

CITY OF GEARHART STAFF REPORT

To: Gearhart Planning Commission

From: Garrett Phillips, City Planner

October 5th, 2023

City File #23-04C a Conditional Use Application

Application Purpose: An application by Wally Hamer to add two pickle ball courts to an existing park and recreation use.

Public Hearing Date: October 12, 2023

Applicant: Wally Hamer
312 Spruce
Gearhart, Oregon 97138

Property Owner: City of Gearhart
P.O. Box 3810
Gearhart, Oregon 97138

Applicant's Representative: Not applicable

Location: City of Gearhart Tennis Courts
321 1st Street and Pacific Way
202 G Street, Gearhart, OR
Tax Lot 5200, Map 06N10W09AA
Golf Course Addition, Block 15, lots

Completeness: 08-02-23

Notice Mailed: 09-23-23

Notice Published: 09-23-23

120-day deadline: 11-30-23

Exhibits: Application Submittals
Staff Comments
Public Comments

Review Criteria: GZO Section 3.9 P Park Zone,
GZO Section 3.14 Tsunami Hazard Overlay Zone,

GZO Article 4 Transportation Improvements,
GZO Section 6.060 Off-street parking and Loading
GZO Section 8.040 Conditional Use Review Criteria.

I. BACKGROUND

- A. Site information: The subject parcel is a City park. The Park and Recreation System Plan (2022) inventoried the following assets at the site: “Seven parking stalls (including one ADA accessible), one restroom, one garbage can, low-intensity lighting on the water treatment building. An adjoining wide sidewalk on Pacific Way. Extensive landscaping maintained by a private company.” The two existing pickle ball courts have been in place for approximately three years. A public open space is located to the west of the property, and residential uses with residential zoning are located in other directions. There are 18 on-street parking spaces on Pacific Way and Marion Avenue next to this park property and the park property to the west.



- B. Plan and Zone Standards: The site is in the P Park & Open Space Zone and the THO Tsunami Hazard Overlay Zone.

- C. Agency Coordination: The proposal was referred to city departments. Their comments as of October 2nd, are summarized below.

Gearhart Building Inspector, no concerns by email 9-29-23

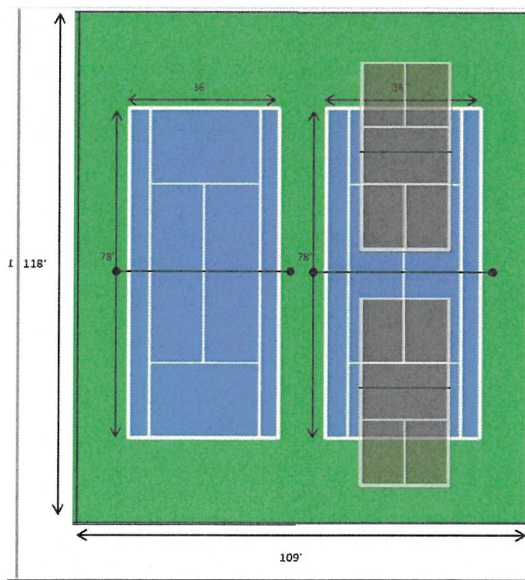
Gearhart Police Chief, no concerns by email 10-2-23

II. FINDINGS

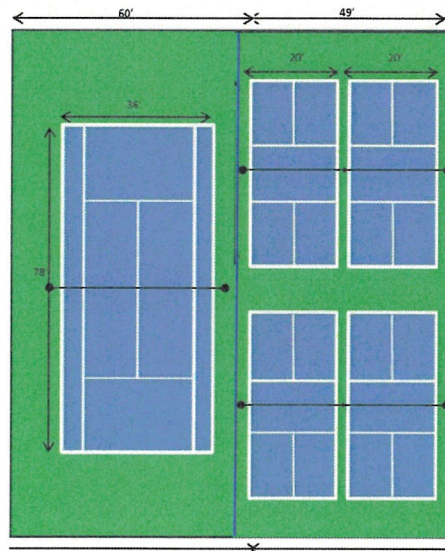
A. GZO Section 3.9 P Park Zone.

