zone
- GZO Article 4 Transportation Improvements & Access Management
- GZO Section 6.060 Off-Street Parking, landscaping, signage, clear vision requirements
- GZO Section 8.040 Conditional Use Review Criteria
- GZO Section 8.060 Additional Modification of Standards for CUP

6 10 03 BD
 CLATSOP COUNTY
 SE 1/4 NW 1/4 SEC.3 T6N R10W WM
 0 62.5 125 250 ft

Scale 1:1,200



CANCELLED TAXLOT NUMBERS

101	1800	2902	4100	5400
501	1900	3301	5200	
900	2901	3311	5300	



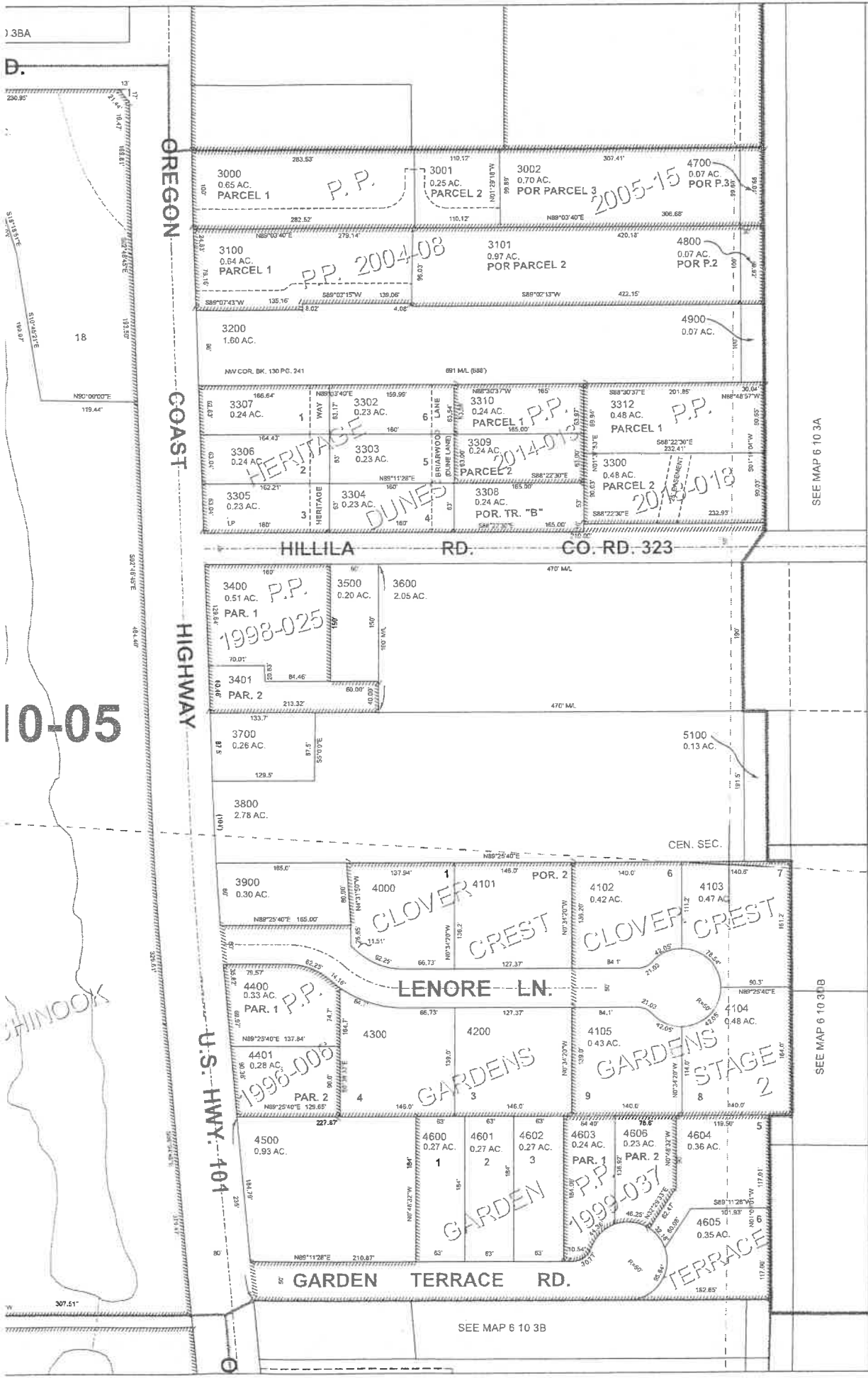
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.clatsop.or.us

This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

PLOT DATE: 11/06/2019



6 10 03 BD



OREGON

COAST

HIGHWAY

U.S. HWY. 101

SEE MAP 6 10 3A

SEE MAP 6 10 3B

SEE MAP 6 10 3B

10-05

CHINOOK

P.P.

P.P. 2004-08

2005-15

HERITAGE DUNES

2014-015

P.P.

2015-018

P.P. 1998-025

P.P. 1996-008

P.P. 1999-037

CLOVER CREST

CLOVER CREST

GARDENS

GARDENS

STAGE 2

GARDEN

TERRACE

HILLILA RD. CO. RD. 323

LENORE LN.

GARDEN TERRACE RD.

