

CITY OF GEARHART STAFF REPORT

To: Gearhart Planning Commission

From: Garrett Phillips, City Planner

September 30, 2024

City File #24-05 ZMA Zoning Map Amendment Request

Application Purpose: An application by the owner for approval of a Zoning Map Amendment from P/S-P to R-1, and corresponding Comprehensive Plan Map Amendment.

Decision Type: Quasi-judicial zone change. The Planning Commission makes a recommendation to the City Council, who will approve or deny the request.

Public Hearing Date: October 10, 2024

Property Owner: SCOFI Gearhart LLC
PO Box 2759
Gearhart, OR 97138

Applicant's Representative: Eric Eisemann, E2 Land Use
360.750.0038
ee.e2landuse@gmail.com

AKS Engineering and Forestry
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Carrie Richter, Bateman Seidel, PC
1000 SW Broadway, Suite 1910
Portland, OR 97205

Location: 1002 Pacific Way, Gearhart, OR
Tax Lots 800 & 1500, Map 06N10W10BA
Tract 19, Gearhart Heights Tracts

Preapplication Conference: March 29, 2024

Completeness: July 17, 2024

Notice Mailed: September 21, 2024

Notice Published: September 21, 2024

120-day deadline
(150 days. 30 day extension
requested by applicant): November 14, (December 14, 2024)

