



MEMORANDUM

**Technical Memorandum #7: Policy and Code Amendments
(Recommended)**
Gearhart Transportation System Plan (2017)

DATE March 30, 2017 *Last revised July 7, 2017*
TO Carole Connell, City of Gearhart
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CC Kevin Chewuk, Carl Springer, DKS

Purpose and organization

The purpose of this memorandum (Technical Memorandum #7) is to propose amendments to the City of Gearhart Comprehensive Plan, the Gearhart Zoning Ordinance (GZO), and the Gearhart Subdivision Ordinance. The proposed amendments are intended to implement the goals and strategies of the draft Gearhart Transportation System Plan (TSP) and ensure compliance with the Transportation Planning Rule (TPR). More broadly, the intent of the amendments is to ensure that the city's comprehensive plan and development code provide sufficient guidance to ensure that future decisions and land use actions are consistent with the planned transportation system.

The first section of the memorandum evaluates the existing transportation policies in the Gearhart Comprehensive Plan then proposes new goals and policies that are consistent with the TSP (Table 1). The second section of the memorandum provides recommended GZO amendments (Table 2).

POLICY AMENDMENTS

The City of Gearhart Comprehensive Plan was adopted in 1994. The Transportation chapter of the plan includes one overall goal and enumerates 12 implementing policies. Currently, the City has one adopted transportation goal:

To provide and encourage safe, convenient, and economic systems for all modes of transportation in the Gearhart area.

The multiple ideas in this one, general goal, can be expressed in more detail by multiple goals, specific to topics and issues important to the community. For this reason, it is proposed that the policies be reorganized under a hierarchy of multiple goals, with specific implementing policies nested underneath each.

Many of the City's adopted policies are still pertinent to the vision and goals for the system outlined in the draft TSP. Several policies identify specific projects that were in progress when the policies were written in 1994; these policies are proposed to be removed or substantially altered to reflect current conditions and community priorities.

Existing policies that remain relevant can be included as an implementing policy under one of the newly written goals, with minor modifications to the policy language for clarity, consistency, or to reflect current priorities. A summary of the proposed amendments to the existing 12 policies are presented in Table 1.

Table 1. Comprehensive Plan Policy Assessment and Recommendations

EXISTING POLICIES	ASSESSMENT AND RECOMMENDATIONS
1. <i>Surrounding land use and traffic generation patterns will be considered during the initial stages of planning for any new development along US 101.</i>	Policy 1 concerns the need to carefully review the impacts of development proposals on US 101. This need remains relevant and will be incorporated into the new policies.
2. <i>Frontage roads and access collection points will be encouraged where appropriate, locations to be coordinated with the Oregon Department of Transportation Highway Division.</i>	Policies 2 and 3 concern the need to use appropriate access management strategies on US 101. Access management on state highways is now governed by ODOT pursuant to the Oregon Access Management Rule (OAR 734-051). These policies can be consolidated and revised to call for the city to move toward the access standards of the rule.
3. <i>Along the Coast Highway, access control techniques will be used in cooperation with the Oregon Department of Transportation to coordinate traffic and land use patterns, and to help minimize the negative impacts of growth. Area-wide needs supersede site-specific needs.</i>	

EXISTING POLICIES	ASSESSMENT AND RECOMMENDATIONS
4. <i>The City, to ensure an orderly traffic flow, and to promote safety on the Oregon Coast Highway will require that...</i> a. <i>The number of access points be minimized.</i> b. <i>Clustering of development, both residential and commercial activities, be carried out.</i> c. <i>Appropriate setbacks from the public right-of-way be provided.</i> d. <i>Shared driveways and parking lots be encouraged.</i> e. <i>Wherever feasible, local traffic will utilize local streets rather than highway accesses.</i>	Policy 4(a) address access management on US 101 and should be amended as described for Policies 2 and 3. Policies 4(b-d) describe potential development standards appropriate for US 101. These standards may be more appropriate for inclusion in the zoning code. A general statement of the need for development standards should remain in the policies. Policy (4e) concerns connectivity of local streets and desire for alternatives to US 101 for local trips. As individual route choices cannot be controlled by city policies or regulations, this statement should concern the need to provide or improve alternatives to US 101 for local trips.
5. <i>In the event of significant new development proposals for lands adjacent to the Coast Highway the City will work with the Oregon Department of Transportation through the Highway Division's District Engineer to ensure unimpeded traffic flow and safety to the fullest extent possible.</i>	The intent of Policy 5 remains relevant and will be incorporated into proposed new policies.
6. <i>Adequate parking for residential and commercial uses will be maintained through enforcement of zoning ordinance parking requirements.</i>	The intent of Policy 6 remains relevant and will be incorporated into proposed new policies.
7. <i>The City will work with ODOT, Clatsop County, and the Sunset Empire Transportation District to develop and maintain an efficient county wide public transportation system.</i>	Policy 7 should be amended to refer to Sunset Empire Transportation District, the transit provider in the city. Additionally, the policy may identify broader goals for the transit system in accordance with the TSP.
8. <i>The City will work with adjacent jurisdictions to develop a regional bike trails system.</i>	The intent of Policy 8 remains relevant and will be incorporated into proposed new policies.
9. <i>The City is concerned about any proposal to U. S. US 101 widening within its urban growth boundary. The City bases its concern on the following findings...</i>	Policy 9 may refer to a specific proposal at the time the policy was written. The list of findings that follows is likely specific to the design or alternatives of that proposal. This policy should be amended to state the importance of the design of US 101 to the community and refer to the design