3000 0.65 AC. PARCEL 1
 3001 0.25 AC. PARCEL 2
 3002 0.70 AC. POR PARCEL 3
 4700 0.07 AC. POR P.3
 3100 0.64 AC. PARCEL 1
 3101 0.97 AC. POR PARCEL 2
 4800 0.07 AC. POR P.2
 3200 1.60 AC.
 3307 0.24 AC.
 3302 0.23 AC.
 3303 0.23 AC.
 3309 0.24 AC. PARCEL 2
 3310 0.24 AC. PARCEL 1
 3312 0.48 AC. PARCEL 1
 3300 0.48 AC. PARCEL 2
 3305 0.23 AC.
 3304 0.23 AC.
 3308 0.24 AC. POR. TR. "B"
 3400 0.51 AC. PAR. 1
 3500 0.20 AC.
 3600 2.05 AC.
 3401 PAR. 2
 3700 0.26 AC.
 3800 2.78 AC.
 3900 0.30 AC.
 4000
 4101 POR. 2
 4102 0.42 AC.
 4103 0.47 AC.
 4400 0.33 AC. PAR. 1
 4300
 4200
 4105 0.43 AC.
 4104 0.48 AC.
 4401 0.28 AC.
 4500 0.93 AC.
 4600 0.27 AC.
 4601 0.27 AC.
 4602 0.27 AC.
 4603 0.24 AC. PAR. 1
 4605 0.23 AC. PAR. 2
 4604 0.36 AC.
 4605 0.35 AC.
 4606 0.35 AC.

- GZO Article 13 Administrative Application, Notice & Hearing Procedure

I. Background

- A. Site information: The subject parcel has a manufactured home that will be demolished and an estimated 3 large trees. The large cedar on the north property line and the large Pine tree on the east property line will be saved. The large fir tree and two maples are in or near the building envelope and will be removed. Access from Highway 101 was provided by a 25' wide, 900' long access and utility easement when the land was divided in 2005. The easement also serves two adjoining parcels to the east, (Pershing). The access and utility easement has a graveled surface. Potholes exist within about 50 feet of the highway due to a highway pavement lip that requires vehicles to accelerate to enter the highway. The drive terminates in a half-hammerhead turnaround area, the east half is on the adjoining parcel. There is a fire hydrant at the northwest corner of the property. The relatively flat site has some drainage runoff problems. The parcel is within the "Medium" tsunami scenario and is therefore subject to density limitations.

Surrounding uses include a daycare business on the north, one residence to the east, the Yankee Trader commercial business to the south and the highway to the west. There are two water services to the subject site. There is an existing 6' fence on the adjoining property to the east. There is a 4' chain-link fence on the east portion of the abutting north parcel. No new fencing is proposed. The applicant proposes additional landscaping between driveways, in the septic system area on the west side of the property and in the open space on the east side of the site and adjoining the highway.

- B. Summary of Proposal: The applicant's elevation drawings prepared by Sunrise Homes illustrate 6 two-story dwellings in a single structure. Building materials include composition roof, hardy plank siding, aluminum windows. The two-story floor plan includes a one car garage, a bath, great room, kitchen and dining on the first floor and two bedrooms and two baths on the second floor. The exterior includes a parking stall in the driveway, a walkway and landscaping in the front yards. The primary and back-up septic system areas are on the west side of the parcel. Additional landscaping/open space is on the highway, the west and east side of the parcel adjoining a half (12.5' wide) hammerhead turnaround, the other half shared with the adjoining property owner.
- C. Agency Coordination: The proposal was referred to city departments, ODOT and Clatsop County. There were no objections, but some concerns were raised. If approved, agency approvals of final plans are required.

Agency comments:

- Gearhart Fire: No hydrant needed because one exists at the western edge of the property adjoining the highway. Extra fire protection is provided between units 2/3 and between 4/5. Therefore, there are no fire access or water supply concerns.
- City Building Dept: No objection based on the preliminary, subject to building plan review.
- City Public Works: “A water main will have to be installed along with a hot tap. The size and location is not known at this time, but the developer will be responsible for all cost including parts, labor and contractor services. The size of the main is based on the number of meters and whether or not a hydrant is needed. A utility easement for the main will also be required. The two existing ¾” services are not enough to feed this development.”
- City Police: “Lamont Lane will need to be posted “No Parking” on the north side. There is no way people will have one vehicle in the garage and one in the driveway, it just will not happen. And where will other visitors park? Probably on the south side of Lamont on the city ROW if improved.”
- City Administrator: Parking concerns.
- ODOT: a new ODOT staff rep is working with the city and coordinating their ODOT Gearhart Highway 101 Safety Improvement preliminary plans. Additional highway ROW may be required based on very preliminary decisions for a planned walkway bike lane on the east side of the highway adjoining the site.

II. Gearhart Comprehensive Plan and Zoning Code (GZO) Provisions

- A. GZO Article 13 Administrative Provisions: The application for a Conditional Use Permit is a quasi-judicial decision of the Planning Commission. The applicant has submitted the required forms and materials. The public hearing was advertised at least 20-days before the hearing and notices were mailed to properties within 200 feet of the subject parcel. This report was made available no less than seven days before the hearing. The public hearing will be conducted in accordance with Section 13.050. A party to the decision by the Planning Commission may appeal the decision to the City Council.
- B. Applicable Comprehensive Plan and Zone Standards: The site is designated General Commercial C-2 by the Gearhart Comprehensive Plan and Zoning Ordinance.
- C. GZO Section 3.5 C-2 General Commercial Zone
 The purpose of the C-2 zone is to provide for a broad range of commercial uses and activities to serve the needs of the city and its visitors. The General Commercial zone shall allow for a broader range of development than may be located in the C-1 Zone.