Planning Commission Hearing: October 10, 2024

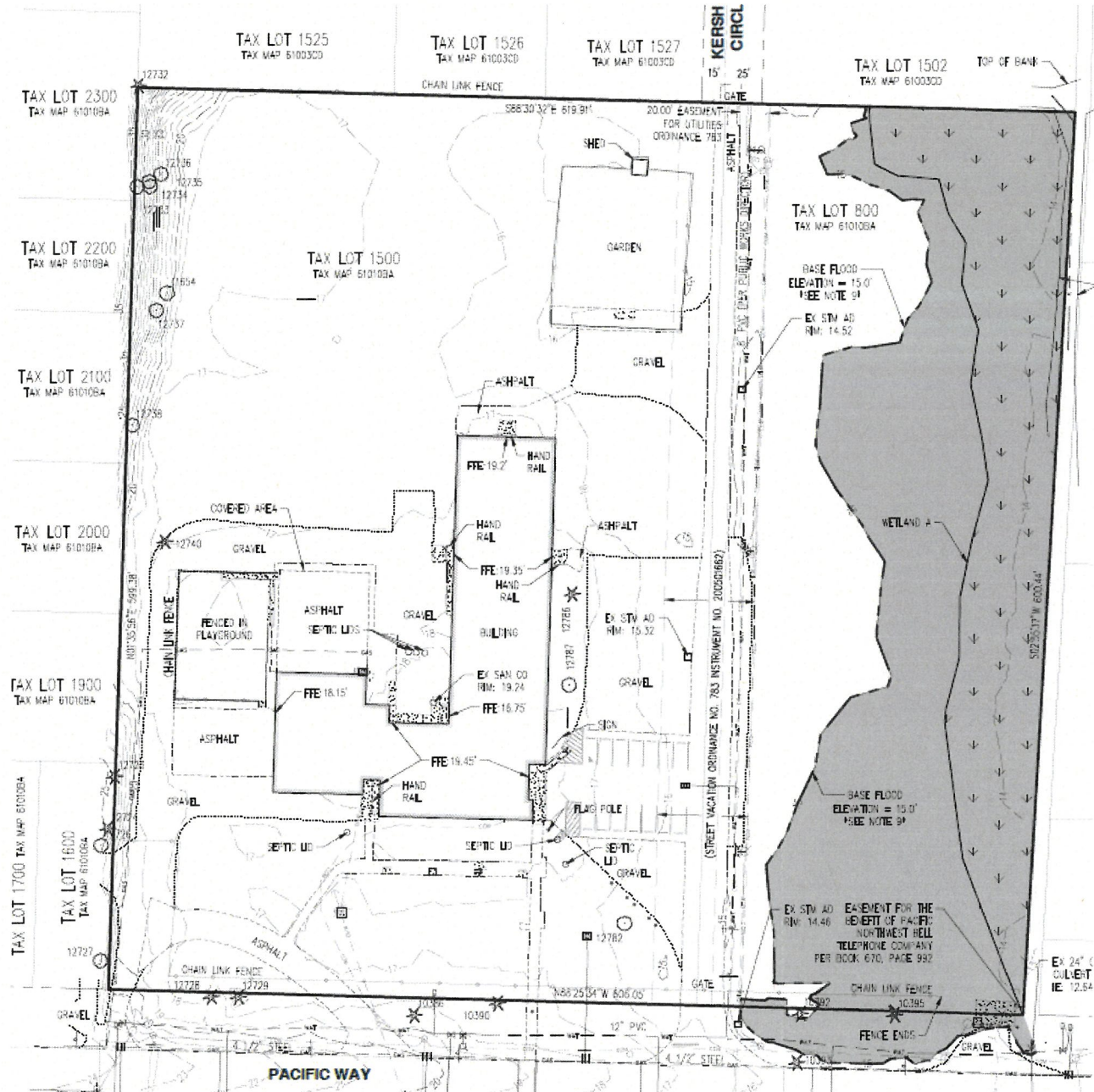
Exhibits: Application Materials

Review Criteria: GZO Section 3,1 Low Density Residential Zone R-1
GZO Section 3.8. Public and Semi-Public Zone
GZO Section 3.14 Tsunami Hazard Overlay Zone
GZO Section 6.330 Transportation Impact Analysis
GZO Article 11 Amendments
GZO Article 13 Application, Notice and Hearing Procedures
Gearhart Comprehensive Plan, 1994
Gearhart Transportation System Plan, 2017
Gearhart Parks and Recreation Master Plan, 2022

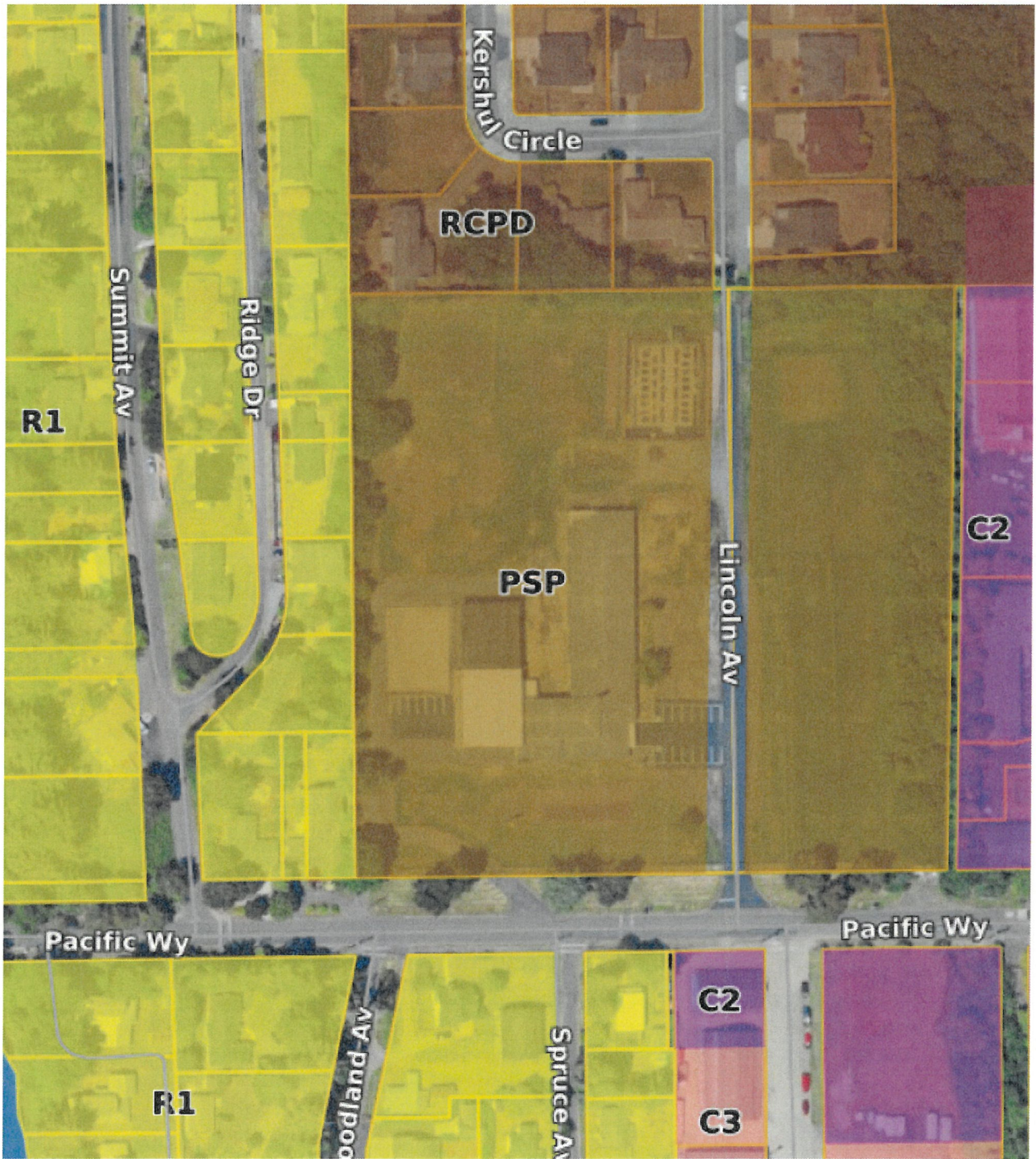
Public Comments: No public comments were received prior to writing this report.