Finding: Park and recreation facilities are a conditional use in the zone. Pickle ball courts are a park and recreation use. A conditional use permit is required. There are no dimensional standards for the zone. Section 3.940 states that at the time of the conditional use permit for a proposed use in the P zone, the applicant shall present to the Planning Commission a detailed site plan of the proposed use. The Planning Commission may adopt the proposal as the development standards for the particular property, or it may set other standards if it appears that the proposed standards may cause damage or harm to the public health, safety, or welfare. The application included a conceptual plan image of the proposed pickle ball court configuration.

Current Court Layout #1
Pickleball Courts are Lined
on top of east Tennis Court.



Proposed Court Layout #2
Remove 1 Tennis Court
Install four pball courts in its place.
Leave one tennis court for tennis only



B. GZO Section 3.14 Tsunami Hazard Overlay Zone

Finding: GZO does not restrict park and recreation uses in the overlay zone.

C. GZO Article 4 Transportation Improvements

Finding: Section 4.040 does not require transportation improvements for park and recreation uses and Section 4.060 does not require access improvements for changes of use where the existing access meets the access spacing standards of the Transportation System Plan. The existing driveway is around 170 feet from Marion Avenue, and farther from the next driveway to the east, and the required space is 130 feet.

The proposal does not meet the Section 4.070 criteria for requiring a traffic impact analysis (TIA). For example, the two additional courts would have to generate 300 additional daily trips or 25 additional trips during peak traffic hours to trigger a TIA Analysis. The courts provide capacity for 8 additional players.

Table 4: Street and Access Spacing Standards

	Principal Arterial	Collector	Local Street
Maximum Block Size (Public Street to Public Street)	See Oregon Highway Plan	530 feet	530 feet
Minimum Block Size (Public Street to Public Street)		265 feet	265 feet
Minimum Driveway Spacing (Public Street to Driveway and Driveway to Driveway)		130 feet	None

Note: all distances measured from center to center of adjacent approaches.

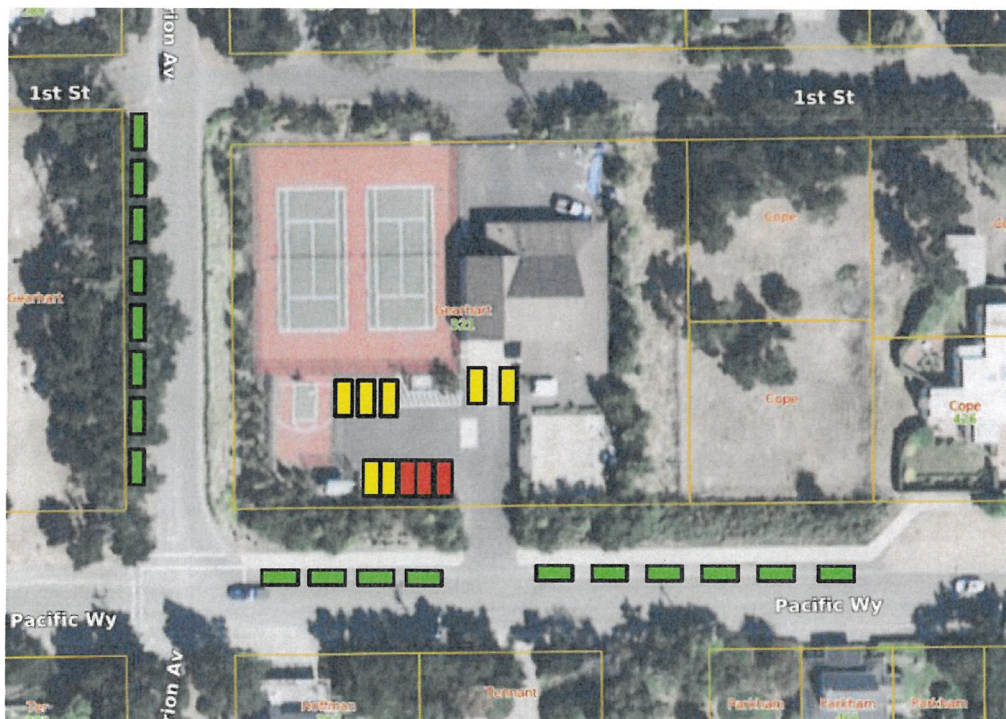
D. GZO Section 6.060 off-street parking & loading

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with the requirements of this section and zone designation standards listed in Article 3 unless greater requirements are otherwise established. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed. Owner of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases, or contracts to establish the joint use.