FINDINGS: The City finds the C-2 Zone Section 3.530 Conditional Uses Permitted #9 allows a tri-plex or multi-family dwelling. The request is for approval of a Conditional Use Permit to build one multi-family structure with six (6) dwelling units, subject to Planning Commission approval based on the Residential R-3 Zone standards and Article 8 Conditional Use approval criteria.

The C-2 zone allows for multi-family housing per the Residential R-3 zone standards:

1. Lot size: a multi-family dwelling shall provide 5,000 SF for the first unit and 2,500 SF for each additional unit.

FINDING: the parcel is 28,283 SF. Six units requires 12,500 square feet of area. The site area exceeds the minimum required by 15,783 SF.

2. Density: The overall density on any parcel shall not exceed 16 dwellings per net acre. FINDING: The net area of the parcel is reduced to 20,414 SF by elimination of the 25' road access easement. Therefore, the maximum density calculation is based on a net acreage of 20,414 SF or .47 acres x 16 = 7.52 unit maximum. The proposed 6 units is less than the 7.52 units permitted on the site, and therefore complies with the maximum density of 16 units per acre.

3. Front yard: A front yard shall be at least 15 feet deep.

FINDING: The front yard adjoins Hwy 101. The proposed building is setback 100 feet from the highway. The front yard exceeds the minimum setback standard.

4. Side yard: A side yard shall be 10 feet, except 15' on a corner. Side yards shall be 15' for structures more than two stories.

FINDING: The proposed two-story building is 15 feet from the parcel's north side line and 43' from the south side line, exceeding the side yard setback standard.

5. Rear yard: a rear yard shall be 15' or 25' for structures more than two stories.

FINDING: The proposed two-story structure is setback 75' from the east rear property line, exceeding the rear yard setback standard.

6. Height restriction: The maximum height of a structure shall be 30 feet or three stories whichever is less.

FINDING: The proposed two-story structure is 26.3 feet high and is less than the maximum height of 30' allowed.

7. Lot coverage: The maximum area covered by a permitted structure and accessory buildings shall not exceed 55% of the total area of the lot.

FINDING: The proposed structure, paved parking and an estimated 9,935 SF of a 20-foot-wide paved street covers an estimated 14,935 SF. 55% of the total 28,283 lot area is 15,555 SF, or about 720 SF less than the maximum lot coverage allowed. A 5-foot paved walkway to the highway adds 520 more sq.ft. and still compliant.

FINDINGS: The City finds the proposed 6-plex structure and improvements comply with the R-3 zone standards.

D. GZO Section 3.14 Tsunami Hazard Overlay Zone (THO)

The purpose of this section of the code is to increase community resilience from a Cascadia Subduction Zone tsunami by establishing standards, requirements, incentives and other measures applied in the review and authorization of land use and development activities impacted by the XXL magnitude source tsunami event, which is all of Gearhart.

THO Zone Permitted, Conditional and Prohibited Uses

FINDING: In the THO zone all permitted, conditional and prohibited uses in the underlying C-2 zone are subject to applicable THO zone limitations and requirements. Applicable to this case, the overlay zone prohibits a residential density over 10 dwelling units an acre in areas inundated by the “M” magnitude scenario. Further, evacuation route improvements include highway frontage improvements that may be required.

FINDINGS: The City finds the proposed 6-plex multi-family structure is in the “M” magnitude area according to the DOGAMI Tsunami Inundation Map (TIM) and is therefore affected by the 10 dwelling units per acre residential density maximum. The gross site is 28,283 square feet or 6.4 acres. The City finds the .64 acre site is allowed to have a total of 6.4 dwelling units. The proposed 6 dwelling units is in compliance with the THO zone density limitation.

Section 3.1470 THO Required Development Improvements

Except for single-family and duplex dwellings, all new development, substantial improvements and land divisions in the THO zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the Gearhart TSP evacuation route designations.

1. Evacuation Routes: A new multi-family residence is required to incorporate evacuation route improvements as a part of new development in compliance with the Gearhart TSP.

FINDINGS: The 6-unit structure will house an estimated 2.3 persons per household (2019 Clatsop Co. Comprehensive Housing Study) or 14 persons in the 6-plex. There are two existing or planned evacuation routes nearest to the subject site, west on Highway 101 and east on Tressel Dr. Highway 101 directly abuts the site. The Gearhart TSP identifies the need for pedestrian and evacuation route improvements. The City and ODOT are in the process of developing a Highway 101 Safety Improvement Plan for the 3-mile highway section through Gearhart. Pedestrian and bicycle facilities are included in the plan. For this case, the city and ODOT are developing the most practical plan to provide access to the highway evacuation route.

Tressel Drive is a second option of a future pedestrian evacuation route located about 417 feet east of the site. But the occupants do not have legal access across two intervening

private properties to reach the planned pedestrian trail route for a connection to the high ground at the water tank on Salminen Road. In addition, the trail is planned on privately owned land and cannot be considered as a public pedestrian trail until a land use application for the adjoining parcel (Pershing) is considered.

In summary the request can meet the applicable THO zone development requirements of maximum density and planned evacuation route improvements.