Agency Comments: City staff comments did not include opposition to the rezone request, but did include information that informed the findings and recommended conditions of approval.

Building Official –	No Comments
Fire Marshall –	Knox Box access is required for both Pacific Way and Kershul Circle Gates. Existing and proposed improvements will be required to comply with Oregon Fire Code to obtain building permits.
Police -	No Comments
Public Works -	Knox Box access is required for maintaining the public water main and hydrant.



Existing Conditions



Existing Zoning

I. SITE ANALYSIS & GZO ZONING STANDARDS

- A. Background: The applicant requests a Comprehensive Plan and Zone Map amendment for tax lot 01500 from P/SP to R-1 subject to a covenant that runs with the land to limit use of the property to one single-family residence and permitted accessory uses and structures for a period of 16 years. The proposed single-family dwelling would include nine bedrooms in the existing Gearhart Elementary School building.

The 5.37 acre property could theoretically accommodate twenty one dwellings within the R-1 zone maximum density of 4 dwellings per acre. The application does not provide information that would be needed to make findings on whether development other than a single-family dwelling is consistent with the approval criteria, and instead it proposes the deed restriction noted above. Therefore, this staff report only makes findings related to the proposed single-family dwelling, noting those criteria where the City is deferring findings to a later Type III decision for additional dwellings, partitions, or subdivisions.

- B. Site information: The request is to rezone Lot 1500, which is the western lot of two lots that comprised the Gearhart Elementary School property.

The soils are likely Warrenton Loamy Fine Sand and Gearhart Fine Sandy Loam. There is a small Special Flood Hazard Area (1% annual chance flood area), with a Base Flood Elevation of 15', identified on FIRM 41007C0368F, adjacent to the lot's eastern boundary and vacated Lincoln Avenue right-of-way. The City's Local Wetland Inventory and more recent Department of State Lands (DSL) approved wetland delineations did not identify wetlands on the lot.

Pacific Way is the site's southern boundary and is the access to the public street network. Residential and commercial uses are located across Pacific Way. Properties with commercial uses oriented to US Highway 101 and zoned C-2 are adjacent to the east. Residential uses with R-1 zoning facing Ridge Drive and Summit Avenue are adjacent to the west. Additional residential uses with RCPD zoning, primarily oriented to Kershul Circle, are located to the North.

- C. Plan and Zone Standards: Residential uses may not be permitted in the P/S-P zone as a permitted use or as a conditional use. GZO 3.810.1 states that should owners cease using P/S-P zoned land for a public or semi-public use or purpose, or should the utilization be changed, then they shall automatically be eligible for reclassification into another district. GZO Section 3,1 includes standards specific to the R-1 zone. Other applicable criteria are listed at the beginning of this report and discussed in the findings below.

D. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential Zone, R-1, is to provide for low density single-family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses. Single-family dwellings are permitted outright. Dimensional standards include: 1. Lot Size: minimum of

10,000 square feet. 2. Density: not exceed 4 dwelling units per net acre. 3. Front yard: at least 15 feet. 4. Side yard: at least 5 feet on one side and 9 feet on the other, except where the onsite waste disposal facility is accessible from a right of way or easement (then 5 feet both side yards). 5. Rear yard: A rear yard shall be at least 15 feet, except accessory buildings may extend to within 5 feet of a rear property line. 6 Height restriction: Maximum height of a structure shall be 30 feet or 2 stories whichever is less. 7 Lot coverage: Maximum area that may be covered by a dwelling structure and accessory buildings shall not exceed 35% of the total area of the lot.

FINDINGS: The proposed single-family use would be permitted in the R-1 zone and the existing buildings and lot are consistent with the R-1 zone dimensional standards. The lot is 5.37 acres, exceeding the minimum size. With a single-family dwelling, the proposed density is less than the maximum density. The existing buildings include side setbacks exceeding 25 feet on the west and 50 feet on the east, a rear setback exceeding 30 feet and front setback exceeding 100 feet. The building is less than 30 feet tall. Approving the rezone would not create a non-conformity with R-1 dimensional standards.

E. GZO Section 3.8 Public and Semi-public Zone

The P/SP Zone is included in the zoning ordinance because unique relationships often exist between the uses of such public and semi-public properties that abut and surround them. Should a governmental entity or private party cease using such land for a public or semi-public use or purpose, or should the utilization be changed, then they shall automatically be eligible for reclassification into another district, in compliance with the City's Comprehensive Plan and subject to the usual change of zone procedures.

Finding: The subject property's previous elementary school use has ceased and, therefore, the property is automatically eligible for rezoning subject to the comprehensive plan and zoning amendment procedures.

F. GZO Section 3.10 Flood Hazard Overlay Zone

It is the purpose of this Flood Hazard Overlay Zone to regulate the use of those areas subject to periodic flooding, to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions. The Flood Hazard Overlay Zone regulates new construction, substantial development, subdivisions, utilities, and alteration of water courses. Development and substantial development are not prohibited in the flood hazard overlay zone.

Finding: There is an approximately 3,000 square foot area of Flood Hazard Overlay Zone on the subject property. The applicant has not proposed any specific regulated activities within the flood hazard overlay zone. The single dwelling in the existing structure proposed by the applicant is outside of the overlay zone. Rezoning to R-1 would not create a non-conformity or a situation where a variance is required to reasonably use the property.

G. GZO Section 4.070 Freshwater Lake and Wetland Overlay Zone

The purpose of this zone is to conserve significant freshwater wetlands and lakes. The overlay zone is comprised of the City's local wetlands inventory and any modifications to it made by

DSL approved wetland delineations. The overlay zone prohibits most forms of development and wetland vegetation disturbance within 25 feet of a wetland boundary.

FINDINGS: The Local Wetlands Inventory did not identify wetlands on the site. A 2022 wetland delineation included observations and data attempting to identify wetlands on tax lot 1500, particularly along the northern property line near known off-site wetlands, but determined that there were not wetlands on the site.

H. GZO Section 3.14 Tsunami Hazard Overlay Zone

...All lands identified as subject to inundation from the XXL magnitude local source tsunami event as set forth on the applicable Tsunami Inundation Map(s) (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) and adopted by the city are subject to the requirements of this section.

Finding: The subject property is located almost entirely in the S areas, with small areas in the M areas, on the Oregon DOGAMI Tsunami Inundation Map (TIM) Series map Tim-Clap-08 Tsunami Inundation Maps for Gearhart - Seaside, Clatsop County, Oregon. This means that Oregon DOGAMI estimates the site would be inundated by a small tsunami, on a scale of small to extra large, and that the property is subject to GZO Section 3.14.

I. GZO Section 3.1450 Prohibited Uses

This section prohibits several uses from occupying some tsunami inundation zones, including residential uses with density exceeding 10 units per acre.

Finding: The R-1 zone restricts density to less than 4 dwellings per acre, less density than the maximum Tsunami Hazard Overlay Zone density. This proposal includes even less density than is typically permitted in the R-1 zone. The proposal is consistent with the standard.

J. GZO Section 3.1470 THO Zone Required Development Improvements

Evacuation Route Improvement Requirements. Except single-family and duplex dwellings on existing lots and on vacant parcels less than 12,500 square feet, all new development, substantial improvements, and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Gearhart Transportation System Plan (TSP) evacuation route designations.

Finding: A single-family dwelling is specifically proposed in the rezoning application, and no other development, substantial improvements, or land divisions are specifically proposed, therefore evacuation route improvements are not required as a part of the proposed rezone.

K. GZO Section 3.15 Airport Hazard Overlay Zone

Section 3.1530 establishes four (4) airport zones, each with its own use and structure height restrictions. Within the Horizontal Zone, the maximum height allowed of any 'obstruction' is 150 feet above the airport elevation or at a height of 159 feet above mean sea level. There are no use restrictions within the Horizontal Zone. Within the Horizontal Zone, no permit shall

be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground.

FINDINGS: The applicant is not proposing structures greater than 75 feet tall, there are no existing structures greater than 75 feet tall, and structures greater than 30 feet tall are not permitted in the R-1 zone.

L. GZO Section 4.040 Transportation Improvements

All new residential development is required to build streets internal to a development project, as well as improvements to existing abutting streets, based on the Gearhart Transportation System Plan and existing street conditions. For improvements to abutting streets, the City Manager may waive improvement requirements, require a fee-in-lieu of the applicant making improvements; or may require a waiver of remonstrance to assure that the property owner contributes to improvements in the future.

Finding: Given that the Gearhart Transportation System Plan proposes sidewalks and bicycle facilities on Pacific Way, that these facilities currently do not exist, and that GZO Section 4.040 states specific requirements for single-family and multi-family developments and land divisions to improve abutting streets, a recommended condition of approval will require the owner to contribute to planned improvements to Pacific Way identified in the Transportation System Plan. The recommended condition of approval is to require a waiver of remonstrance.

M. GZO Section 4.060 Access Management Standards

Section 4.060 includes requirements for driveway access to public roads. It refers to Transportation System Plan requirements for driveway spacing,

Finding: The application does not propose to change existing driveways. The proposed single-family use is not anticipated to create more trips than the prior school use or other uses permitted in the P-SP zone. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

N. GZO Section 4.070 Traffic Impact Analysis

Section 4.070.2 requires a Traffic Impact Analysis (TIA) when a change in zoning will generate more trip ends, more than 25 trips during the AM and PM peak hours or more than 300 daily trips; or has potential impacts to residential areas and local roadways and intersections.

FINDINGS: The proposed single-family dwelling use is not anticipated to create more trips than the prior school use or other uses permitted in the P-SP zone, create more than 25 trips during peak hours, or impact residential areas, nearby intersections, or existing or future bicycle routes. Therefore staff did not require a TIA to consider the application complete. This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

II. GZO ARTICLE 11 AMENDMENTS

A. GZO Section 11.040 AMENDMENT CRITERIA

A decision must be based on adequate findings demonstrating compliance with each of the following Zone Map Amendment approval criteria, A - E.

- A. The amendment shall be consistent with the Comprehensive Plan.
- B. The amendment will meet a land use need.
- C. The uses permitted by the amendment are compatible with the land use development pattern in the vicinity of the request.
- D. The land is physically suitable for the uses to be allowed in terms of slope, soils, flood hazards and other relevant considerations.
- E. Public facilities and services, including transportation systems and access, are available to accommodate the uses proposed.

A. The amendment shall be consistent with the Comprehensive Plan.

FINDINGS: Comprehensive Plan policies relevant to this zone change request are provided in the section below, along with their related findings. The findings below support finding that the amendment is consistent with the Comprehensive Plan.

Residential Policies

1. The City will preserve and maintain the residential character of Gearhart through appropriate zoning and land use development regulations.
2. The City will implement the City's land use development regulations through the continued development of Gearhart as a residential community.
3. The City will maintain the present residential density levels in established neighborhoods.
4. The City will recognize the importance of the City's residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions.

FINDINGS: In response to the above Comprehensive Plan residential policies:

- The zone change to residential R-1 maintains the residential character residential densities of Gearhart. Even though the site will retain some aesthetic characteristics of a school, schools are also permitted in the R-1 zone, so the proposal is consistent with the residential character and density policy.
- Transient rental of property is not allowed in the R-1 zone.
- A single-family dwelling would produce less traffic than uses permitted in most other zones including the P/SP zone.
- This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

Open Space, Scenic Areas, Historic And Natural Resources Policies

5. The City will protect identified fresh-water wetlands from conflicting uses and activities, such as filling, drainage and tree removal through the application of a Freshwater Wetland Zone designation.

FINDINGS: The site does not include wetlands. See findings regarding the Freshwater Lake and Wetland Overlay Zone for more information.

6. The City will rely on the Department of Environmental Quality's review and approval of individual on-site wastewater disposal systems to ensure that they do not adversely impact the Clatsop Plains aquifer.

Finding: The City's building and occupancy permit process requires demonstrated compliance with DEQ's and Clatsop County's review and approval of proposed septic facilities. It is reasonable for the City to require that the applicant demonstrate that they can feasibly meet those requirements prior to approving a rezone in order to avoid potential future public health and safety issues. The "Septic Systems Conditions and Analysis Report" dated July 16, 2024 describes the existing septic systems, their probable condition and capacity, how they plan to connect each part of the single-family dwelling to each system, and site locations that can be used for needed system repairs or expansions. The report concludes that "Continued use of the existing septic systems under the proposed use is feasible. There is more than enough capacity in the systems to meet the future needs of the nine-bedroom residence and adequate room and approved areas for any future repair needs." This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

Geology and Geologic Hazards Policies:

8. Implement land division provisions to further tsunami preparedness and related resilience efforts.

9. Require needed evacuation route improvements, including improvements to route demarcation (wayfinding in all weather and lighting conditions) and vegetation management, for new development and substantial redevelopment in tsunami hazard areas.

10. Prohibit comprehensive plan or zone map amendments that would result in increased residential densities over 10 dwelling units per acre, or more intensive uses in tsunami hazard areas unless adequate mitigation is implemented. Mitigation measures should focus on life safety and tsunami resistant structure design and construction.

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

12. Prohibit the development of certain essential facilities and special occupancy structures within the "L" tsunami inundation area.

FINDINGS: Findings in response to GZO Section 3.14 Tsunami Hazard Overlay Zone also respond to these criteria. The subject property is in the area subject to tsunami hazards. R-1 zone residential densities are less than the maximum allowed in the THO zone, and the THO zone does not require evacuation route improvements from single family dwelling developments.

Flood Hazard Policies:

13. The City will rely on the requirements of its Flood Hazard Overlay Zone to regulate development in flood hazard areas to ensure that provisions of the National Flood Insurance Program are met.

FINDINGS: The property includes a roughly 3,000 square foot or smaller area in the 1% annual chance AE flood zone, part of the Flood Hazard Overlay Zone. See findings regarding the Flood Hazard Overlay Zone. The proposal is consistent with this policy.

Housing Policies

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

Finding: The proposal will result in one single family dwelling.

Public Facilities Policies

14. Where extensions are required to the existing system, the City will require customers requesting service to pay the entire cost of the extension.

15. The City will establish minimum flow requirements for fire protection and may institute a system of charges or other requirements on a case-by-case basis if the existing system is unable to meet the fire protection requirements or where a customer will place an undue fire demand on the water system.

FINDINGS: The site is already served by the City water system. The City's development review and subdivision process provide adequate mechanisms to ensure that any water connections meet City standards, that fire flow requirements are made adequate, and that any extensions or upgrades meet City standards. This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

16. Based on the Regional Wastewater Planning Study prepared in the early 1980's, the City will continue to allow D.E.Q. approved, cost effective on-site sewage treatment systems as an alternative to a City or regional collection and treatment system.

17. The City will rely on D.E.Q. to monitor groundwater quality in the area and ensure that on-site systems are functioning properly.

FINDINGS: The City does not provide wastewater service. See findings above regarding the septic systems. The City will rely on D.E.Q to ensure that the on-site septic system functions properly, as a part of the building and occupancy permit process. This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

18. The quality of surface water will be protected. As additional information on surface water quality becomes available, it will be incorporated into this plan.

FINDINGS: The Gearhart Zoning ordinance does not include specific standards related to surface water quality, that can be used to guide consideration of this criterion. There are not wetlands, streams, or riparian areas on the subject property.

19. The City of Gearhart will coordinate with the School District in providing information on potential developments and allowing the district the opportunity to respond.

FINDINGS: The addition of a single-family dwelling is not anticipated to impact the school district. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

20. The analysis of new developments will assess impacts on the City's Police and Fire Department in terms of budget requirements.

FINDINGS: The City invited the Police and Fire Departments to respond to the development proposal, including a request to comment. The Police and Fire Departments did not comment on how the proposal would affect their budgets.

The following analysis estimates the police and fire department budget impact of adding one dwelling unit to the City of Gearhart. The analysis assumes that budget requirements increase in a linear relationship with increases in the number of households in the City. It does not consider fixed costs, inflation, the type of dwellings that would be constructed when they would be constructed or their location in relation to existing services and infrastructure or any other factors.

General Fund Total Police Expenditures= 549,991.95

Police Car Reserve Fund = 97,982.45

2022/23 Police Total = 647,974.40

City Population in 2022 = 1,872

Average household size 2018 = 2.3

Per Capita Police Department budget = \$346.14

Potential budget increase for a household of 3 = **\$1,039**

Potential budget increase for a household of 9 = **\$3,116**

General Fund Total Fire Expenditures = \$746,945.90

Fire Apparatus and Equipment Reserve Fund = \$364,500

2022/23 Fire Total = \$1,111,445.90
City Population in 2022 = 1,872
Average household size (2018) = 2.3
Per Capita Fire Department budget = \$593.72
Potential budget increase for a household of 3 = **\$1,782**
Potential budget increase for a household of 9 = **\$5,344**

This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

Transportation Plan Policies:

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

9. Protect the function of existing and planned roadways as 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.

10. Consider the impacts on existing or planned transportation facilities in all discretionary land use decisions and require applicable development proposals, as defined in the Zoning Ordinance to prepare a traffic impact analysis unless a waiver is granted by the City Manager or designee.

FINDINGS: See findings above regarding GZO Article 4. A proposed condition of approval is to require the applicant to complete a waiver of remonstrance so that when the City makes coordinated improvements to Pacific Way in the future, the property owner will contribute their proportional share to the improvements. This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

Gearhart Parks and Recreation Master Plan

The plan identifies the subject property as potentially relevant to park planning and identifies the City's existing and planned bicycle and pedestrian facilities as important parts of the parks and recreation system.

FINDINGS: The plan does not identify the subject property as a future park or recreation facility. Future contributions by the property owner to Pacific Way improvements will support planned bicycle and pedestrian facilities identified in the Parks and Recreation System Master Plan.

B. The amendment will meet a land use need.

FINDINGS: Reasonable perspectives on this criterion vary and should be deliberated be Planning Commission.

One perspective is that there is no documented need for 9 bedroom or 20,000 square foot single-family dwellings, and that restricting a 5 acre parcel potentially able to accommodate 21 single-family dwellings to just one dwelling is contrary to satisfying a single-family dwelling land use need, or that the City's buildable land inventory and County housing planning documents indicated that from a supply perspective there is greater need for land zoned R-2 than for land zoned R-1. The above potential conclusions would result in a finding that the proposal does not satisfy a land use need.

A second perspective is that there is a documented need for new single family dwellings in Gearhart based on the Clatsop County Housing Needs Analysis and Clatsop County Housing Strategies Report. The County reports indicate that the greatest housing need throughout the County based on demand is for additional single-family homes. Furthermore, in proposing a deed restriction limiting development to one single-family dwelling, the applicant is proposing that the restriction end after 16 years. In this regard, approving the rezone request could be the first step towards ultimately satisfying more residential land use need on the site in the long term. The conclusions in this paragraph would result in a finding that the proposal at least minimally satisfies a land use need.

This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

C. The uses permitted by the amendment are compatible with the land use development pattern in the vicinity of the request.

FINDINGS: The land use pattern in site's vicinity is mixed. It includes single-family homes, commercial uses such as self-storage, storage, offices, retail, and food service.

It would be reasonable to consider R-2 a more appropriate transition zone between existing R-1 zoned single-family uses to the north and west, and commercial uses to the east, however the criteria do not require that only the most compatible zone be approved. Rather it requires the use requested by the applicant is compatible. Single-family use on the subject property would be compatible with single-family uses to the north, west and southwest. There are other examples nearby of R-1 zoned single-family uses being adjacent to or across the street from small C-2, and C-3 zoned commercial uses on lots that are similar in size to their neighboring residential lots. Staff are not aware of compatibility issues in these cases, and have not identified compatibility issues in this case.

This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

D. The land is physically suitable for the uses to be allowed in terms of slope, soils, flood hazards and other relevant considerations.

FINDINGS: The site is gently sloped, and the soils identified on the site by the USDA Soil Survey are not particularly problematic for construction. There is buildable area outside of the flood hazard overlay area. The only specifically proposed residential development is to use the former school building as a residence, and this building is outside of wetlands and flood zones. The site is vulnerable to the smallest classification of tsunami recognized in the Gearhart Zoning Ordinance; however, the ordinance provides objective standards for what uses and densities are acceptable. Residential uses at densities permitted in the R-1 zone are within the allowed densities in this tsunami hazard area. The City Public Works Director recommended a condition of approval that the applicant submit a drainage plan. A drainage plan should be made in conjunction with plans for the location of buildings, driveways, and other site components, none of which accompanied the zoning application. Therefore, a recommended condition of approval is that the applicant submit a drainage plan with the first application for subdivision, partition, or new construction.

This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to releasing the single-family use deed restriction and prior to partitions or subdivisions.

E. Public facilities and services, including transportation systems and access, are available to accommodate the uses proposed.

FINDINGS:

Water: There is an 8-inch water main running under the adjacent lot 0800 between Pacific Way and Kershul Circle. A fire hydrant is connected to this main near the northern property boundary. The main is adequate to support the proposed dwelling.

Transportation: The site has expansive frontage on Pacific Way, with two driveway accesses to Pacific Way that were used to service the Gearhart Elementary School. A Single-family dwelling would add minimal traffic demand to the local transportation system. Staff's proposed findings responding to GZO Article 4 and Gearhart Comprehensive Plan Transportation Policies further elaborate on these topics.

Fire and Police Services: The Police Department did not identify concerns with their capacity to serve the property. The Fire Department cannot provide adequate fire protection to the current building or the proposed future dwelling, but it can do so if the following requirements identified by the Fire Marshall are satisfied. The Fire Marshall commented that the City needs Knox Boxes with City Fire Department access to be installed on the Pacific Way and Kershul Circle gates, and that the existing and proposed improvements will be required to comply with the Oregon Fire Code to obtain a building permit. This will likely include making a driveway from Kershul Circle accessible to the City Fire Department to provide fire service to the dwelling using the hydrant.

Parks and Recreation System: Staff reviewed the recently completed Parks and Recreation System Master Plan and did not find any documented acute shortage or deficiency in the Parks and Recreation System that could be strained by a single-family dwelling.

This finding defers consideration of uses beyond a single-family use. New findings on this criterion in a Type III land use decision are needed prior to approving additional dwellings, partitions or subdivisions.

V. COMMENTS:

No public comments have been received yet.

V. RECOMMENDED CONDITIONS OF APPROVAL

Staff recommends that the City should require the following conditions if it approves the rezone request.

1. The applicant proposed using a deed restriction to restrict development on the property to a single-family dwelling and permitted accessory uses and structures for a period of sixteen years, and did not provide information in their application materials to support findings in relation to the approval criteria for development beyond a single-family dwelling. Therefore the findings in this report only pertain to approving a rezoning to R-1 for a single-family dwelling and permitted accessory uses and structures, deferring findings on other uses/densities that would typically be permitted on a 5.37 acre lot zoned R-1. The applicant and City must agree to and the applicant must record a covenant restricting property use to a single-family dwelling until such time that the City approves a Type III land use approval with findings that uses beyond one single-family dwelling are consistent with the zoning amendment criteria. The applicant would be required to provide information to inform that decision such as a traffic impact analysis.
2. The City will not accept or approve applications for lot consolidations, lot line adjustments expanding the size of the subject property, partition, or subdivision, or dwellings other than a single-family dwelling until Condition 1 is satisfied.
3. The applicant must provide to the City DEQ/Clatsop County Health septic systems approval prior to occupancy of the proposed single-family dwelling to assure there is adequate septic capacity and that the drain fields' locations are identified and marked to avoid parking and driving across them.
4. A transportation impact analysis shall be required prior to removing the single-family use deed restriction, and prior to any partitions or subdivision applied for following approval of the zone change. The City may require traffic impact analyses for other development and access approvals or subsequent partitions and subdivisions consistent with its authority in the Gearhart Zoning and Subdivision ordinances.

5. The applicant must provide the City with Knox Box access the Lincoln Avenue Driveway from Pacific Way and Kershul Circle for fire protection and water system repairs.
6. Building permit approval will require compliance with the Oregon Fire Code. This may include requiring the applicant to improve a driveway access connecting Kershul Circle, the Fire hydrant, and the residential structure, and providing City of Gearhart access through the driveway, along with continuing to provide the City with Knox Box access from both Pacific Way and Kershul Circle.
7. The Transportation System Plan identifies a "Financially Constrained and Aspirational Project" #_G20 Pacific Way Improvements to add pedestrian and bicycle improvements to Pacific Way from US 101 to the Ridge Path (e.g., sidewalk or path on the north side, and pavement markings/ signage designating it as a shared street for bikes). Improvements will be required per GZO Section 4.040. A waiver of remonstrance shall be recorded on the deed to assure the owner will pay their share of the project costs in the future when the City makes the improvements.

V. DECISION OPTIONS

A decision and recommendation to City Council must be based on adequate findings demonstrating compliance with each of the Plan/Zone Map Amendment Approval Criteria described in this report.

The Planning Commission may choose one of the following motions:

1. Move to continue the hearing to the next meeting.
2. Move to deny the zone change based on identification of adequate findings to support denial.
3. Move to approve the zone change and direct staff to forward the recommendation to City Council, subject to the Commission's conditions of approval.