Finding: The existing parking and recreation pickle ball use is intensifying but not changing. GZO does not state minimum parking for pickleball courts, public tennis courts, or for any other public park and recreation use. There are 7 onsite parking spaces and 18 on street parking spaces adjacent to the site, all of which are owned by the City.

The Planning Commission may find that the required number of parking spaces is zero because the use is not changing, and there are no comparable public recreation uses upon which to base a parking requirement.

Alternately, the Planning Commission may require some parking based on the requirement for 2 spaces per commercial tennis court, potentially requiring 12 spaces based on the principle that each court should have two parking spaces (four pickle ball courts, one tennis court, and one half-basketball court). If minimum parking is required, the Planning Commission may find either that as the owner of the site and adjacent street parking the City's street parking can be used to satisfy the onsite parking requirement or that the site does not include enough parking to meet the minimum parking standards that it establishes in the hearing,



- Yellow spaces = current parking = 7
- Red spaces = Possible new parking spaces = 3
- Green spaces = Under underutilized spaces = 18

E. GZO Section 8.040 Criteria for Approving a Conditional Use

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:

Finding: The proposal is consistent with the following Comprehensive Plan Recreation policies.

“The City will encourage indoor and outdoor recreation facilities, both private and public, attractive to visitors and residents.”

“The City encourages the involvement of the private sector through the donation of land, labor, funds or equipment for the improvement and maintenance of park facilities.”

The proposal does not appear inconsistent with all of the statements in the Park and Recreation System Master Plan regarding the site, quoted below.

“The City-owned park facilities at the corner of Marion Avenue and Pacific Way (which are currently dedicated for tennis, pickleball, and basketball use, and a small parking area and public restroom facilities) shall be dedicated and used for active priority sports.”

“The City recognizes that there is community demand for additional courts (tennis, pickleball, and basketball or other sport courts), and it is possible that the City will be able to provide for such additional courts at some new park property at some point in the future.”

The site is in the Tsunami Hazard Inundation Zone. The proposal is consistent with the following Comprehensive Plan Policy:

“Encourage open space, public and private recreation and other minimally developed uses within the tsunami inundation zone area.”

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 existing 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.

Finding: The applicant provided data regarding demand suggesting that demand exists for the use at the proposed site. There are no other pickle ball courts in Gearhart. Park and recreation facilities are not permitted in any zone, but they are a conditional use in the P Park and Open Space Zone and in the R-1 Low Density Residential Zone. The proposed site already has a playing surface, perimeter vegetation, restrooms, trash containers, and parking, and other pickle ball courts, and in this regard may be more suitable than other park and recreation sites for pickle ball courts.

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.

Finding: Noise is the primary impact for the Planning Commission to consider. The proposal will increase the number of pickle ball courts from 2 to 4. The applicant proposes limiting pickle ball operations from 9:00 AM to 8:00 PM and posting the rule on a sign. Absent such a restriction, the existing and proposed courts do not have lighting, so sunrise and sunset would determine a natural schedule of when the courts would be available for play. The proposed courts will be around 100 feet from the closest residence and separated from residences by streets and by some vegetation around the site perimeter. The location of the proposed courts is adjacent to existing pickle ball courts. Staff reported that the City has not received noise complaints about the existing pickle ball courts. Pickleball produces substantially more noise than tennis, in the form of noise from the paddles impacting the balls. It is reasonable to expect that the proposed courts would not produce louder noise than the existing pickleball courts, It is also reasonable to expect that the proposed courts would produce additional instances of noise when more than two courts are being used. Establishing limited hours of use or perimeter vegetation and maintenance expectations may be appropriate conditions of approval to mitigate noise.

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.

Finding: The only use permitted outright in the Parks and Open Space Zone is "Temporary post-disaster shelters, debris storage, and heavy equipment storage." This use does not provide a basis for comparing traffic generation. A pickle ball court can support four players at a time, and the proposal would double the number of courts from 2 to 4. The following Data in the following table supports a finding that streets have the capacity to accommodate the minimal traffic that would be generated. See in particular lines 4 and

5, which are for Pacific Way locations east and west of the site. 2016 and forecasted 2040 traffic volume occupies less than 20% of traffic capacity.