E. GZO Article 4 Transportation Improvements and Access Management

Section 4.040 Transportation Improvement requirements are applicable to a new development if the development fronts a street segment that is planned for a sidewalk or trail. The Gearhart TSP and Tsunami Hazard Overlay zone requires highway frontage and evacuation route improvements unless the City Manager waives, defers or requires a fee-in-lieu of the improvements per subsection 3 Improvements to Existing Streets.

(For brevity, only the relevant sections of Article 4 are paraphrased below. Requirements that are not applicable are not listed or addressed herein)

Section 4.010 Every lot shall abut a street for at least 25 feet.

FINDING: The subject parcel abuts Hwy 101 for 100’.

Section 4.020 Additional Criteria for Access Controls on Highway 101.

1. Access management standards for U.S.101 shall be those standards required by ODOT.
2. A new approach onto Hwy 101 or change of use requires ODOT approval.
3. Parking lots located in front of a structure fronting on the highway shall be adjacent to at least one side property line.

FINDINGS: The subject property abuts Highway 101 and Lamont Lane is an approved highway approach. There is a pending Highway 101 Safety Improvement Plan for sidewalk and bike lane improvements on the site’s frontage. The proposed parking lot adjoins Lamont Lane, not the highway. The proposal is a change of use and ODOT was notified of this request. Their comments are incorporated herein.

Section 4.040 Transportation Improvements

1. Applicability: A multi-family development is required to construct transportation improvements in accordance with the standards and procedures of this chapter.
2. Street, Shared-use Path and Evacuation Route Design Standards: All transportation improvements required or voluntary shall conform to the Gearhart TSP.

FINDINGS: The proposed ODOT Highway 101 Safety Improvement Plan currently being prepared will include a unified plan for pedestrian and bicycle improvements

on the Gearhart portion of the highway. It is illogical to require such improvements for this project now. However, there is currently a 10-foot utility easement across the parcel's highway frontage. As determined, additional ODOT highway right-of-way should be required to be incorporated within the existing easement to assure the planned pedestrian/bicycle improvements can be built by the state and not duplicated or mismatched by the developer.

3. Public Improvement Requirements: No building permit shall be issued until all required street improvements are in place and approved by the City Manager or designee, or otherwise bonded and shall be proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the improvements directly relate to and are roughly proportional to the impact of the development.

FINDINGS: The City finds highway sidewalk improvements adjoining the site should be coordinated with the pending ODOT Highway Safety Improvement Plan. Regarding Lamont Lane, the city finds the increased impact from six new multi-family dwellings and 14 new residents will have a significant impact on the existing graveled surface of the Lamont Lane. Therefore, the street should be improved to the city's narrowest local street standard because it is a dead end street. The improvement should be limited to a half street standard in anticipation of the southern half being the obligation of future development on those adjoining parcels.

4. Improvements to Existing Streets in a multi-family development: All multi-family dwelling development shall construct a minimum of half-street improvements to all existing streets adjacent to, within, or necessary to serve the development in accordance with the Gearhart TSP standards.

FINDINGS: The City finds the existing Lamont Lane is in a 25' wide private easement that also provides the only access to two parcels east of the subject site. The road is currently graveled and with some potholes. The road will be directly affected by vehicles exiting and entering six driveways adjoining the lane, with an estimated 44 new daily trips on the road (7.32 trips per day per unit, ITE manual 10th edition). The applicant should be required to pave a 20' portion of the easement. It's possible the road will be widened by redevelopment of the parcel to the south in the future. The Yankee Trader business on the south side currently uses the road for highway access.

5. Waivers, Deferrals and Fee-in-Lieu options may be approved by the City Manager.

FINDINGS: It is recommended that the increased number of daily trips from the site and the current condition of the road warrants improving Lamont Lane before occupancy of the new dwelling units.

Section 4.050 Transportation Improvements Permitted Outright

1. (7). Construction of a street or road as part of an approved subdivision or land partition consistent with the Gearhart Subdivision ordinance.

FINDINGS: The City finds site road improvements are a permitted outright use in conjunction with an approved development permit.

Section 4.060 Access Management Standards

1. Nonconforming Access Features: Legal access connections in place as of August 2, 2017 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- (3.B.) a change in use or enlargements or improvements that will increase trip generation.

FINDINGS: The existing easement access to Highway 101 from the subject site was approved in 2005 by a land partition request to Clatsop County. The parcel is now in the city limits. When the land was divided ODOT approved the Lamont Lane approach. However, the proposed land development and increase in trip generation from six new multi-family housing units now requires compliance with city street standards.

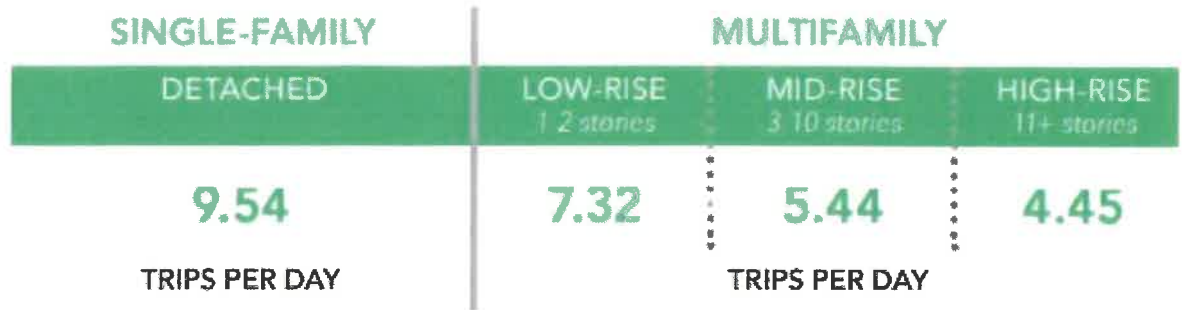
2. Long Term Consolidation of Access: The number of driveways and private street intersections with Highway 101, (an arterial street) may be required to be shared with reciprocal easements. However, this section allows for an exception to shared access onto the highway if there are physical or development pattern constraints.

