



# CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138  
(503) 738-5501 • (503) FAX 738-9385



## APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION  
2<sup>ND</sup> THURSDAY, 6:00 PM

DATE RECEIVED 06/17/21

1. APPLICANT: SCOFI Gearhart, LLC  
MAILING ADDRESS: P.O. Box 2759, Gearhart, OR 97138  
EMAIL ADDRESS: [scofinz@aol.com](mailto:scofinz@aol.com)  
PHONE: 503.936.2550  
CELL PHONE: 503.936.2550
2. PROPERTY OWNER: SCOFI Gearhart, LLC  
MAILING ADDRESS: P.O. Box 2759, Gearhart, OR 97138  
EMAIL ADDRESS: [scofinz@aol.com](mailto:scofinz@aol.com)  
PHONE: 503.936.2500  
CELL PHONE: 503.936.2550
3. SURVEYOR/ ENGINEER: AKS Engineering & Forestry, LLC  
MAILING ADDRESS: 12965 SW Herman Rd., Unit 100, Tualatin, OR 97062  
EMAIL ADDRESS: [carlsonb@aks-eng.com](mailto:carlsonb@aks-eng.com)  
PHONE: 503.563.6151  
CELL PHONE: 503.563.6151
4. LEGAL COUNSEL: Carrie Richter, Bateman Seidel, PC  
MAILING ADDRESS: 1000 SW Broadway, Suite 1910, Portland, OR 97205  
EMAIL ADDRESS: [crichter@batemanseidel.com](mailto:crichter@batemanseidel.com)  
PHONE: 503.972.9903  
CELL PHONE: 503.972.9903
5. PROPERTY LOCATION: 1002 Pacific Way, Gearhart, OR 97138
6. LEGAL DESCRIPTION OF PROPERTY:  
(A) ASSESSORS PLAT AND TAX LOT: T6NR10W SEC 10, Tax Lots 800 & 1500  
(B) ADDITION, BLOCK, AND LOT: Tract 19 Gearhart Heights Tracts

PER SEC 13.080 OF THE GEARHART ZONING CODE ACTUAL EXPENSES INCURRED BY THE CITY DURING THE PROCESS OF TECHNICAL EVALUATION OF AN APPLICATION SHALL BE BORNE BY THE APPLICANT, IN ADDITION TO THE FILING FEES ESTABLISHED BY RESOLUTION. UNPAID PENALTIES, FINES OR INCUMBRANCERS OWED TO THE CITY OF GEARHART ARE GROUNDS FOR WITHHOLDING ISSUANCE OF A PERMIT. DO YOU OWE ANY MONEYS TO THE CITY OF GEARHART? (CIRCLE) YES

7. SIGNATURE (APPLICANT)  DATE: June 17, 2021  
PRINT: Robert S. Morey
8. SIGNATURE (OWNER)  DATE: June 17, 2021  
PRINT: Robert S. Morey

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

TO BE COMPLETED BY STAFF

DOES APPLICANT OWN ANY MONEY

TO THE CITY? \_\_\_\_\_

IF SO, AMOUNT \_\_\_\_\_

FOR \_\_\_\_\_ ACCOUNT # \_\_\_\_\_

DEPARTMENT STAFF \_\_\_\_\_ (INITIAL)

OCTOBER 2016

APP COVER (2) 2016



# CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138  
(503) 738-5501 • (503) FAX 738-9385

## APPLICATION FOR CONDITIONAL USE

In certain districts conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics or special characteristics of the area in which they are to be located, conditional uses require special considerations, so they may be properly located with respect to the Comprehensive Plan and zone standards.

PLANNING COMMISSION  
2<sup>ND</sup> THURSDAY, 6:00 PM

DATE RECEIVED 06/17/21  
APPLICATION FEE: \$2000.00 PD 2020 12

1. APPLICANT: SCOFI Gearhart, LLC PHONE: 503.936.2500  
MAILING ADDRESS: P.O. Box 2759, Gearhart, OR 97138  
EMAIL ADDRESS: [scofinz@aol.com](mailto:scofinz@aol.com) CELL PHONE: 503.936.2500
2. PROPERTY OWNER: SCOFI Gearhart, LLC PHONE: 503.936.2500  
MAILING ADDRESS: P.O. Box 2759, Gearhart, OR 97138  
EMAIL ADDRESS: [scofinz@aol.com](mailto:scofinz@aol.com) CELL PHONE: 503.936.2500
3. PRESENT ZONE: Public/Semi Public (P/SP)
4. PROPERTY LOCATION: 1002 Pacific Way, Gearhart, OR 97138
5. LEGAL DESCRIPTION:  
T6NR10W SEC10, Tax lots 800 (5.37 ac.) and 1500 (3.07 ac.) Map No. 61010BA 01500
6. SKETCH DRAWN TO SCALE Attached
7. DETAIL AND REASONS FOR REQUEST: Install a caretaker unit in the existing Gearhart Elementary School building to oversee and manage the building and site while the property owner works with the city to rezone the property.
8. INDICATE COMPLIANCE WITH ARTICLE 8 CONDITIONAL USE AND ANY RELEVANT SECTIONS OF THE ZONING ORDINANCE; A caretaker unit is listed as a conditional use in the P/SP zone. GZO 3.830.1. The proposed use will occur within the existing school building. Public services, access, and parking are available on-site. The applicant's narrative provides substantial evidence that the proposed caretaker unit will comply with the applicable standards of the underlying zone, the Tsunami hazard overlay, and conditional use approval criteria.
9. COPIES: AFTER THE APPLICATION IS DEEMED COMPLETE SUPPLY 15 COPIES DRAWN TO SCALE NO SMALLER THAN 11" X 17" AND ONE PDF SENT TO [planning@ci.gearhart.or.us](mailto:planning@ci.gearhart.or.us)
10. ATTACH LIST OF NAMES OF RECORD OWNERS OF CONTIGUOUS LAND WITHIN 200' Attached
11. SIGNATURE (APPLICANT) Robert S. Morey DATE: June 17, 2021  
PRINT: Robert S. Morey
12. SIGNATURE (OWNER) Robert S. Morey DATE: June 17, 2021
13. PRINT: Robert S. Morey

**NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.**

MARCH 2020

CONDITIONAL USE

# Gearhart Elementary School Caretaker Quarters

## Conditional Use Permit

June 17, 2021



*Gearhart Elementary School. Photo - Seaside Signal, September 24, 2020*

Prepared by  
Kerry VanderZanden Architect, PC  
and  
E<sup>2</sup> Land Use Planning, LLC

## I. PROJECT INFORMATION

<b>Date</b>	June 17, 2021
<b>Proposal</b>	Provide housing for a caretaker of the vacant elementary school building and grounds.
<b>Location</b>	1002 Pacific Way, Gearhart, Oregon 97138
<b>Legal Description</b>	T6NR10W SEC10, Tax lots 800 (5.37 ac.) and 1500 (3.07 ac.) Map No.: 61010BA 01500 Tract 19, GEARHART HEIGHTS TRACTS, City of Gearhart, Clatsop County, Oregon. TOGETHER WITH that portion of vacated Lincoln Avenue inuring thereto by reason of City of Gearhart Ordinance No. 783, recorded February 8, 2005, Instrument No. 200501662.
<b>Owner</b>	SCOFI Gearhart LLC, P.O. Box 2759, Gearhart OR 97138. Contact: Bob Morey, 503.936.2500, <a href="mailto:scofinz@aol.com">scofinz@aol.com</a>
<b>Applicant</b>	Same as owner
<b>Applicant's Architect</b>	Kerry W. VanderZanden Architect, PC, 13891 N. Main St., Banks, ORS 97106. Contact: Kerry VanderZanden, 503.319.7666, <a href="mailto:kerry@kwvarch.com">kerry@kwvarch.com</a>
<b>Applicant's Legal Representative</b>	Bateman Seidel, P.C., 1000 SW Broadway, Suite 1910, Portland, OR 97205. Contact: Carrie Richter, 503.972.9903, <a href="mailto:crichter@batemanseidel.com">crichter@batemanseidel.com</a>
<b>Applicant's Engineer</b>	AKS Engineering & Forestry, LLC, 12965 SW Herman Rd., Unit 100, Tualatin, OR, 97062. Contact Blair Carlson, 503.563.6151, <a href="mailto:carlsonb@aks-eng.com">carlsonb@aks-eng.com</a>
<b>Applicant's Land Use Representative</b>	E <sup>2</sup> Land Use Planning, LLC, 2554 NE 48 <sup>th</sup> Ave., Portland, OR 97213. Contact: Eric Eisemann, 360.750.0038, <a href="mailto:e.eisemann@e2landuse.com">e.eisemann@e2landuse.com</a>
<b>Zoning</b>	Public/Semi Public (P/SP)

## EXHIBITS

- A. Existing Conditions Gearhart Elementary School-AKS
- B. Preliminary Floor Plan
- C. Preliminary Site Plan
- D. Building Elevations
- E. Tax Map
- F. Tax Lot Addresses and Labels and Map Combined



## II. LOCATION AND BACKGROUND

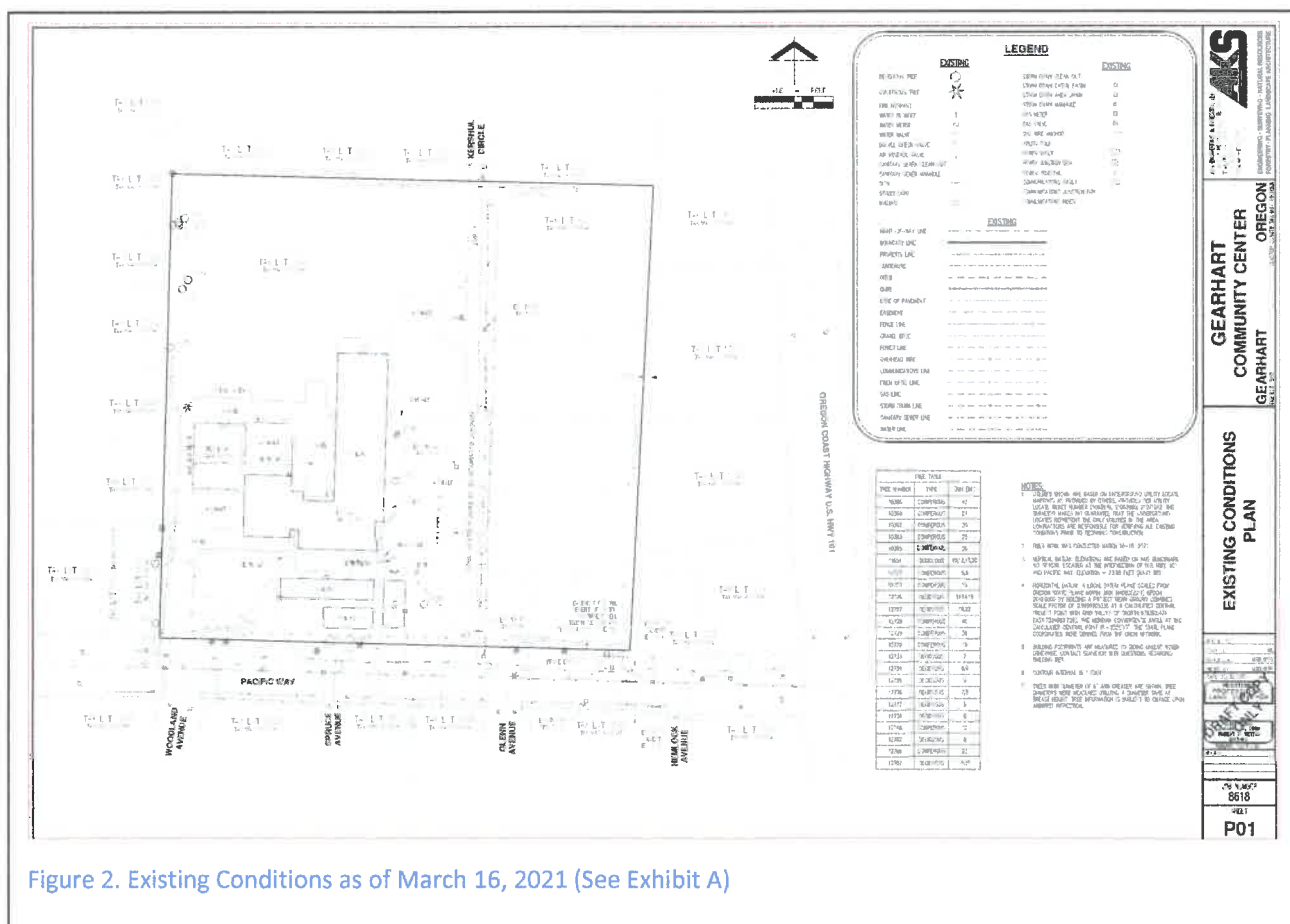
The former Gearhart Elementary School is located on two lots (#1500 and #800) north of Pacific Way. The property is located between US Highway 101 and downtown Gearhart. The school building complex and associated open space are the dominant feature on the landscape as one approaches the city's central business district.



Figure 1. Project Location [Google Imagery 2021](#)

Former Lincoln Avenue, vacated in 2005, bisects lots #1500 and #800. Access into the site is via former Lincoln Avenue and a loop driveway that connects to Pacific Way at the southwest corner of the site. The connection between former Lincoln Avenue and East Kershul Circle is closed to through vehicle traffic.

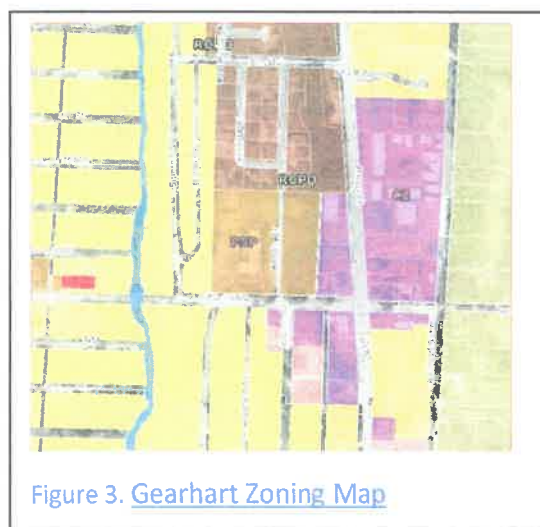
The property consists of a single story central building, gym, a large parking lot, and open space. A narrow wetland borders the east and northern property lines. The land rises gently upward to Ridge Drive.



Surrounding land uses include commercial business along US 101 to the east and single family residential uses to the north and west. South of Pacific Way there are residential uses to the southwest and commercial uses to the southeast.

The subject properties are zoned Public/Semi Public (P/SP). To the west and southwest, properties are zoned low density residential (R1). To the north, the subdivision is zoned Residential Commercial Plan District (RCPD). Commercial-2 (C-2) zoning is east and southeast of the subject property.

Former Lincoln Avenue, vacated in 2005, bisects lots #1500 and #800. Access into the site is via former Lincoln Avenue and a loop driveway that connects to Pacific Way at the southwest corner of the site. The connection between former Lincoln Avenue and East Kershul Circle is closed to through vehicle traffic.





### III. Proposal

In 2019, the Seaside School District #15 listed the 8.44 acres and all improvements for sale. SCOFI Gearhart, LLC purchased the property in November 2020. Since then, SCOFI, represented by Bob and Timi Morey, have made several modifications to the site. They removed four portable classroom buildings, removed diseased or failing trees and vegetation, constructed a fenced garden area, and erected fencing around a portion of the property.

In addition, SCOFI has invested in site evaluations including, a full site survey, analysis of the septic system and site capacity for septic, evaluated the structural integrity of the primary building and its roof, conducted extensive assessment of the primary building's HVAC systems.

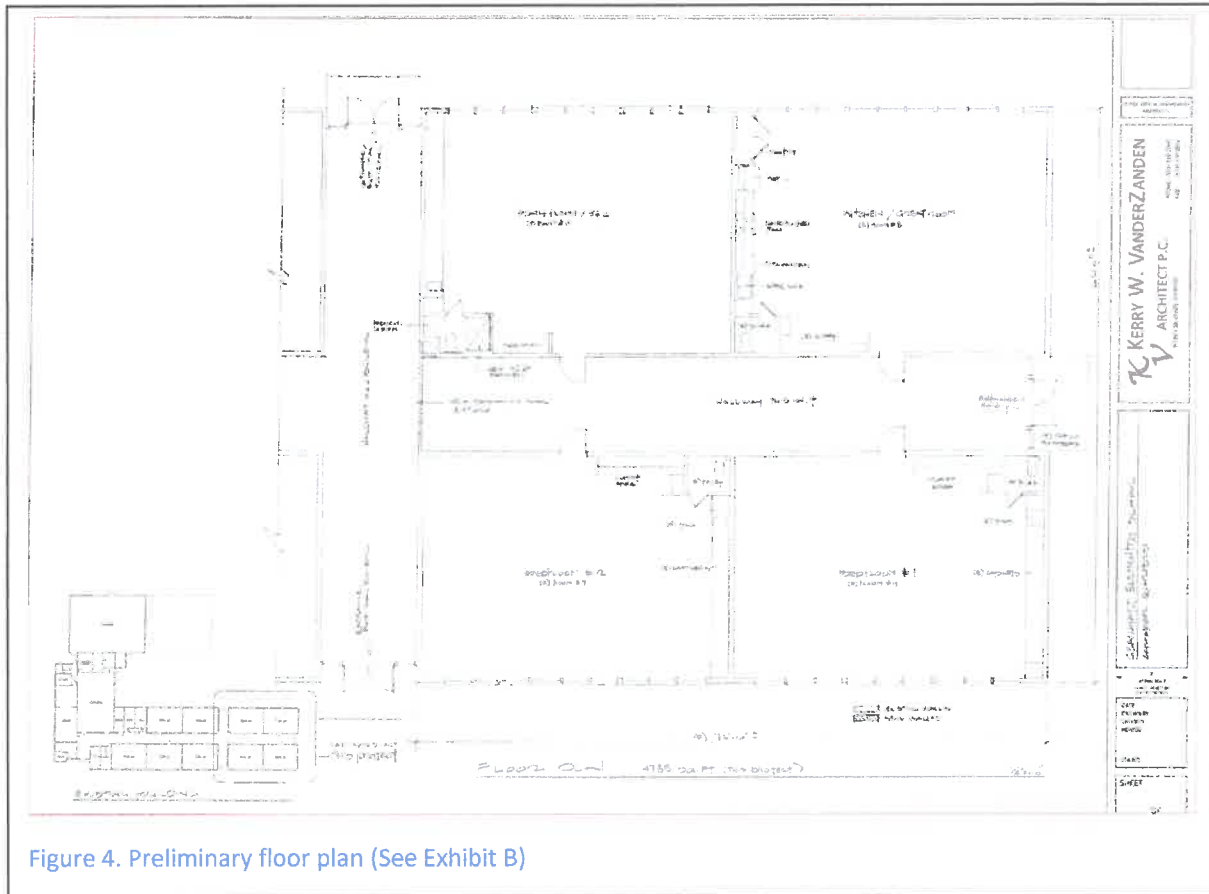
Generally, SCOFI has both maintained and enhanced the site. Their goal has been to maintain an attractive and safe site and building complex while they evaluate options and opportunities for future redevelopment of the former school building and site. Toward that end, SCOFI has retained a team of qualified professionals skilled in architecture, engineering, landscape architecture, construction, land use planning, and law. Potential future development options, as discussed with City representatives and in the local press, include much needed multi-family housing, community gathering spaces, and park and open space. The long-term development of the site may require a zone change, land use applications, and building permits.

While the analysis, planning, design, and permitting activities continue to evolve over time, SCOFI proposes to provide living space with the primary building for building and grounds caretakers. The caretaker suite is essential to maintain and protect this significant resource in the center of Gearhart.

The caretaker suite would be located within the north end of the primary building. The suite will be located within four former classrooms with two rooms on either side the existing central hall. The suite will consist of two bedrooms on the east side of the hall and a bath/shower room and kitchen of the west side of the hall. The southern end of the central hallway will be closed off to eliminate access into the remainder of the building from the apartment. See Figure 4, Preliminary floor plan.

The two bedrooms are essential for round-the-clock, year-round maintenance and security of the site. The need for two bedrooms is obvious, when the caretaker is away or on vacation, a back-up caretaker is necessary to maintain security.

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The caretaker will access the building through the existing door on the north end of the building via a small parking area. An asphalt path will connect the parking area to the north entrance. See Figure 5, Preliminary site plan.

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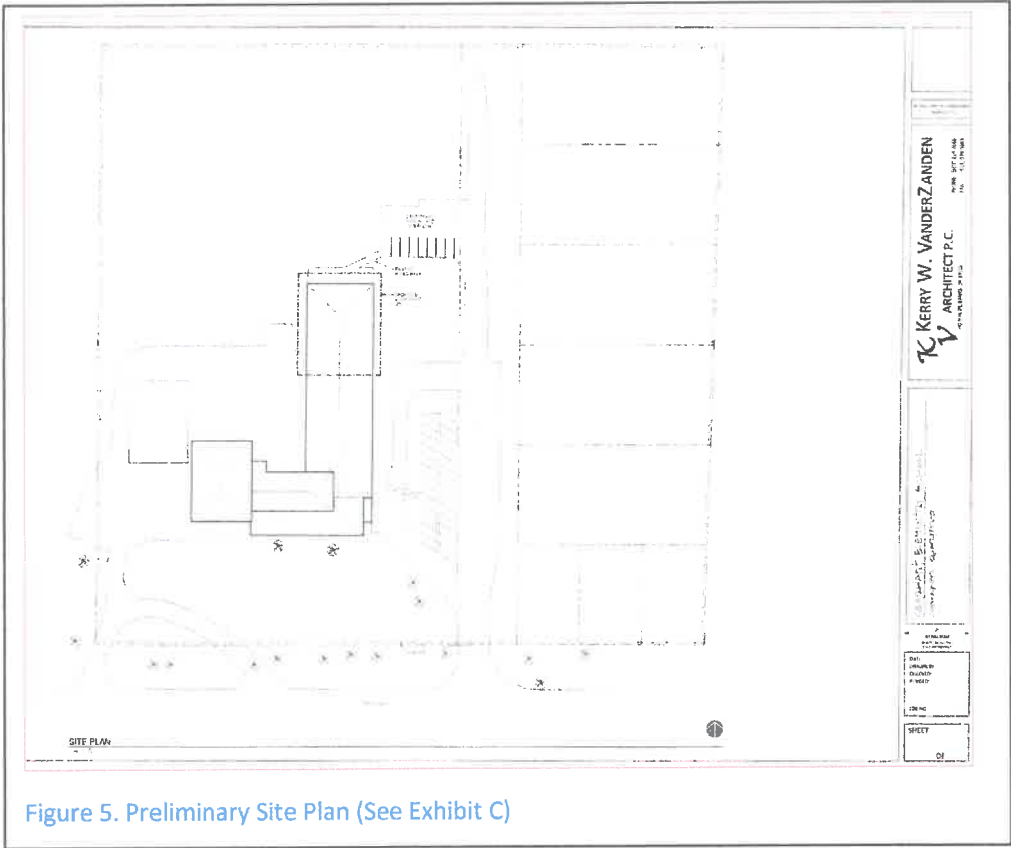


Figure 5. Preliminary Site Plan (See Exhibit C)

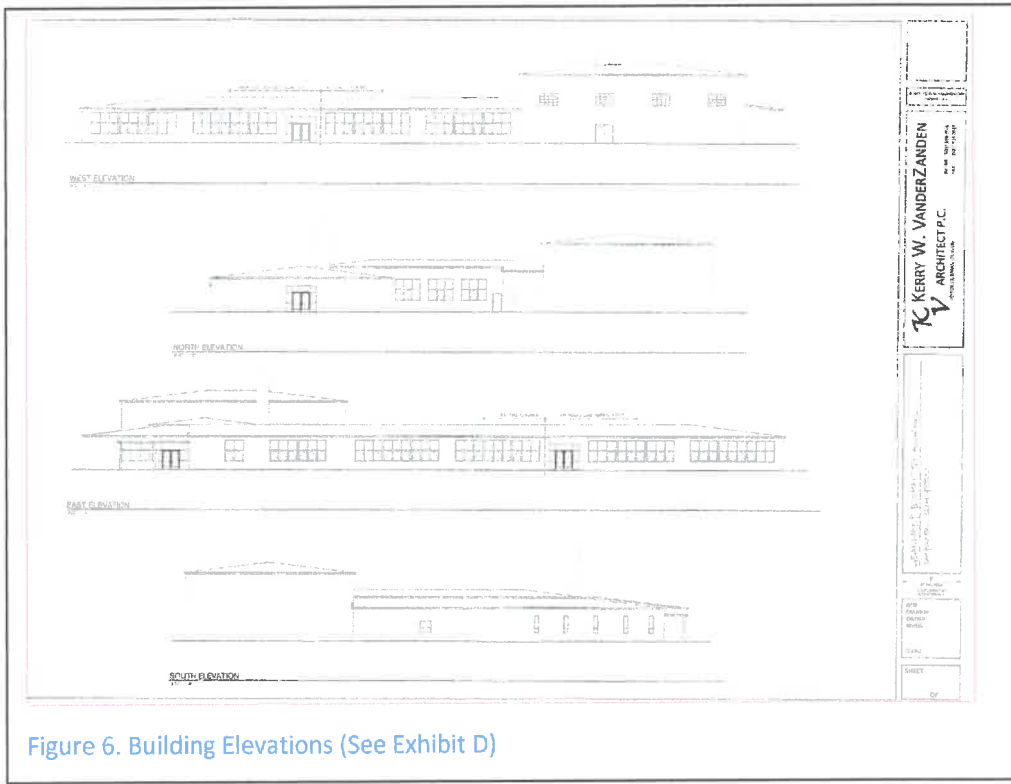


Figure 6. Building Elevations (See Exhibit D)

#### IV. LAND USE ANALYSIS

The Gearhart Elementary School property is zoned Public/Semi Public (P/SP). The Gearhart Zoning Ordinance states, *“Should a governmental entity or private party cease using such land for a public or semi-public use or purpose, or should the utilization be changed, then they shall automatically be eligible for reclassification into another district, in compliance with the City’s Comprehensive Plan and subject to the usual change of zone procedures.”* GZO 3.810.1.

Because the property is no longer used for a public or semi/public use, such as a school, the property owner intends to work with the city to reclassify the property into another zoning district. In the interim, the owner proposes to create a caretaker suite in the north end of the primary school building.

##### Caretaker dwelling.

In the P/SP zone, the Planning Commission may authorize a *“dwelling for caretaker or watchman or housing for staff”* subject to the conditional use process. (See conditional use discussion below.)

The GZO provides a base definition for a dwelling unit. It further defines multiple types of dwellings including, single-family, two-family, duplex, tri-plex, four-plex, duplex, and manufactured. The GZO does not provide a definition of a caretaker dwelling. Therefore, for purposes of this application, a caretaker dwelling is simply a dwelling unit.

GZO 1.030.82 defines a dwelling unit as, *“One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. For purposes of this definition “rooms connected together” includes rooms connected by means of a breezeway.*

The GZO does not specify how many rooms a dwelling unit might have. However, a dwelling unit must include independent cooking and sleeping facilities and must be physically separated from all other rooms in the building. Because of the required separation from other rooms in the building, the definition implies there be a separate ingress/egress for the dwelling unit.

As shown in Figure 4, Proposed floor plan, the caretaker suite includes independent sleeping, kitchen facilities, and a bath/shower facility. The central hallway will be closed off at the south end of the suite to separate the caretaker suite from the former school rooms. Dedicated access to the caretaker unit is on the north end of the building.

The site is located with the Tsunami Hazard Overlay ( THO). In the P/SP zone, any use prohibited in the THO is a prohibited use. GZO 3.835.2.

In the THO, except for the prohibited uses set forth in Section 3.1450, *“all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations”* of GZO 3.1430. The P/SP zone allows a caretaker dwelling subject to conditional use review. A caretaker dwelling is not listed as a prohibited use in GZO 3.1450. Residential dwellings at ten or more dwellings per acre are prohibited. Tax lot #1500 is 5.37 acres. One caretaker dwelling unit on 5.37 acres does not equal or exceed ten dwelling units per acre.

A. P/SP zoning requirements. GZO 3.860

*In a P/SP the following standards shall apply.*

*1. Lot size.*

*None, except that the minimum for dwelling shall be the same as for dwellings in the R-1 Zone.*

Response

Tax lot #1500 is 5.37 acres. A caretaker unit will be in the north end of the primary building. This standard is met.

*2. Front Yard.*

*A front yard shall have a minimum depth of 20 feet. No parking shall be permitted within the front yard area.*

Response

Creation of the caretakers unit will not alter the front yard setback. The primary building is setback approximately 80 feet from the Pacific Way right-of-way. This standard is met.

*3. Side Yard*

*Where the side of a lot in the P/SP zone abuts upon the side of a lot in a residential zone, there shall be a minimum side yard of five feet. There shall be added to the minimum requirements aforesaid, one foot for each multiple of 15 feet or portion thereof, that the length of that side of the building measures over 30 feet; provided further, any side yard adjacent to a street shall be a minimum of 20 feet and no parking shall be permitted within ten (10) feet of the street property line.*

Response

The west side of the property abuts the R-1 zone. The caretaker entrance on the north end of the building is approximately 180 feet from the west property line. This standard is met.

*4. Rear Yard.*

*A rear yard shall have a minimum depth of 20 feet, which depth shall be increased by four feet for each additional story above the first.*

Response

The building is one story.

*5. Height.* The caretaker entrance on the north end of the building is setback approximately 90 feet from the north property line. This standard is met.

*Maximum height of a structure shall be 30 feet.*

Response

The proposal will not alter the existing height of the building. This standard is not applicable.

*6. Lot Coverage.*

*Maximum area that may be covered by permitted structure and accessory buildings shall not exceed 35% of the total area of the lot.*

Response

Tax lot #1500 is 5.37 acres. Creation of the caretaker suite will not alter the footprint of the existing building. A parking area and path will lead to the north entrance. The existing asphalt parking area and

path, approximately 3,000 square, will service the caretaker's suite. No new impervious surface area will be created. The total lot coverage will not exceed 35% of the total areas of the lot. This standard is met.

*7. Off-street parking.  
As specified by Section 6.060.*

#### Response

An asphalt parking area and path exists and connects to the north entrance of the building. See response below.

*8. Transportation Improvements.  
As specified in Article 4, Transportation Improvements and Access Management.*

#### Response

See response below.

*9. Sign Requirements.  
As specified by Section 6.020.*

#### Response

No signs are proposed. This standard does not apply.

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

#### Response

See response below to Article 6, Supplementary Provisions

**B. Transportation Improvements and Access Management, GZO Article 4.**

**SECTION 4.010 ACCESS REQUIREMENTS:**  
*Every lot shall abut a street for at least 25 feet.*

#### Response

Tax lot #1500 fronts Pacific Way for more than 25 feet.

#### **SECTION 4.040 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.*

#### Response

The proposed caretaker dwelling is not a single-family dwelling or a duplex. Therefore, Section 4.040 does not apply.

#### **SECTION 4.060 ACCESS MANAGEMENT'S 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.

#### Response

The proposal will not create a new or a modified driveway connection to Pacific Way. Therefore, an approach permit is not required.

#### SECTION 4.070 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%.*

#### Response

Pacific Way is a Collector Street. The minimum driveway spacing for a Collector Street is 130 feet (Public Street to driveway and driveway to driveway.)

The proposed caretakers dwelling will not:

- Increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 300 daily trips,

- Impact intersection operation,
- Impact residential areas or bicycle or pedestrian routes, or
- Change traffic patterns in the area,
- Or alter the existing driveway locations used by the school for decades.

## C. Supplementary Provisions. GZO Article 6

### SECTION 6.010 ACCESSORY USES

*Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:*

#### *1. Fences*

##### Response

No new fences are proposed by this application.

#### *2. Maintenance of a Greenhouse or Solar Panel:*

##### Response

No green houses are proposed.

#### *3. Keeping of livestock in accessory buildings in Zone RA:*

##### Response

Live stock will not be kept on site.

#### *4. Creating Obstructed Streets Prohibited.*

##### Response

The proposal will not obstruct a street.

#### *5. Recreation Vehicles.*

##### Response

Parking of RVs is not proposed.

#### *6. Storage in Front Yard*

##### Response

No partially dismantled or non-Oregon licensed vehicles will be stored on site.

#### *7. Outdoor Lighting*

##### Response

No new outdoor lighting is proposed in conjunction with this application.

#### *8. Small Wind Energy Systems*

##### Response

No small energy wind systems are proposed by this application.

### *Section 6.020 Sign Requirements.*

##### Response

No signs are proposed.

*Section 6.030 Clear-Vision Areas*

**Response**

The proposal will not alter existing ingress or egress locations. A clear-vision area shall be maintained on the corners of all property.

*Section 6.040 Maintenance of Minimum Setback and Open Space*

**Response**

The proposal will not alter the total lot area or open space, or existing off-street parking or loading area below the minimum required for it by the GZO.

*Section 6.050 Home Occupation*

**Response**

The application does not propose a home occupation associated with the caretaker suite.

*Section 6.060 Off-Street Parking and Loading Requirements*

*1. OFF-STREET PARKING*

*No off-street parking is required in a C-1 Zone, .....*

*In all other zones,*

*A At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with the requirements of this section and zone designation standards listed in Article 3 unless greater requirements are otherwise established.*

**Response**

The proposal is for a caretaker dwelling in the P/SP zone. The proposal shall comply with the applicable parking standards.

*F Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet for standard spaces, and eight (8) feet by sixteen (16) feet for compact spaces.*

**Response**

The proposed parking spaces will measure a minimum of 9 feet by 18 feet.

*H Bicycle Parking*

**Response**

Bicycle parking is available on-site.

*I. PARKING SPACES REQUIRED FOR EACH USE:*

*(1) Residential:*

*a. Dwelling. Two spaces per dwelling unit*

**Response**

The proposal will provide a total of seven parking spaces, more than the minimum required. This standard is met.

*2. OFF-STREET LOADING REQUIREMENTS*

#### Response

The proposal does not include off street loading for the caretaker suite.

### 3. OFF-STREET PARKING AND LOADING, GENERAL PROVISIONS

*E Off-street parking spaces for one or two-family dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.*

#### Response

The proposed parking area is on Tax Lot #1500 and is within 200 feet of the caretaker suite.

*F Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.*

#### Response

The proposed parking area will not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

*G. A Plan drawn to scale, indicating how the off-street parking and loading requirements are to be met shall accompany an application for a building permit.*

#### Response

See the attached Figure 5, Preliminary Site Plan.

*H. Design requirements for parking lots and loading areas shall be as follows:*

*(1) Areas used for standing and maneuvering of vehicles shall have graveled or paved surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.*

*(2) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence, screen or hedge of not less than 5 or more than 6 feet in height except where vision clearance is required.*

*(3) Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent resident dwelling located in a non-residential zone.*

*(4) On parking lots having 4 or more parking spaces, such spaces shall be clearly marked in a permanent manner.*

*(5) Service drives to off-street parking area shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.*

*(6) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection.*

#### Response

The parking area is between the building and vacated Lincoln Avenue and is made of asphalt. To the east is commercial zoning. No parking area lighting is proposed. The parking spaces shall be permanently marked. No service driveways are proposed.

### *Section 6.070 Landscaping, Vegetation & Revegetation and Tree Preservation*

#### Response

The proposal to create a caretaker suite and associated parking will not occur adjacent to Highway 101. The proposal will not impact the small wetland on Lot #800. No trees 12 inches diameter at breast height will be removed for the parking area. No additional landscaping is planned.

*Section 6.080 Excavation Fill, Grading and Revegetation.*

#### *2. PERMIT REQUIRED*

*A Any person undertaking a program of vegetation removal in excess of 1000 square feet, or excavation, fill and/or grading in excess of 50 cubic yards, shall first obtain a permit from the City Administrator.*

#### Response

The proposal will not result in vegetation removal of more than 1,000 square feet. Construction of the parking area will not create fill or removal. