



# AAWR Development

Gearhart, Oregon

Request for

**Type III Zoning Map Amendment**

Prepared for:  
Palmberg Paving Co.  
1175 Pacific Way  
Gearhart, OR 97138

August 3, 2018

Prepared By:  
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Project No. 68150



# REQUESTS

**Zoning Map Amendment** approval is requested to change the zoning of the subject site from RA Rural Agriculture to R2 Medium-Density Residential. The purpose of the zone change request is to allow for reasonable development of the site, which is significantly constrained by wetlands.

## SITE INFORMATION

SUBJECT PROPERTY: Tax Lots 600, 700, 800, 900, 1000, 1100, 1200, 1201  
Clatsop County Assessor's Map 61003DC

LAND USE/ZONING DESIGNATION: Existing: RA Rural Agriculture  
Proposed: R2 Medium-Density Residential

## APPLICANT/PROPERTY OWNER

APPLICANT/OWNER: Palmberg Paving Co.  
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Contact: Bill and Marianne Palmberg

## PROJECT DEVELOPMENT TEAM

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Appendix B—Traffic Impact Analysis dated May 22, 2018, prepared by Access Engineering

Appendix C—Geotechnical Report dated June 7, 2018, prepared by Hardman Geotechnical Services, Inc.

Appendix D – Preliminary Septic Site Evaluation dated September 25, 2017, prepared by Clatsop County Public Health

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# I. Requests

**Zoning Map Amendment** approval is requested to change the zoning of the subject site from RA Rural Agriculture to R2 Medium-Density Residential. The purpose of the zone change request is to allow for reasonable development of the site, which is significantly constrained by wetlands.

# II. Project Description

The site is 27.13 acres in area and is located east of Highway 101, north of Pacific Way, west of McCormick Gardens Road, which forms the eastern City limit. The site is currently vacant, although there are physical remnants of the past Palmberg Paving Company operations in the northern portion of the site. The site is currently zoned RA Residential Agricultural and contains a man-made pond. Portions of the site are within the 100-year flood zone and the site contains locally significant wetlands. See Appendix A for a wetland delineation identifying the extent of the wetlands and Appendix B for FEMA flood plain maps.

The site is bounded by McCormack Gardens Road to the east, Pacific Way to the south, and the unimproved Railroad Avenue right-of-way to the west. Properties to the north are zoned RA and developed with single-family dwellings; properties to the east are located within unincorporated Clatsop County and developed with large lot single-family dwellings; properties to the south are zoned RA and developed with single-family dwellings, and properties to the west are zoned C2 and R2. See Sheets P1.0 Existing Conditions and P1.1 Proposed Zoning. The C2-zoned property is adjacent to Highway 101 and is developed with a variety of commercial uses, including retail and office. Providence Hospital also has medical offices within the development. The R2-zoned property is developed with the 9-lot Sea Ridge Estates subdivision.

The property previously served as the base of operations for the Palmberg Paving Company. According to the research conducted by Pacific Habitat Services as part of the wetland delineation, the northern portion of the site was used for materials storage and equipment cleaning. Tax Lot 1000 was used by an auto wrecking company from 1958 to 1960; a sand and gravel mining operation was active in the central portion of the site in the early to mid-1960s. The mining operation created a quarry in the south-central portion of the site, adjacent to Pacific Way, which then filled with groundwater to create a man-made lake.

The Palmberg family now desires to prepare the site for residential development. To that end, the applicant has undertaken several studies to determine the appropriateness of the site for development and has requested a zone change to allow a variety of residential dwelling types. These studies are included as Appendices A-F and referenced throughout this application. The Palmbergs do not intend to develop the site, but rather to sell it to a third party for development.

Sheet P1.2 provides a conceptual site plan for future development of the site. This is one of many development patterns that could occur but is included to demonstrate the site constraints as well as the ability of future development to meet the access requirements and lot dimensional requirements of the proposed R2 Zone.

The current RA zone allows 1 dwelling unit per acre. Theoretically, the site could support 27 dwelling units on its 27.13 acres. However, the presence of significant environmental constraints reduces the developable area of the site to about 7.5 acres, or about 26 percent of the site area. The existing RA zone allows by-right development of approximately 7 homes within the unconstrained portion of the site.

The applicant proposes a zoning map amendment to change the zoning of the site from RA to R2, a medium-density residential zone that allows 6 dwelling units per acre. The R2 zone could theoretically allow development of the unconstrained 7.5 acres of the site with up to 45 dwelling units, providing needed housing while avoiding detrimental impacts to the sensitive environmental areas on site.

However, the maximum development potential under the R2 zone is between 25 and 45 units, as shown on Sheet P1.2 and described in the Traffic Impact Analysis included as Appendix C.<sup>1</sup>

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<sup>1</sup> The Traffic Impact Study calculates trips from up to 52 units to identify the “worst-case” scenario. It appears that this unit count is higher than would be permitted by the R2 zone given the site constraints.

### III. Consistency with the Gearhart Comprehensive Plan

#### A. General Development Goals

##### *Residential Development Policies*

1. *The City will preserve and maintain the predominately residential character of Gearhart through appropriate zoning and land use development regulations.*

**Response:** The existing RA Rural Agricultural Zone is intended to provide a transition between the “urban” areas of central Gearhart to the west and the “rural” areas of unincorporated Clatsop County to the east. The RA zone permits both residential and agricultural uses.

The property to the west is zoned C2 Resort Commercial and is developed with commercial uses. The proposed R2 zone is a residential zone and will maintain the predominately residential character of Gearhart while providing additional flexibility for development of the site and buffering for County properties to the east.

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.*

**Response:** The proposed zoning map amendment will preserve and maintain the predominately residential character of Gearhart. The proposed R2 zone is a medium-density residential zone that permits development of single-family attached and detached homes. Due to the location of the site at the eastern City limit, and the large size and previous use of the site, more intensive development of the site will not affect established neighborhoods. Although the zone change will allow development of the site with more dwelling units that currently permitted, the location of the natural resources around the western and southern edged of the site will ensure that adjacent property owners will continue to enjoy views of the natural areas adjacent to the streets.

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.*

**Response:** The proposed R2 zone does not permit the transient rental of property. The Traffic Impact Analysis (TIA) included as Appendix C has determined that the increased traffic generated by the zone change will not impact mobility standards or level of service for affected intersections and does not recommend any off-site mitigation measures.

The proposed zone change is consistent with these policies.

#### B. Housing (LCDC Goal 10)

##### *Policies*

1. *The City, through provisions in its Zoning Ordinance shall allow for needed housing types such as manufacture dwellings, duplexes, multi-family dwellings, and residential care facilities and residential homes.*
2. *The City will monitor opportunities for subsidized housing (both new construction and rehabilitation) through the Department of Housing and Urban Development, through Farmers Home Administration, through the Oregon State Housing Division, and through other federal, state and county agencies, and will inform prospective builders and residents of such opportunities.*

3. *The City will cooperate with efforts of the Clatsop County Housing Authority, the Northwest Oregon Housing Association, the Area Agency on Aging, the Oregon Housing and Community Services Agency, and other entities in their efforts to ensure decent affordable housing and housing rehabilitation in the Gearhart Area.*
4. *The City will make available information on low-cost weatherization and winterization programs available through the Area Agency on Aging, the community action program, local private utilities, and other sources.*
5. *The City will not tolerate discriminatory housing practices.*

**Response:** These policies address the City’s responsibilities for the provision of housing for all members of the community. The proposed R2 zone will allow for development of needed housing types including detached and attached single-family homes (duplexes, triplexes, and fourplexes). Subsidized housing is not proposed, nor is it precluded in the future.

The proposed zone change is consistent with these policies.

### **C. Transportation (LCDC Goal 12)**

#### **Policies**

[...]

- 2.6. *Protect the function of existing and planned roadways as identified in the adopted Transportation System Plan by ensuring that all development proposals, plan amendments, and zone changes are consistent with the planned transportation system.*

**Response:** As described in the Traffic Impact Analysis included as Appendix C, the proposed zone change is consistent with the planned transportation system and no off-site mitigation is recommended. The proposed zone change is consistent with this policy.

- 2.7. *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.*

**Response:** The proposed zone change is a discretionary land use decision, and a Traffic Impact Analysis has been prepared and is included as Appendix C. The proposed zone change is consistent with this policy.

## **IV. Compliance with City of Gearhart Zoning Ordinance**

### **A. Article 3 Listing of Outright or Conditional Uses Permitted in Residential and Commercial Zones**

**Response:** The applicant requests a zone change from the RA zone to the R2 zone. Table 1 provides an overview of the differences between these zoning designations.

**Table 1 - Comparison of RA Zone and R2 Zone Standards**

<b>Standard</b>	<b>RA zone (existing)</b>	<b>R2 zone (proposed)</b>
Maximum Density	1 dwelling unit per acre	6 dwelling units per acre
Permitted Housing Types	Single-family dwelling	Single-family dwelling Duplex Triplex Four-plex



Minimum Lot Size	1 acre (43,560 sq. ft.)	7,500 – 15,000 sq. ft.
Minimum Lot Frontage	25 ft.	25 ft.
Minimum Setbacks	Front: 20 ft. Side: 5 ft. Rear: 15 ft.	Front: 15 ft. Side: 5 ft./9 ft. Rear: 15 ft.
Maximum Height	30 ft.	
Lot Coverage	35%	
Maximum Dwelling Units <sup>2</sup>	7	47

Due to the significant presence of wetlands along the property perimeters and the presence of a pond in the southern portion of the site, any development on the site will be clustered toward the center. The maximum height of both zones is the same, and setbacks are similar. Development on the site will appear similar from the adjacent streets and will not impact adjacent properties visually.

### **Section 3.2 Medium Density R2**

#### **Section 3.210 Purpose**

*The purpose of the R2 Medium Density Residential Zone is to provide housing consisting of a mixture of single family, multiple family house. The maximum allowable density shall be six (6) dwelling units per acre.*

**Response:** The R2 zone permits a variety of housing types at a maximum density of 6 dwelling units per acre. The site is 27.13 acres and could conceivably accommodate 162 dwelling units at this density. However, approximately 74 percent of the site is constrained by wetlands, a pond, and flood plain and is not developable. As shown on Sheet P1.2 and described in Appendix C, the developable portion of the site is approximately 7.5 acres and can support approximately 25 single-family lots or up to 47 attached dwelling units that meet the standards of the R2 zone.

#### **Section 3.220 Outright Uses Permitted**

*A permitted use is a use which is permitted outright subject to the applicable provisions of this code. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Section 13.091.*

*In an R2 Zone the following uses and their accessory uses are permitted outright.*

1. *A use permitted outright in an R-1 Zone.*
2. *Two-family dwelling or duplex.*
3. *Triplex or Fourplex.*
4. *Home occupations (See Section 6.120).*
5. *Manufactured dwelling in accordance with Section 6.210.*
6. *Manufactured dwelling, recreation vehicle, or construction office used during the construction period of a permitted or conditional use for which a building permit has been issued but not to exceed one year.*

**Response:** The proposed R2 permits a range of housing types, including single-family and two-family dwellings and tri- and four-plexes. The future development could include only single-family homes or a mix of the permitted housing types.

[...]

#### **Section 3.240 R2 Zone Standards**

*In an R2 Zone the following standards shall apply. (For possible exceptions see Article 4.)*

<sup>2</sup> Unconstrained area = 7.5 acres

1. *Lot Size: Lot area shall be a minimum of 7,500 square feet. The minimum lot size for residential uses shall be as follows: single family dwelling, 7,500 square feet; duplex, 10,000 square feet; triplex, 12,500 square feet; Fourplex, 15,000 square feet.*
2. *Front yard: A front yard shall be at least 15 feet.*
3. *Side yard: A side yard shall be 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). Except on corner lots a side yard abutting the side street shall be at least 10 feet.*
4. *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.*
5. *Height restriction: Maximum height of a structure shall be 30 feet.*
6. *Lot coverage: Maximum area that may be covered by a dwelling structure and accessory buildings shall not exceed 35% of total area of the lot.*
7. *Off street parking: As specified in Section 6.130, Off Street Parking Requirements.*
8. *Sign Requirements: As specified in Section 6.040, Sign Requirements.*
9. *Neacoxie Creek Setback: All structures and uses shall be setback fifty (50) feet from Neacoxie Creek unless direct water access is required in conjunction with a water dependent use. The setback shall be measured from the mean higher water line on estuarine portions and the line of ordinary high water for non-estuarine portions of the creek. Riparian vegetation within the setback shall be protected as specified by Section 6.175.*
10. *Buffer Requirements: The sand dune ridge located adjacent to the improved portion west of Railroad Avenue shall be maintained. This ridge shall not be breached or reduced in size.*
11. *Other applicable accessory use provisions as specified in Article 6.*

**Response:** As illustrated in Sheet P1.2, the developable lot area can accommodate approximately 25 single-family lots meeting the size and dimensional requirements of the R2 zone. Compliance with the setback, height, and lot coverage standards will be reviewed at the time of building permit submittal. The proposed zone change would allow for the creation of lots that meet the minimum lot size of the R2 zone.

## **B. Article 6 Supplementary Regulations**

### **Section 6.300 Transportation Improvements**

1. *General Requirements.*
  - A. *Purpose. The standards this chapter implement the transportation policies of the City of Gearhart Transportation System Plan.*
  - B. *Applicability. The following types of development are required to construct transportation improvements in accordance with the standards and procedures of this chapter.*
    - (1) *New single-family dwelling or duplex, if the development fronts a street segment that is planned for a sidewalk or trail in the Transportation System Plan.*
    - (2) *New multi-family dwelling.*
    - (3) *New commercial development.*
    - (4) *Major expansion of a commercial development, defined by an increase in the gross floor area of the use by at least 25 percent.*
    - (5) *All developments in the Residential Commercial Planned Development (RCPD) zone and subdivisions or partitions are required to construct improvements in accordance with the Gearhart Subdivision Ordinance.*

[...]

**Response:** The proposal is for a zone change and these requirements are not applicable. Future development will be required to comply with these requirements.

### **Section 6.330. Traffic Impact Analysis**

1. *Purpose.* The purpose of this section is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.
2. *When a Traffic Impact Analysis is Required.* The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
  - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
  - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 300 daily trips.
  - C. Potential impacts to intersection operations.
  - D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.
  - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
  - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
  - G. A change in internal traffic patterns may cause safety concerns.
  - H. A TIA is required by ODOT pursuant with OAR 734-051.
  - I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.

**Response:** The proposed zone change would increase the allowable vehicle trips to and from the site and is subject to 2.A. above. These standards are applicable.

3. *Preparation.* A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

**Response:** The Traffic Impact Analysis (TIA) has been prepared by Mike Weishar, PE, a professional engineer registered in the State of Oregon. The TIA is included as Appendix C. This standard is met.

4. *Preapplication Conference.* For proposals that meet one or more of the thresholds in section 2, above, the applicant shall attend a preapplication meeting in order to coordinate with the city staff, and ODOT as necessary, to discuss the scope of a required TIA prior to submitting an application. ODOT will be invited to participate in the preapplication conference when an approach road to Highway 101 serves the subject property to ensure the completed TIA meets the requirements of both agencies.

**Response:** A pre-application conference to discuss the proposal was held on October 12, 2017, with the City Manager and city planner. This standard is met.

5. *Approval Criteria*

- A. *The study complies with the content requirements set forth by the city engineer or designee and ODOT staff as appropriate;*

**Response:** The study complies with the content requirements set forth by the city engineer as stated in the Transportation System Plan and this section of the Gearhart Development Code. This criterion is met.

- B. *The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city engineer or designee and, if State facilities are affected, to ODOT;*

**Response:** The study demonstrates that existing transportation facilities are adequate to serve the maximum number of units within the proposed R2 zoning and does not identify any off-site mitigation measures. This criterion is met.

- C. *For affected city facilities, the TIA demonstrates the project meets mobility and other applicable performance standards established in the adopted city Transportation System Plan have been met; and*

**Response:** The study demonstrates that the project meets the mobility targets of the TSP related to v/c ratio and LOS and the mobility targets of the Oregon Highway Plan. This criterion is met.

- D. *Proposed design and construction of transportation improvements are in accordance with the street design standards and the access spacing standards specified in the Transportation System Plan.*

**Response:** No transportation improvements are required to accommodate the zone change; future access to the site will comply with access spacing standards as described in the TIS. This criterion is met.