Table 7: Study Intersection Traffic Operational Analysis (P.M. Peak Hour- 30HV Conditions)

	Intersection (traffic control)	Mobility Target	Existing Conditions (2016)		Forecasted Baseline Conditions (2040)	
			Volume/ Capacity	Level of Service	Volume/ Capacity	Level of Service
1	US 101/ Gearhart Loop Road (stop control)	Highway Approaches 0.80 v/c; Side Street Approaches 0.90 v/c	0.06 / 0.51	B / F	0.11 / 1.82	B/ F
2	US 101/ Pacific Way (signalized)	0.85 v/c	0.50	A	0.63	B
3	US 101/ G Street-Oster Road (stop control)	Highway Approaches 0.85 v/c; Side Street Approaches 0.90 v/c	0.07 / 0.56	B / F	0.13 / 1.91	B/ F
4	Pacific Way/ Cottage Avenue (stop control)	LOS D	0.14 / 0.07	A / A	0.19 / 0.10	A / A
5	Pacific Way/ Marion Avenue (stop control)	LOS D	0.10 / 0.12	A / A	0.13 / 0.15	A / A
6	Pacific Way/ Ocean Avenue (stop control)	LOS D	0.02 / 0.01	A / A	0.02 / 0.01	A / A

Signalized intersections:

LOS = Level of Service of Intersection

V/C = Volume-to-Capacity Ratio of Intersection

Stop Controlled intersections:

LOS = Level of Service of Major Street/Minor Street

V/C = Volume-to-Capacity Ratio of Major Movement/Minor Movement

Bolded and gray shading indicates an intersection that fails to meet the existing mobility target.

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

Finding: It would be reasonable to expect that support facilities at the park such as trash cans may experience an increase in use from the proposal, however there are no anticipated impacts on major public facilities such as water supply, school capacity, or police and fire service.

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

Finding: The proposed courts will be striped on an existing tennis court, so topography and soil and are not relevant criteria. The existing vegetation around the site perimeter is suitable for the intended use, in that it can reduce noise leaving the site.

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.

Finding: There are seven onsite parking spaces. Additionally, there are approximately 18 parking spaces located on Marion Avenue and Pacific Way in the immediate vicinity of the site. GZO does not provide a minimum parking requirement for the proposed use.

F. Section 8.060 Additional Modification Of Standards For Conditional Uses

In recommending a new conditional use or the alteration of an existing conditional use that involves a use other than a needed housing type (e.g. multi-family, manufactured dwelling park), the Planning Commission may impose, in addition to those standards and requirements expressly specified in this ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the City as a whole. These additional conditions are:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location, and lighting of signs.
7. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Hours of use or operation.

Finding: Based on the potential for noise impacts, the Planning Commission may consider limits on the hours of use and associated signage or a requirement to maintain or enhance the landscaping around the park perimeter to mitigate noise. If the Planning Commission finds that there is a minimum parking requirement and that on-street parking spaces can meet the requirement, the Planning Commission may consider finding that these spaces must be marked and signed for park users.

III. SUMMARY CONCLUSION

The Comprehensive Plan supports the development of park and recreation facilities for residents and visitors and park and recreation projects that leverage private contributions. As an established tennis/pickle ball site with a suitable surface, parking, restrooms, trash can, and vegetative screening, the site is well suited to the use. Park and recreation facilities are not permitted in any zone, and the only other zone in which they are permitted is the R-1 zone. The primary impact of concern (noise) has not been the subject of any complaints. There are no requirements for traffic analyses

or transportation or access improvements. The zoning ordinance does not provide an established minimum parking requirement for the proposed use.

IV. MOTION OPTIONS AND RECOMMENDATION

The Planning Commission has three decision options:

Approve the Conditional Use Permit based on the findings in this report with conditions of approval as may be modified by the Commission.

Continue the public hearing to a time certain date if requested, by a party to the request or the Commission.

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 the addition of two pickle ball courts.