FINDINGS: The existing Lamont Lane access onto Highway 101 is a private easement serving the subject parcel and two lots to the east. The private street has historically also been used by the Yankee Trader commercial use adjoining the south property line. It is assumed the Yankee Trader owner has not been required to participate in maintenance of the private street. It is possible the street can be shared and widened in the future in conjunction with future redevelopment of the rear parcels (tax lots 3001 and 3002) as well as the adjoining Yankee Trader site (tax lot 3100 & 3101) to the south.

Section 4.070 Traffic Impact Analysis TIA

1. The City or ODOT may require a TIA for a change of use application or when the projected increase in trip generation of more than 25 or more trips during the AM or PM peak hours, or more than 300 daily trips.

FINDINGS: The City finds a TIF is not required based on the estimated number of daily trips generated from the project that will be 43.92, less than 300 trips that trigger a TIA. The number of estimated trips from the 6-plex are based on the following table:



Source: Institute of Transportation Engineers, *Trip Generation Manual*, 10th Edition

Section 4.080 Pedestrian Access and Circulation and Bike Parking

Development shall conform to all pedestrian access and circulation standards of this section.

- 1. Continuous Walkway System:** A pedestrian walkway system shall extend throughout the site and connect to adjacent sidewalks and future phases if applicable.

FINDINGS: This site is small and physically unconnected to any adjoining sidewalks or private walkways. The developer plans 4’ walkways from each unit to each driveway which adjoins Lamont Street. For resident safety and access to the planned sidewalk on the highway, a walkway should be extended to the highway on the north side of the street.
- 2. Safe, direct and convenient:** Walkways shall provide safe, reasonably direct connections between building entrances and parking and recreational areas and are ADA compliant.

FINDINGS: The planned 4’ walkways provide direct safe connection to the entrance of each unit entrances. Each walkway is an estimated 18’ long to unit entries. ADA requires a minimum 4-5’ sidewalk as proposed, factoring in extra width of area adjoining the parking stalls.
- 3. Vehicle/Walkway Separation:** Where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City Manager or designee may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from vehicle maneuvering areas, by bollards or other method for example.

FINDINGS: The 4’ walkways will be asphalted at the same grade as the driveway and are not planned to be raised and separated from each exterior parking stall by a curb due to the small and narrow area affected. A separate 5-foot-wide ADA compliant sidewalk or walkway on the north side of Lamont Lane from the building area to the highway is required to be included in this project.
- 4. Tsunami Evacuation Routes:** Shall be constructed in accordance with the TSP standard.

FINDINGS: This has been addressed in section the Tsunami section II.D. above.

5. **Walkway width and surface:** Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface as approved by the City Manager or designee and shall be not less than 5-feet wide. Multi-use paths shall be concrete or asphalt per TSP standards.

FINDINGS: The planned 4' walkways from the driveway to unit entries do not need to be curbed and are ADA compliant. An additional 5' ADA compliant walkway on the north side of Lamont Lane from the structure to the highway should include a curb against the pavement to comply with ADA requirements.

F. GZO Article 6 Supplementary Provisions

1. **Fences** shall not exceed 6 feet within yards, measured from the ground level where located. Fences abutting Highway 101 are subject to the ten (10-foot setback from the property line per 6.070 4. (G).

FINDINGS: There is an existing fence on the parcel to the east and a portion of a fence on the parcel to the north. No fencing is proposed by the applicant

2. **Outdoor Lighting:** Lighting fixtures shall be shielded or recessed into the building design to avoid casting glare onto adjacent property or upward into the night sky.

FINDING: This should be a condition of approval.

3. **Signs:** shall comply with the city sign requirements of Section 6.020.

FINDINGS: At the appropriate time for the applicant, permits for the above three items can be applied for.

4. **Clear Vision:** A 15-foot clear vision triangle at the intersection of Lamont Lane and Highway 101 shall not contain plantings, fencing, structures, a wall or other temporary or permanent obstruction exceeding 2.5 feet in height measured from the top of the curb, except trees exceeding that height may be located in the areas provided all branches and foliage are removed to a height of 8 feet above the grade.

FINDING: The applicant indicates the existing site improvements on the west property line adjoining the highway provide clear vision for drivers entering the highway and will be maintained as such.

5. **Maintenance of Minimum Setback and Open Space:** No lot area, yard or other open space or off-street parking or loading areas shall be reduced below the minimum required for it by this ordinance. **FINDING:** All requirement have been met.

6. **Section 6.060 Off-street Parking:** This section requires compliance for a new use and when a use is changed in an existing structure. No existing parking spaces may be eliminated if it results in less parking than required by this section.

- a. Parking spaces shall be a minimum of 9' wide by 18 feet deep, except for compact spaces may be 8' wide and 16' deep and up to 50% of the spaces may be compact spaces.

FINDINGS: The City requires two (2) parking spaces for all residential dwellings, regardless of whether it is a single family or a multi-family structure. The applicant has provided two, full size spaces per unit as required. The Gearhart parking requirements are comparatively strict for a multi-family residence. See the costs and land requirements for a parking space on page 12. The Police Chief recommends “No Parking” signage on the north side of the street. Alternatively, street paving could include adequate width to accommodate 4 -5 parallel parking spaces on the north side, if the clear vision triangle at the corner is not blocked. The applicant and staff are working on a detailed street design.

- b. Bicycle Parking shall be provided for new development and consist of staple-design steel racks or other City approved racks, lockers, storage bins that provide a safe and secure means of storing a bicycle.

FINDINGS: A multi-family housing complex requires two bike spaces per four dwelling units. A minimum of 3 bicycle spaces should be required as a condition of approval.

7. Section 6.070 Landscaping and Tree Preservation

Landscaping requirements adjacent to US Highway 101:

- a. As a minimum requirement, a 10-foot-wide strip of landscaping shall be provided adjoining the Highway right-of-way.
- b. A landscaping plan shall be submitted to the City Administrator for approval before building permits are issued for any new development on lots adjacent to Highway 101. The landscaping plan shall include a maintenance schedule with a provision for routine placement of plants that fail to survive. Landscaping plans shall comply with the standards of Section 6.030 Clear Vision Area.
- c. Required landscaping areas shall preferably consist of native plant species which are compatible with the weather of the coastal environment and the soils types of the site. Examples of native plants are described by the book “*Plants of the Pacific Northwest Coast* by Pojar and MacKinnon” and on the list from “*The Western Gardener*” available at City Hall. In addition to native plants, edible plants, fruits, vegetables, and nuts shall also be permitted. With Planning Commission review, applicants may request that non-native plants be placed on the list of acceptable plants within required landscaping areas.
- d. No plants prohibited by the City of Gearhart shall be permitted.
- e. All structures, including any fence, shall be setback ten feet from the property line adjacent to US Highway 101.

FINDINGS: The applicant shall modify the plans to identify trees to be preserved and that the above landscaping requirements prior to any permits.

For your Information only: Parking Cost and Land Use Information - APA Publication/Planning Oct 2018: People Over Parking

Planners are re-evaluating people over parking as well as parking requirements for affordable housing. The usual national ratio is one space for every one unit, has been cut in half for larger apartment projects and eliminated entirely for projects with 50 or fewer units located near transit. This has resulted in lower cost of construction and lower rents.

Building Parking Raises Rent

Parking costs a lot to build, and that cost usually ends up raising tenant rents.

\$5,000: Cost per surface space

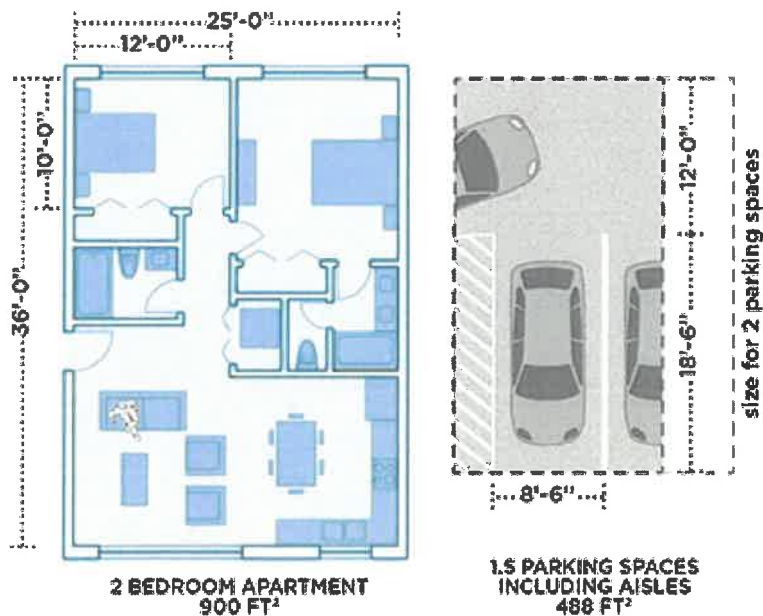
\$25,000: Cost per above-ground garage space

\$35,000: Cost per below-ground garage space

\$142: The typical cost renters pay per month for parking

+17%: Additional cost of a unit's rent attributed to parking

Living Space versus Parking Space: the typical median parking required for a two-bedroom apartment in many large North American cities is more than half the size of the apartment itself.



Source: Seth Goodman, graphicparking.com.

III. GZO Article 8 Conditional Uses

A. Section 8.040 General Conditional Use Review Criteria

Before a conditional use is approved findings will be made that the use will comply with the following standards:

1. The proposed use is consistent with the policies of the Comprehensive Plan
The following Comprehensive Plan policies are relevant to the proposal to allow a Conditional Use Permit for a 6-plex structure in a C-2 Zone:

- ***Residential Development and Housing Goal 10 Policies***

- a. *It is a City goal to ensure decent, affordable housing and housing availability for all residents of the Gearhart area.*
- b. *The City will preserve and maintain the predominately residential character of Gearhart through appropriate zoning and land use development regulations.*

PROPOSED FINDINGS: The City finds approval of the conditional use permit to build a 6-plex in a C-2 zone that adjoins an existing residence to the east and a residential zone to the south will add an additional housing option not abundantly available, while also increasing the number of affordable residential dwellings in the city and preserving the predominately residential character of Gearhart.