EXISTING POLICIES	ASSESSMENT AND RECOMMENDATIONS
	option for US 101 adopted within the TSP.
<i>10. The Ridge Path is recognized as a recreational asset, as an appropriate utility easement location, and as a portion of the Oregon Coast Trail. Appropriate easement widths shall be required in new developments within the Urban Growth Boundary.</i>	The intent of Policy 10 remains relevant and will be incorporated into proposed new policies. As identified by the TSP, this policy may also refer to improvements to the path itself and connections to the path.
<i>11. The City will cooperate with the Oregon State Parks Department in the regulation of driving and parking on the beach within the Gearhart Urban Growth Boundary.</i>	The intent of Policy 11 remains relevant and will be incorporated into proposed new policies.
<i>12. The City will participate with the City of Seaside, in the airport planning process. Emphasis should be given to analyzing the impacts, costs, and benefits to the community. Consideration should be given to diminished or controlled use because of its impact on surrounding residential uses.</i>	The reference to a specific planning process in Policy 12 should be removed as the process is no longer active. The intent of the policy to address livability concerns near the Seaside Airport will be incorporated into proposed new policies.

Proposed Goals and Policies

The following set of five goal statements was developed through a review of draft chapters of the TSP, consideration of the goals and policies within recently adopted TSP's of other coastal cities, and discussion with city staff. All goal statements are new; policy statements are either new or are restatements of an existing policy, as explained in Table 1.

Goal 1: Access and Connectivity for All Modes

Provide a transportation system that ensures a convenient and accessible network for all modes of travel, including walking, biking, using transit, and driving.

- Policy 1.1: Improve connectivity for people walking or biking by completing gaps in the current network of pedestrian and bicycle facilities.
- Policy 1.2: Where street connection are not possible or desired, seek development of multi-use path connections between disconnected streets or public access ways to create a more connected and continuous transportation system for walking, biking, and rolling.
- Policy 1.2: Coordinate with Sunset Empire Transportation District to expand the transit system to more destinations, improve access to stops, and ensure an efficient system.
- Policy 1.3: Maintain existing local street connectivity and plan for new street connections consistent with the adopted Transportation System Plan, especially connections that provide alternative routes to US 101 for local trips.
- Policy 1.4: Coordinate with adjacent jurisdictions to maintain and enhance connections between Gearhart and neighboring cities and rural areas.
- Policy 1.5: Coordinate with Clatsop County and the City of Seaside to ensure that future development and transportation system improvements abutting the Gearhart UGB provide connectivity for emergency access and evacuation routes as well as parallel circulation routes to the highway that avoid overreliance on Highway 101.
- Policy 1.6: Work with the Oregon Department of Transportation to install marked pedestrian crossings on US 101 where appropriate.
- Policy 1.7: Work with the Oregon Department of Transportation to install traffic control measures at intersections on US 101 when conditions at those intersections meet appropriate standards for their installation.

Goal 2: Mobility

Provide a multi-modal transportation system that facilitates efficient and reliable travel and will accommodate future growth.

- Policy 2.1: Coordinate with ODOT to provide mobility on US 101 while integrating the needs for local access and for modes other than the private automobile.
- Policy 2.2: The City will seek to retain the existing highway right-of-way on US 101 to provide mobility for all modes, enhance livability, and mitigate environmental impacts.

- Policy 2.3: Coordinate with ODOT to adopt mobility standards for US 101 that reflect community priorities and acknowledge peak traffic conditions during summer months.
- Policy 2.4: Coordinate with ODOT to move toward consistency with state access management standards for US 101.
- Policy 2.5: Require specific design standards for development adjacent to US 101 and coordinate with ODOT to identify and mitigate impacts of development to capacity, safety, or access for all modes.
- Policy 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.
- 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.

Goal 3: Safety and Preparedness

Provide a transportation system that ensures safety for all modes and prepares the city to respond and recover from natural hazards.

- Policy 3.1: Support measures to increase safety for all modes.
- Policy 3.2: Establish, seek funding for, maintain, and promote safe and efficient tsunami evacuation routes.
- Policy 3.3: Enhance safety and preparedness by completing continuous pedestrian and bicycle facilities on arterial and collector streets, and by developing and connecting an off-street system of paths, with special priority assigned to tsunami evacuation routes.
- Policy 3.4: Enhance safety and preparedness by improving bridges and highway crossings for pedestrians and bicyclists, with special priority assigned to tsunami evacuation routes.
- Policy 3.5: Develop a comprehensive Tsunami Evacuation Facilities Improvement Plan (TEFIP) to implement the recommendations of the Transportation System Plan and to further refine community evacuation needs, designated routes, system standards, needed improvements to the local evacuation system, and potential funding.

Goal 4: Livability, Health, and Recreation

Provide a transportation system that preserves a livable community, enhances public health through supporting active transportation, and offers recreational opportunities.

- Policy 4.1: Pursue the development of a network of local shared use paths and trails in coordination with the regional trail network.

- Policy 4.2: Preserve and enhance the Ridge Path as a recreational asset for the city and a segment of the Oregon Coast Trail by establishing connections to the path, requiring appropriate access easements, and maintaining the path surface.
- Policy 4.3: Strive to provide adequate and efficient parking for all uses, particularly during peak summer months, to preserve livability of residential neighborhoods.
- Policy 4.4: Coordinate with the Oregon State Parks Department to regulate driving and parking on the beach within the Gearhart Urban Growth Boundary.
- Policy 4.5: Evaluate the impacts of Seaside Airport on the livability of nearby residential neighborhoods when planning any future expansions or operational changes.
- Policy 4.6: Support maintaining US 101 right-of-way in public ownership for a variety of uses, including multi-use paths, stormwater runoff treatment, future highway expansion, and other transportation-related uses that benefit the community.

Goals 5: Environmental Resources

Provide a transportation system that advances sustainable transportation options and minimizes impacts on the environment and important natural features.

- Policy 5.1: To minimize air pollution and enhance community health, promote sustainable transportation options through policies and investments that support walking, biking, transit.
- Policy 5.2: Implement local, state, and federal regulations to minimize the impacts of transportation on environmental resources, including steams, freshwater wetlands, estuaries, dunes, and habitat areas.

DEVELOPMENT CODE AMENDMENTS

This section of the memorandum provides recommended changes to the city's development requirements, based on an audit and analysis of the Gearhart Zoning Ordinance (GZO) and Subdivision Ordinance. Proposed amendments to the GZO and Subdivision Ordinances are intended to both implement the goals and policies of the TSP and to ensure consistency with the Transportation Planning Rule (TPR).

Most of the transportation-related provisions of the development code are hosted in Article 6 – Supplementary Provisions of the GZO. Several sections of the Subdivision Ordinance also contain transportation-related provisions. Table 2 presents each recommendation, a reference to the relevant code section, and a reference to the relevant TSP goal or TPR section.

Appendix A provides the implementing code language related to each numbered recommendation.

Table 2. Recommended Code Amendments

RECOMMENDATION	CODE SECTION(S)	RELEVANT TSP GOAL OR TPR SECTION
1. Require transportation improvements on existing streets with new development. Street improvements are currently only required for new subdivisions (in the Subdivision Ordinance) and for development in the Residential Commercial Planned Development Zone. The GZO does not currently require street improvements with new development. To develop a more complete and connected transportation network, the GZO should require all new development construct appropriate street improvements at the time of development or provide a fee-in-lieu for future improvements.	GZO, Section 6.300	Goal 1 Access and Connectivity for all Modes 660-012-0020(2)(d)
2. Permit outright transportation improvements that are consistent with the adopted TSP. Specific transportation facilities, services, and improvements are commonly not subject to land use regulation due to the minimal impact on land use. These should be listed as permitted outright or made exempt from regulations through provisions added to the GZO. The recommendation is to add a new code section to allow outright improvements that implement the transportation system plan and/or can be shown to be consistent with adopted policy.	GZO, Section 6.310	All TSP Goals OAR 660-012-0045(1)(a)

RECOMMENDATION	CODE SECTION(S)	RELEVANT TSP GOAL OR TPR SECTION
3. Revise access management standards for US 101 to be consistent with the Access Management Rule. The GZO provides for specific access management standards for US 101. However, access spacing standards for US 101 are determined by ODOT. ODOT spacing standards are defined in the Oregon Highway Plan, OAR 731-051, and ODOT's Highway Design Manual. It is recommended that the City reference state standards or adopt standards for this facility that conform to the state requirements.	GZO, Section 6.160, Additional Criteria for Access Controls on Highway 101	Goal 2: Mobility Goal 3: Safety OAR 731-051
4. Include local access management standards that are consistent with the TSP. The GZO does not currently include access standards. Where new or modified access management and spacing standards are proposed in the updated TSP, the GZO will need to be updated to include (or reference) these standards.	GZO, Section 6.320	Goal 2: Mobility Goal 3: Safety OAR 660-012-0045(2)(a) OAR 660-012-0045(3)(b) OAR 660-012-0045(6)
5. Require a Traffic Impact Analysis (TIA) consistent with the recommendations of the updated TSP. There are no specific requirements for preparing Traffic Impact Analyses to ensure the City is provided with adequate information with which to determine the impacts of land use decisions on the transportation system, nor guidance on what is to be included in an impact study. A TIA requirement is suggested to be included in the GZO and the Subdivision Ordinance, with thresholds identified for the requirement that are proportionate to the potential impacts of development.	GZO, Section 6.330 Subdivision Ordinance, Section 38(2)	Goal 2: Mobility Goal 3: Safety OAR 660-012-0045(2)(b)
6. Include standards for pedestrian circulation within developments and around and through parking areas and add provisions for bicycle parking. Requirements for pedestrian circulation within developments, including evacuation routes, will promote pedestrian safety and improve connectivity between uses and the transportation network. These requirements should also apply to new subdivisions. Minimum standards for the number of required bicycle parking spaces for multi-family residential uses, public and commercial uses, and schools will support multi-modal usage.	GZO, Section 3.340 Subdivision Ordinance, Section 38, Streets GZO, Section 6.130, Off-Street Parking Requirements (bike parking)	Goal 1: Access and Connectivity Goal 3: Safety and Preparedness Goal 4: Livability, Health, and Recreation OAR 660-012-0045(3)(a)

RECOMMENDATION	CODE SECTION(S)	RELEVANT TSP GOAL OR TPR SECTION
7. Enhance standards for access and connectivity within new subdivisions. The Subdivision Ordinance sets out basic provisions for street design and connectivity. Specific refinements to the subdivision ordinance would enhance access, circulation, and connectivity for all modes by limiting allowances for cul-de-sac, requiring access ways (including, by reference to the GZO, evacuation routes), and requiring smaller block sizes.	Subdivision Ordinance, Section 38, Streets Subdivision Ordinance, Section 41, Blocks	Goal 1: Access and Connectivity
8. Require zone amendments to be consistent with the TSP. Review criteria for ordinance amendments can be strengthened by directly referencing the TSP as part of required conformance with the Comprehensive Plan. In addition, the City should consider adopting language requiring proposals that “significantly affect” an existing or planned transportation facility (pursuant to the TPR, Section -0060) to demonstrate consistency with the identified function, capacity, and performance standards of the facility.	GZO, Article 11, Amendments GZO, Section 11.070 Transportation Planning Rule Compliance	Goal 2: Mobility OAR 660-012-0060
9. Add new definitions to the GZO to include terms used in these amendments that are not currently defined. Several terms used in these proposed amendments are not defined in the GZO. These terms should be added to the definitions section for clarity and consistency. Minor edits to some existing definitions are also recommended in order to be consistent with the use of the term in these proposed amendments.	GZO, Section 1.030, Definitions Subdivision Ordinance, Section 4, Definitions	N/A

APPENDIX A: PROPOSED CODE AMENDMENTS

Underlined text is new, ~~strikeout~~ is current text to be removed from adopted code language.¹

Recommendation 1: Require Transportation Improvements on Existing Streets

GZO, Section 3.1 Low Density Residential R-1

SECTION 3.240 R-1 ZONE STANDARDS

In an R-1 Zone the following standards shall apply. (For possible exceptions see Article 4.)

[...]

8. Off street parking

As specified in Section 6.130, Off Street Parking Requirements.

9. Transportation Improvements.

As specified in Section 6.300, Transportation Improvements.

910. Sign Requirements:

As specified in Section 6.040, Sign Requirements.

[...]

[renumber existing 10. through 12.]

GZO, Section 3.2 Medium Density Residential R-2

SECTION 3.240 R-2 ZONE STANDARDS

In an R-2 Zone the following standards shall apply. (For possible exceptions see Article 4.)

[...]

7. Off street parking

As specified in Section 6.130, Off Street Parking Requirements.

8. Transportation Improvements.

As specified in Section 6.300, Transportation Improvements.

¹ Draft language has been informed by, and in some cases modified from, sample language originally provided to City staff in a December 23, 2016 memorandum, entitled Policy and Code Amendments (Proposed). Consultant reviewed with City staff proposed sample language and options for specific code modifications prior to the development of the proposed amendments presented here. The Model Development Code for Small Cities, published by the Transportation and Growth Management Program, was the basis for many of the proposed changes. See Model Development Code for Small Cities, Edition 3.1. (2015), Oregon Transportation and Growth Management Program: <https://www.oregon.gov/LCD/TGM/Pages/modelcode.aspx>

89. Sign Requirements:

As specified in Section 6.040, Sign Requirements.

[...]

[renumber existing 9. through 11.]

GZO, Section 3.3 High Density Residential R-3

SECTION 3.340 R-3 ZONE STANDARDS

In an R-3 Zone the following standards shall apply. (For possible exceptions, see Article 4.)

[...]

8. Off street parking

As specified in Section 6.130, Off Street Parking Requirements.

9. Transportation Improvements.

As specified in Section 6.300, Transportation Improvements.

910. Sign Requirements:

As specified in Section 6.040, Sign Requirements.

~~1011.~~ Other applicable accessory uses provisions are specified in various section of Article 6.

GZO, Section 3.4 Neighborhood Commercial Zone C-1

SECTION 3.440 C-1 ZONE STANDARDS

In a C-1 Zone the following standards shall apply. (For possible exceptions see Article 4.)

1. Uses shall include applicable R-1 Zone standards except:

- Minimum lot size can be 5,000 square feet, and
- Except where property owners offer joint easement of 25-foot side yards for accessibility to on site waste disposal facilities.

2. No off-street parking is required in the C-1 zone except for residential dwellings and neighborhood cafes located in new structures.

3. Transportation Improvements.

As specified in Section 6.300, Transportation Improvements.

GZO, Section 3.5 General Commercial Zone C-2

SECTION 3.540 C-2 ZONE STANDARDS

In a C-2 Zone the following standards shall apply. (For possible exceptions see Article 4.)

[...]

7. Off-street parking:

As specified in Section 6.130.

8. Transportation Improvements.

As specified in Section 6.300, Transportation Improvements.

89. Sign requirements:

As specified in Section 6.040.

[renumber existing 9. and 10.]

GZO, Section 3.7 Residential Commercial Planned Development Zone RCPD

SECTION 3.740 RCPD ZONE STANDARDS

In a RCPD Zone the following standards shall apply.

[...]

8. Transportation:

A. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic, pursuant to Section 6.320 Access Management Standards. ~~Minor streets within the development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.~~

B. Streets in the development may be dedicated to public use or may be retained in private ownership. All streets will be constructed in accordance with City subdivision regulation standards. Streets that are to be dedicated to the City shall be built to City standards, pursuant to Section 6.130.

C. The Planning Commission may require that right-of-ways be dedicated to the City to allow for the proper development of adjacent properties.

GZO, Section 3.85 Public and Semi-Public Zone P/SP

SECTION 3.860 P/SP ZONE STANDARDS

In a C-2 Zone the following standards shall apply. (For possible exceptions see Article 4.)

[...]

7. Off-street parking:

As specified in Section 6.130.

8. Transportation Improvements.

As specified in Section 6.300, Transportation Improvements.

89. Sign requirements:

As specified in Section 6.040.

910. Other applicable accessory use provisions are specified in various sections of Article 6.

GZO, 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.
- C. **Street, Shared-use Path, and Evacuation Route Design Standards.** All transportation improvements, whether required as a condition of development or provided voluntarily, shall conform to the standards adopted within the City of Gearhart Transportation System Plan.
- D. **Public Improvement Requirement.** No building permit may be issued until all required street improvements are in place and approved by the Public Works Director, or otherwise bonded, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public

facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

2. **New Streets.** All new streets shall conform to the standards and requirements of the Gearhart Subdivision Ordinance.

3. **Improvements to Existing Streets.**

A. **Applicability.** Except as provided by subsection 4, below, existing substandard streets within or abutting a proposed development shall be improved in accordance with the standards of this chapter as a condition of development approval. The City Manager or designee may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meet city standards and are in satisfactory condition to handle projected traffic loads.

(1) **Single-Family Dwellings and Duplexes.** All single-family dwellings and duplexes that front an existing street segment that is planned for a sidewalk or trail in the Transportation System Plan shall construct sidewalk or trail improvements in accordance with the standards of that plan. The improvements may include but are not limited to sidewalks, trails, curbs, gutters, and planter strips.

(2) **Multi-Family Dwellings and Commercial Development.** All multi-family dwelling and commercial development shall construct a minimum of half-street improvements to all existing streets adjacent to, within, or necessary to serve the development in accordance with the standards of the Gearhart Transportation System Plan. Where a development has frontage on both sides of an existing street, full street improvements shall be required.

4. **Waivers and Deferrals.** The City Manager or designee may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) is met. Deferrals of sidewalk improvements are not permitted when there is an existing curb along the frontage of the site or the site is abutting an existing curb or sidewalk. Where the City Manager or designee agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

A. The standard improvements conflict with an adopted capital improvement plan.

B. The standard improvements would create a safety hazard.

C. The improvement is not likely to be extended during the planning horizon of the adopted TSP due to topography or committed development on adjacent property, and the improvement under consideration does not by itself significantly improve transportation operations or safety.

- D. The improvements are deemed more appropriate as part of a larger project in the future.
5. **Fee-in-Lieu Option.** In lieu of the transportation improvement requirements identified in Section 6.300, the City Manager or designee may elect to accept from the applicant monies to be placed in a fund dedicated to the future public construction of the improvements.
- A. The amount of monies deposited with the city shall be at least 100 percent of the estimated cost of the required street improvements, and may include more than 100 percent of the cost as required for inflation. Cost estimates shall be based from a preliminary design of the reconstructed street provided by the applicant's engineer and shall be approved by the city engineer.
- B. If the City Manager or designee elects to accept these monies in lieu of the street improvements, the applicant shall also record against all lots or parcels a "construction deferral agreement and waiver of rights to remonstrance for street and storm drainage improvements" approved by the city attorney. The agreement should be worded such that the subject properties are responsible for paying the full cost of required street improvements along their unimproved street frontages. The agreement shall also state that the city has the right to collect money owed for the actual construction costs, if actual costs exceed the amount deposited, and that the city will reimburse the property owner(s) if the actual costs are less than anticipated.

Recommendation 2: Transportation Improvements Permitted Outright

GZO, Section 6.310. Transportation Improvements Permitted Outright.

Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way. Fencing must meet the requirements of Section 6.010.
3. Projects that are consistent with projects identified and planned for in the Transportation System Plan.
4. Landscaping as part of a transportation facility.
5. Emergency measure necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition consistent with the Gearhart Subdivision ordinance.

Recommendation 3: Access Management on US 101

GZO, Section 6.160. Additional Criteria for Access Controls on Highway 101

For property fronting Highway 101 the following additional criteria applies.

1. Access management standards for US 101 shall be those standards required by ODOT.
2. Where a new approach onto US 101 or change of use adjacent to US 101 requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City Manager or designee may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
- ~~3. One driveway per 300 feet of highway frontage is allowed. Frontages of less than 300 feet shall be allowed one driveway.~~
- ~~4. Driveways on properties with one or two driveways allowed must be located adjacent to a side property line. Access easements must be granted to the property adjacent to the driveway. Half width driveways may be allowed.~~
- ~~5. New driveways on properties located adjacent to properties that have existing property line driveways must be located adjacent to and utilize the existing driveway and use the same or an expanded curb cut.~~
- ~~6. Curb cuts shall not exceed 15 feet for one way drive, 24 feet for a two lane two way drive, or 36 feet for a three lane two way with a turn lane drive.~~
7. Parking lots located in front of a structure fronting on a highway shall be located adjacent to at least one side property line and access easements shall be granted to the adjacent property owner for access through the parking lot.
8. If a new parking lot is located to the front of a structure on a property adjacent to a property(s) with an existing parking lot, the new parking lot shall be located adjacent to the existing parking lot(s).

Recommendation 4: Local Access Management Standards

GZO, Section 6.320. Access Management Standards

1. **Purpose.** The purpose of this ordinance is to manage access to land development while preserving the movement of people and goods in terms of safety, capacity, functional classification, and performance standards as adopted in the Transportation System Plan. This ordinance shall apply to all arterials and collectors within the City of Gearhart and to all properties that abut these roadways at which time new or redevelopment occurs.
2. **Permit Required.** Vehicular access to a collector or arterial street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.
3. **Nonconforming Access Features.** Legal access connection in place as of [date of adoption] that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - A. When new access connection permits are requested;
 - B. Changing in use or enlargements or improvements that will increase trip generation.
4. **Access Spacing Standards.** Minimum access spacing standards are established in the Transportation System Plan for City roads according to their functional classification.
5. **Exceptions and Adjustments.** The City Manager or designee may approve adjustments to the spacing standards of subsections D, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The City Manager or designee may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.
6. **Long-term Consolidation of Access.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site development review, as applicable, for the traffic safety and access management purposes in accordance with the following standards:
 - A. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

- B. Reciprocal access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including paths, at the time of final plat approval or as a condition of the site development approval.
- 7. **Access Consolidation Exception.** Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

Recommendation 5: Traffic Impact Analysis (TIA) Requirements

GZO, 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. A change in zoning or a plan amendment designation;
 - B. Operational or safety concerns documented in writing by a road authority;
 - C. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - D. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - E. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
 - F. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are 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, creating a safety hazard; or
 - G. A TIA is required by Clatsop County or ODOT.
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.

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.
5. **Approval Criteria.**
 - A. **The study complies with the content requirements set forth by the city engineer and ODOT staff as appropriate;**
 - 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 and, if State facilities are affected, to ODOT;**
 - 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**
 - 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.**

Subdivision Ordinance, Section 38, Streets

1. **Traffic Impact Analysis.** Subdivision applications that meet the thresholds established in Gearhart Zoning Ordinance Section 6.330(B) shall prepare a Traffic Impact Analysis pursuant to the requirements of that section.

Recommendation 6: Pedestrian Access and Circulation and Bike Parking

GZO, Section 6.340. Pedestrian Access and Circulation

1. **Purpose and Intent.** This section implements the pedestrian access and connectivity policies of City of Gearhart Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
2. **Standards.** Developments shall conform to all of the following standards for pedestrian access and circulation:
 - A. **Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 - B. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and

all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

- (1) The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
- (2) The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City Manager or designee may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
- (3) The walkway network connects to all primary building entrances consistent with Americans with Disabilities Act (ADA) requirements.

C. Evacuation Routes. Evacuation routes identified in the Transportation System Plan must be constructed to the standards identified in the Transportation System Plan.

- 3. Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City Manager or designee may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
- 4. Crosswalks.** Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material) or painted crosswalk striping. The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
- 5. Walkway Width and Surface.** Unless exempted under 6.340(B)(6), walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Manager or designee, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to city transportation standards.
- 6. Construction Exceptions.** The Ridgeline Path and any beach paths may be constructed of soft-surface materials, as deemed appropriate by the City Manager or designee.

Subdivision Ordinance, Section 38, Streets

(...)

- 16. Pedestrian Access and Circulation.** In addition to the access and connectivity standards required by subsection (9) Cul-de-sac and (10) Shared-use Paths, any individual site in the subdivision or partition shall meet the pedestrian access and circulation standards of Section 6.340 of the Gearhart Zoning Ordinance.

GZO, Section 6.130. Off-Street Parking Requirements

(...)

8. Bicycle Parking

- A. **Standards.** Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 6.130(1). Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, the City Manager or designee may require bicycle parking spaces in addition to those in Table 6.130(1).
- B. **Design.** Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage bins, providing a safe and secure means of storing a bicycle.
- C. **Exemptions.** This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The City Manager or designee may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.
- D. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of this code.

<u>Table 6.130(1)</u> <u>Minimum Required Bicycle Parking Spaces</u>	
<u>Use</u>	<u>Minimum Number of Spaces</u>
<u>Multifamily Residential</u> (not required for parcels with fewer than 4 dwelling units)	<u>2 bike spaces per 4 dwelling units</u>
<u>Commercial</u>	<u>2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater</u>
<u>Community Service</u>	<u>2 bike spaces</u>
<u>Parks (active recreation areas only)</u>	<u>4 bike spaces</u>
<u>Schools (all types)</u>	<u>2 bike spaces per classroom</u>
<u>Institutional Uses and Places of Worship</u>	<u>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</u>
<u>Other Uses</u>	<u>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</u>

Recommendation 7: Connectivity in Subdivisions

Subdivision Ordinance, Section 38, Streets

(...)

- 9. Cul-de-sac.** ~~A cul-de-sac shall be as short as possible with a maximum length of 600 feet. A cul-de-sac shall terminate in a circular turnaround with a minimum radius of 40 feet.~~
- a. A cul-de-sac street shall only be used where the Planning Commission determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:
 - b. The cul-de-sac shall not exceed a length of 400 feet, except where the Planning Commission determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 - c. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code.
 - d. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle shared-use path between it and adjacent developable lands. Such access ways shall conform to Section 38(10).
- 10. Shared-use paths.** The Planning Commission, in approving a land use application with conditions, may require a developer to provide non-motorized access where the creation of a cul-de-sac or dead-end street is unavoidable and a shared-use path is needed to connects the end of the street to another street, a park, or a public access way. Where a shared-use path is required, it shall be not less than 10 feet wide and shall contain a minimum eight-foot-wide paved surface or other all-weather surface approved by the Planning Commission. Shared-use paths shall be contained within a public right-of-way or public access easement, as required by the City.

[renumber existing 38(10) through (14) to 38(11) through (15)]

Subdivision Ordinance, Section 41, Blocks

Blocks. The length, width and shape of blocks shall take into account the need for adequate lot size and street width, circulation patterns and conformity with the topography of the site. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions shall be served by an interconnected street network, pursuant to the standards in Subsections (1) and (2) below. Distances are measured from the edge of street rights-of-way. Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access

management requirements, or similar restrictions; where practicable, a shared-use path connection shall be provided pursuant to Section 38(10).

1. Local Streets and Collector Streets: Minimum of block length of 265 feet and maximum block length of 530 feet.
2. Arterial Streets: Refer to ODOT standards.

Recommendation 8: TSP Compliance for Zone Amendments

GZO, 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) 660-012-0060 (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.

Recommendation 9: Add New Definitions

GZO, Section 1.030. Definitions.

Existing definitions with recommended edits

Access. The place, means or way by which pedestrians, bicycles, or vehicles shall have safe, adequate, and usable ingress and egress to a property, use or parking space.

Clear Vision Area (Vision Clearance Area). A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half (2-1/2) feet in height measured from the top of the curb.

New definitions

Access Easement. An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. Cross access easement is an easement providing

vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access Management. The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists, and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include, but are not limited to, 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements; 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways; and 3) provision for future opportunities for mitigation by land dedication or easement.

Alternate Access. The right to access a property by means other than the proposed approach or access connection. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.

Access, Reasonable. Access that does not require excessive out-of-direction travel or pose a safety hazard.

Access Point. A connection providing for the movement of vehicles between a lot or parcel and a public roadway.

Access Spacing / Intersection Spacing. The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Driveway. The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site.

Driveway Apron. The edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply. See also, Oregon Administrative Rules 734, Division 51, for definitions specific to state highways.

Driveway, Shared. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at Clatsop County.

Evacuation Route. Multi-use paths that are designed and constructed to provide safe and direct evacuation necessitated by a Cascadia event earthquake and associated tsunami.

Half-Street Improvements. Improvement of one-half of an existing substandard road directly abutting a proposed development site. One-half of the road shall mean the area between the right-of-way centerline and the ultimate right-of-way line directly abutting the development site, along the entire length of the development site's frontage on the abutting road(s). Required improvements are based on the City's road design standards and determined by the City Manager or designee.

Planter Strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

Public Access Easement. A public access easement is an easement granted to the public for vehicular and pedestrian access, or for non-motorized access.

Public Improvements. Development of public infrastructure, as required by the City, a special district, or road authority, as applicable.

Right-Of-Way. Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

Roadway. The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Road/Roadway Authority. The City or other agency (e. g., Oregon Department of Transportation, City of Gearhart, or Clatsop County) with jurisdiction over a road or street.

Shared Driveway. A driveway used to access two or more parcels.

Sidewalk. A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb, drainage facility (e.g., ditch or swale), or planter strip.

Sight Distance. The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety (e.g., a length of street or highway that a driver can see with an acceptable level of clarity, pursuant to the standards of the applicable roadway authority).

Shared-use path. A transportation improvement that supports multiple recreation and transportation opportunities, such as walking, bicycling, and rolling (e.g., skateboarding, inline skating, etc.). Shared-use path conform to adopted City standards, are separated from vehicular traffic, and are located either within the public right-of-way or a public easement.

Traffic Impact Analysis. A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

Walkway. A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Shared-use Path and Sidewalk.

Subdivision Ordinance, Section 4. Definitions.

Existing definitions with recommended edits

~~14. Pedestrian Way:~~ A right-of-way for pedestrian traffic.

Access Way. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles. See also, Walkway.

~~Sidewalk:~~ A pedestrian walkway with permanent surfacing.

Sidewalk. A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb, drainage facility (e.g., ditch or swale), or planter strip.

New definitions

Access. The place, means or way by which pedestrians, bicycles, or vehicles shall have safe, adequate, and usable ingress and egress to a property, use or parking space.

Block. All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

Shared-use path. A transportation improvement that supports multiple recreation and transportation opportunities, such as walking, bicycling, and rolling. Shared-use path conform to adopted City standards, are separated from vehicular traffic, and are located either within the public right-of-way or a public easement.

Walkway. A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Shared-use Path and Sidewalk.