## **C. Article 11 Amendments**

### **Section 11.010 Authorization to Initiate Amendments**

*An amendment to the text of this ordinance or the zoning map may be initiated by the City Council, by the Planning Commission or by the property owner. To obtain such a change a property owner may initiate a request for an amendment to this ordinance by filing an application with the City Auditor, using forms prescribed by Section 13.020.*

**Response:** The property owner has initiated this amendment to the zoning map, as authorized by this section.

### **Section 11.020 Classification of Amendment Action**

[...]

2. *The following amendment actions are considered quasi-judicial under this Ordinance:*  
A. *A zone change that affects a limited area or a limited number of property owners.*

**Response:** The requested zone change affects 10 properties under the same ownership and is a quasi-judicial action.

### **Section 11.030 Amendment Procedures**

[...]

2. *The following procedures shall be followed for amendments determined to be quasi-judicial:*
  - A. *Notice of Public Hearing shall be in accordance with Section 13.030*
  - B. *The review of the proposed amendment shall be in accordance with Section 13.050. The Planning Commission shall hold a public hearing on the proposal. The City council may hold a public hearing on the proposal. After the Planning Commission hearing, the Planning Commission shall forward its recommendation to the City Council.*

**Response:** City staff will follow the appropriate procedures for the quasi-judicial review process.

### **Section 11.040 Amendment Criteria**

1. *Before an amendment to the text of the Zoning Ordinance is approved, findings will be made that it is consistent with the policies of the Comprehensive Plan and there is a public need for the proposed amendment.*

**Response:** No amendment to the text of the Zoning Ordinance is proposed. This criterion is not applicable.

2. *Before an amendment to the Zoning Map is approved, findings will be made that the following standards have been satisfied:*
  - A. *The amendment shall be consistent with the Comprehensive Plan.*

**Response:** Consistency with the General Development Policies and Housing Policies of the Comprehensive Plan is addressed in Section III of this narrative. This standard is met.

*B. The amendment will meet a land use need.*

**Response:** As discussed in numerous studies and newspaper articles during the past two years, Gearhart and greater Clatsop County (as well as the rest of Oregon) are experiencing a housing shortage. While the coastal population continues to grow, environmental and regulatory constraints have resulted in a mismatch between housing production and housing need.

In response to this crisis, Clatsop County, in partnership with the cities of Gearhart, Astoria, Cannon Beach, Seaside, and Warrenton, has initiated a Comprehensive Housing Study to review existing housing goals, policies, and codes and to identify actions to meet housing needs in the County, including Gearhart.

The proposed zone change would allow for development of the site with between 25 and 42 dwelling units, an increase over the 7 dwelling units that could be developed today, which would help relieve some of the pressure on housing vacancies in the area.

This standard is met.

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

**Response:** The site is bounded by McCormack Gardens Road to the east, Pacific Way to the south, and the unimproved Railroad Avenue right-of-way to the west. Properties to the north are zoned RA and developed with single-family dwellings; properties to the east are located

within unincorporated Clatsop County and developed with large lot single-family dwellings; properties to the south are zoned RA and developed with single-family dwellings, and properties to the west are zoned C2 and R2. The C2-zoned property is adjacent to Highway 101 and is developed with a variety of commercial uses, including retail and office. Providence Hospital also has medical offices within the development. The R2-zoned property is developed with the 9-lot Sea Ridge Estates subdivision.

The uses permitted within the R2 zone are small-scale residential uses. These uses are compatible with the single-family land use development pattern within the R2 zone to the northwest and will be lower in intensity than the commercial development pattern within the C2 zone to the west. The proposed R2 zone will function as a transition between the commercial character of development to the west and the larger-lot development to the south and east.

This standard is met.

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

**Response:** As described below, the land is physically suitable for the proposed residential uses in terms of slopes, soils, and flood hazard. City staff have identified other relevant considerations, including the location of wetlands on the site and the status of site remediation, which are also addressed below.

#### Slope and Soils

The site's topography is gently rolling, with higher elevations located north and east of the pond. On-site soils consist of topsoil, undocumented fill, and native sandy silt to silty sand. Hardman Geotechnical Services, Inc., has determined that development of the site is geotechnically feasible subject to appropriate site preparation. See Appendix D for the full geotechnical report.

The primary constraints to site development, as stated in the geotechnical report, are the presence of localized and unpredictable documented fills, and relatively shallow groundwater with the potential for caving sands in trench excavations. Undocumented fill was discovered in TP-3, TP-4, and TP-7, which generally correspond with potential Lots 17, 21, and between potential Lots 1 and 2 as shown on Sheet P1.2.

Undocumented fill can be addressed through overexcavation of the site, compacting in-place, and replacement of the undocumented fill with engineered fill. The shallow groundwater can be addressed through the construction of perimeter footing drain and construction of buildings with crawlspaces that are appropriately designed to accommodate occasional moisture.

#### Flood Hazards

Per FEMA's 2018 flood insurance rate map (FIRM), portions of the site are located within the 100-year flood plain designations of AE and A. There are no designated floodways on site. See Appendix B.

The 2018 Zone AE generally coincides with the pond on site, and Zone A generally coincides with a portion of Wetland A identified in the Appendix A. The conceptual site plan does not contemplate development within the mapped flood plain.

### Wetlands

The 2011 Local Wetlands Inventory (LWI) identified significant wetlands on the site. A wetland delineation has been prepared by Pacific Habitat Services (PHS) to confirm the extents of the on-site wetlands, and is included as Appendix A. The City of Gearhart 2011 Local Wetlands Inventory (LWI) identifies several large areas of wetland (W6), as well as the pond. The PHS wetland delineation refines the LWI findings based on on-site survey and analysis.

The conceptual site plan included as Sheet P1.2 contemplates removal of Wetland E for development of Lots 8 and 9 and shows portions of potential lots within a 50-ft. buffer. The 50-ft. buffer is commonly-applied distance that allows complies with DLCDC Goal through “safe harbor” regulations and is for reference only. The Department of State Lands (DSL), Clatsop County, and the City of Gearhart will determine the appropriate buffer width at the time of development.

Generally, wetlands larger than 0.5 acres are evaluated for significance following the OFWAM process. The on-site wetlands mapped through the LWI were classified as Locally Significant Wetlands (LSWs) based on the criteria of OAR 141-86-300 to 141-86-350. The wetland delineation prepared by PHS refined the wetland boundaries and identified smaller, insignificant wetlands of between 0.007 and 0.24 acres and identified as Wetlands C through I (see Table 2 of the wetland delineation).

### Contamination

The north central portion of the site was previously used for the operations of the Palmberg Paving Company. The property owners conducted remediation activities on the site in 2003 and received a No Further Action Determination (NFA) from the Department of Environmental Quality (DEQ) in 2007. The NFA is attached as Appendix E. The NFA states that the site is appropriate for residential development.

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

**Response:** Applicable public facilities and services include water, sewer, stormwater, and transportation systems.

### Water

Water is provided by the City of Gearhart and is available to properties within its City Limits. According to City staff, either an 18-in. or a 22-in. water main is available in McCormick Gardens Road to serve the site.

### Sewer

Sewer service is provided to each lot by on-site septic systems that are reviewed and approved by the DEQ. A preliminary site evaluation conducted by the DEQ in September 2017 determined that the property would be able to support a subdivision using on-site septic systems. The assessment recommended several actions: delineation of wetland boundaries; verification of site remediation to DEQ standards; legal subdivision of the property; and individual site evaluations for each lot within the subdivision. See Appendix F.

The wetland delineation is included as Appendix A and the NFA from DEQ is included as Appendix E. Upon approval of the requested zone change, the property will be subdivided for development and the third and fourth action will be addressed at that time.

Stormwater

The City of Gearhart does not have stormwater treatment regulations, but defers to Federal and State requirements (DEQ, DSL, USACE, etc.). Any increased stormwater runoff from the site can be addressed by providing a metered outflow from the site to avoid flooding.

Access

The site has frontage on three public rights-of-way: 1,485 ft. of frontage on unimproved Railroad Ave to the west; 523 ft. of frontage along Pacific Way to the south; and 896 ft. of frontage along McCormick Gardens Rd on the east, which is within Clatsop County’s jurisdiction. A new local street would be necessary to provide access to and frontage for any proposed lots.

Pacific Way and McCormick Gardens Rd are classified as Collector Streets by the City’s Transportation System Plan (TSP), and Railroad Ave is classified as a Local Street. In addition, the TSP indicates a planned shared-use path between 5<sup>th</sup> St and McCormick Gardens Road crossing the site (TSP project G29). Pacific Way is improved with 18 ft. of pavement within its 40 ft. right-of-way; McCormick Gardens Rd is improvement with 20 ft. of pavement within its 44 ft. right-of-way; and Railroad Ave is unimproved within its 60 ft. right-of-way. See Table 2.

As described in the TIS, no right-of-way dedication is proposed or required with the proposed zone change.

**Table 2. Existing and Planned Right-of-Way Widths**

Street Name	Functional Classification	Existing ROW Width	Existing Improvements	Future ROW Width
Railroad Ave	Local	60 ft.	None	50 ft.
Pacific Way	Collector	40 ft.	18 ft.	60 ft.
McCormick Gardens Road	Collector	44 ft.	20 ft.	60 ft.

Source: City of Gearhart Transportation System Plan and Clatsop County Tax Assessor Maps

The TSP includes several projects adjacent to the site, including improvements to McCormick Gardens Rd north of Pacific Way; extension of Railroad Ave from Pacific Way north to Park Lane; and the addition of pedestrian and bicycle facilities to Pacific Way and McCormick Gardens Rd. These projects are financially constrained and are expected to be funded by the City and County. The improvements will not affect the development of the site or the proposed access from McCormick Gardens Rd.

As shown on Sheet P1.2, the preferred access is from McCormick Gardens Rd, with a combined emergency access and bicycle/pedestrian path to Railroad Ave. This access avoids the wetlands along the western and southern boundaries of the site. As detailed in the TIS, the proposed site access meets the City’s access management standards; in addition, the proposed site plan provides a connection to a shared-use path that will emergency vehicle access as required for safety and connectivity.

As detailed above, public facilities and services are, or will be made, available to accommodate the proposed residential uses. This standard is met.



### **Section 11.070 Consistency with Transportation System Plan**

*Proposals to amend Comprehensive Plan or Zoning Map shall demonstrate the proposal is consistent with the adopted Transportation System Plan and the planned function, capacity and performance standards of the impacted facility or facilities. Proposals shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-0120060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.*

**Response:** The proposal is to amend the zoning map, and this section is applicable. Conformance with the Transportation System Plan is addressed in Sections III.C and IV.B of this narrative. A Traffic Impact Analysis (TIA), including a TPR compliance analysis, has been prepared and is included as Appendix C. The TIA finds that the maximum number of units that can be developed under the proposed R2 zoning is 42 units, and that the proposed zoning map amendment is consistent with the TSP and planned function, capacity, and performance standards of the impacted facilities. The proposal was reviewed for TPR compliance and found to have no effect on the transportation facilities. No off-site mitigation is required or proposed.

## **D. Article 13 Administrative Provisions**

### **Section 13.020 Application Information and Procedures**

1. *An application for a permit provided for in the Ordinance shall consist of:
  - A. *A complete application form; and*
  - B. *Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.**
2. *If the application is completed when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.*
3. *If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given the opportunity to submit the additional information required. The application shall be deemed complete upon receipt of additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.*
4. *All documents or evidence provided by the applicant shall be submitted to the City and made available to the public at the time the notice of public hearing required by Section 13.030 is provided.*
5. *Where a proposed development requires more than one permit, or zone change request from the City, the applicant may request that the City consider all necessary permit and zone change request in a consolidated manner. If the applicant requests that the City consolidate its review of the development proposal, all necessary public hearings before the Planning Commission shall be held on the same date.*

**Response:** This application was submitted on August 3, 2018 and is subject to the standards in place at that time.

## V. Conclusion

The request for approval of a zoning map amendment from the RA zone to the R2 zone has been shown to be consistent with the applicable standards of the Gearhart Comprehensive Plan and Zoning Ordinance. The applicant respectfully requests approval of the application.