- c. *The City, through provisions in the Zoning Ordinance shall allow for needed housing types such as manufactured dwellings, duplexes, multi-family dwellings, and residential care facilities and residential homes.*

PROPOSED FINDINGS: The City finds the existing General Commercial C-2 zone allows for a multi-family housing type that will help to meet the affordable housing needs of Gearhart businesses and residents, subject to compliance with R-3 zone and other relevant standards, as well as the Conditional Use approval criteria.

- d. *The City will prevent the city from becoming a tourist destination. To achieve this policy the City, through its land-use regulations shall seek to accommodate only a limited level of tourist development.*

PROPOSED FINDINGS: The City finds the proposed multi-family housing in a commercial zone decreases rather than increases the amount of commercial land in the city. The proposed residential use will not increase tourism but rather will provide housing option for the regional workforce.

- e. *The City will establish Zoning ordinance standards to protect residential areas from adjacent commercial development.*

PROPOSED FINDINGS: The City finds the existing residential uses in the area will be adjoined by new residential units rather than a new commercial use. The proposal does not add a new commercial use that may be incompatible with existing residential development in the area.

- ***Air, Water and Land Resource Quality Goal 6 Policies***
- f. *The City will encourage the use of alternative modes of transportation to the automobile in an effort to decrease the overall levels of air pollution.*

PROPOSED FINDINGS: The City finds the proposal will allow a new housing opportunity in proximity to nearby commercial services, thereby reducing the length of daily trips and providing an opportunity to walk to some nearby commercial uses.

- ***Economy & Energy Goals 9 & 11 Policies***
- g. *Medium density developments, when appropriate, will be concentrated along high-capacity transportation corridors in order to achieve greater energy efficiency.*

PROPOSED FINDINGS: The City finds the 6-plex will provide a new “medium density” housing development that is located on Highway 101, the highest-capacity travel corridor in Gearhart, in compliance with this policy.

- h. *Future commercial, industrial and residential development within and adjacent to the City of Gearhart shall progress in the most energy efficient and logical manner possible.*

PROPOSED FINDINGS: The City finds the attached housing plan provides increased energy efficiencies and lower cost common wall construction at a density allowed by the R-3 zone standards applicable to the site.

- ***Transportation Goal 10 Policies***
- i. *Protect the existing function and planned roadways identified in the adopted Transportation System Plan (TSP) by ensuring that all development proposals, plan amendments and zone changes are consistent with the planned transportation system.*

PROPOSED FINDINGS: The City finds this request for a Conditional Use Permit to add six attached dwelling units located on the highway is consistent with the Comprehensive Plan policy to locate higher density housing on high-capacity road corridors.

Plan Compliance Summary: The above findings support construction of the proposed multi-family attached housing structure in compliance with the relevant Comprehensive Plan policies, the intent of the C-2 Zone, the Gearhart Transportation System Plan and the Tsunami Evacuation route and density standards.

2. A demand exists for the use at the proposed location. Several factors which shall be considered in determining whether or not this demand exists include accessibility for users (such as customers and employees), availability of similar uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitable zoned sites for the use.

PROPOSED FINDINGS: The City finds a demand exists for the multi-family housing as evidenced by the Clatsop County 2017 Comprehensive Housing Study. The study indicates Gearhart has a low supply of affordable housing compared to other jurisdictions in the county. Further it can be found that:

- Accessibility: The subject parcel has direct access to Highway 101. The structure provides an improved walkway for resident access from the street to each unit.
- Other C-2 sites: The site is vacant, and a developer has decided to provide affordable multi-family housing in compliance with all city requirements.
- Other commercial zones: No other commercial zones in the city allow a free-standing multi-family housing structure. The C-2 zone allows multi-family housing as a Conditional Use.

3. The location, size, design, and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties.

PROPOSED FINDINGS: The City finds the highway location and the relatively low amount of residential traffic generated by the use provides direct access to a high-capacity road facility in proximity to commercial uses. The property is zoned commercial, as is land to the north, west and east. Land to the south is zoned low-density residential R-1, currently occupied by an established low impact commercial use and an existing residence east of the building. Property adjacent to the highway in Gearhart is predominantly occupied by residential uses, consistent with the policy to remain a predominantly residential community.

4. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

PROPOSED FINDINGS: The City finds the residential 6-plex will not generate the amount of traffic as would an outright permitted commercial use in the C-2 zone. There are no adjacent thru streets affected by the proposal.

5. Public facilities and services are adequate to accommodate the proposed use:

PROPOSED FINDINGS: The City finds the proposed residential building has access to utility connections and public water, septic, fire and building services that must be permitted by the Building and Fire Dept. and Clatsop County Health prior to occupancy.

6. The site's physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use; and:

PROPOSED FINDINGS: The City finds the site is flat with stable soils with adequate land area for a septic drain field for the proposed use subject to permitting. There are no known constraints related to topography or soil conditions on the parcel.

7. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on site drives, parking area, loading areas, storage facilities, setbacks, buffers, utilities, or other facilities which are required by City ordinance or desired by the applicant.

PROPOSED FINDINGS: The City finds the site layout is adequate to accommodate the proposed 6-plex, with adequate highway access, on site driveways, parking and walkway provisions. The owner of the land and structure will be the operator of the rental business providing full time management of the site. There is a planned landscape buffer on the highway. The off-street parking spaces, lighting, garbage and landscaping maintenance will be provided by the building owner. Garbage containers will be located in the garage. A minimum bicycle rack for 3 bicycles near the entry is an appropriate condition of approval.

B. Section 8.060 Additional Modifications of Standards for Conditional Uses

The Planning Commission may impose additional conditions if necessary to protect the best interest of the City as a whole. These additional conditions may include:

1. Increasing the required lot size or yard dimensions.

FINDINGS: The R-3 zone requires a multi-family dwelling shall provide 5,000 SF for the first unit and 2,500 SF for each additional unit. The parcel is 28,283 SF. Six units requires 12,500 square feet of area. The site area exceeds the minimum required by 15,783 SF in order to meet minimum requirements. The proposed plan uses the maximum capacity of the parcel to provide for a primary and backup septic system and meets minimum required setbacks without requesting variance to zone standards.

2. Limiting the height of buildings.

FINDINGS: There is no known reason to limit the height of the building to anything under the minimum height of 30' permitted by the zone.

3. Controlling the location and number of vehicle access points.

FINDINGS: This criterion is not applicable because the location of the existing access is established, and no new accesses are proposed.

4. Increasing the street width

PROPOSED FINDINGS: The City finds the existing street is a recorded private access easement. The width is 25 feet, was approved in the prior county land division and no additional ROW is required to be dedicated to city street. For planning purposes, it is anticipated future development of the parcel to the south will widen Lamont Lane to serve future development to the east and south without increasing the number of new highway accesses.

5. Increasing the number of required off-street parking space.

FINDINGS: The City finds the existing site layout provides two, full-size off-street parking spaces, as required. If additional parking is required by the Commission, it may be possible to add a few more spaces in the landscaped areas. Another option is to allow parallel parking adjoining a sidewalk to the highway while still retaining 20' of paved access for vehicle and emergency access. The local city street standard with intermittent parking on the north side could allow for parallel parking of 4 – 5 additional vehicles adjoining the recommended 5' walkway from the units to the highway.

6. Limiting the number, size, location, and lighting of signs.

FINDINGS: The applicant has not yet provided a signage or lighting plan but will be required to locate signage and install lighting in accordance with city regulations. In addition, no signage is permitted in the highway ROW.

7. Requiring diking, fencing, landscaping, or other facilities to protect adjacent or nearby property.

FINDINGS: The City finds no diking, fencing or additional landscaping is required to protect adjacent or nearby property. The property is planned to be fully landscaped outside the pervious surface areas.

8. Designating sites for open space; and

FINDINGS: The subject use is not required to provide designated open space in addition to the landscaped setback areas.

9. Hours of use or operation.

FINDINGS: This criterion is not applicable.

IV. SUMMARY CONCLUSION

The City finds the proposed site is suited for a multi-family structure and is in compliance with the Comprehensive Plan policies, the intent of the C-2 Zone and the Zone Code development standards, subject to conditions of approval.

V. MOTION OPTIONS AND RECOMMENDATION

The Planning Commission has three decision options:

- 1) Approve the Conditional Use Permit based on the findings in this report with conditions of approval as may be modified by the Commission.
- 2) Continue the public hearing to a time certain date if requested, by a party to the request or the Commission.
- 3) Deny the application stating why the proposal does not comply with the Conditional Use Permit approval criteria.

Staff Recommendation:

Based on the findings in this report, staff recommends approval of the Conditional Use Permit for a multi-family 6-plex structure subject to the following conditions of approval:

Prior to issuance of any permits:

1. The applicant shall provide the City with a copy of the septic system approval from DEQ/Clatsop County Health Dept. The applicant shall modify the plan to illustrate a water line utility easement width and location to be approved by the City Water Dept.

2. The applicant shall modify the plans to address the specified highway landscaping requirements of Section 6.070 and a landscape plan for the designated open spaces including mostly native plant species and no noxious weeds.
3. The applicant shall modify the plans to include:
 - a) an ADA compliance five-foot walkway from the structure to the highway on the north side of Lamont Lane.
 - b) a paved half-street improvement on Lamont Lane including the half-hammerhead section and marked parallel parking spaces on the north side except outside the clear vision triangle at the highway. Detailed street design specifications are to be agreed upon by the applicant and the City.
4. The revised plan shall include a _____-foot right-of-way dedication to ODOT added to the existing utility easement adjoining highway frontage for future sidewalk and bike lane improvements planned to be constructed by ODOT. *Determination of the highway dedication width is pending.*

Prior to issuance of an occupancy permit:

1. The applicant shall file a sign permit request with the City prior to installation of any signs. No sign structure is permitted in the Highway 101 right-of-way.
2. The applicant is required to provide a bicycle rack with a minimum of three spaces accessible to all residents.
3. Outdoor lighting fixtures and exterior building lighting fixtures shall be shielded or recessed into the fixture or building design to avoid casting glare onto adjacent property or upward into the night sky.
4. A 15-foot clear vision triangle at the intersection of Lamont Lane and Highway 101 shall not contain parking, plantings, fencing, structures, a wall or other temporary or permanent obstruction exceeding 2.5 feet in height measured from the top of the curb, except trees exceeding that height may be located in the areas provided all branches and foliage are removed to a height of 8 feet above the grade.
5. Consider providing a picnic table and benches in the open space area on the east side of the parcel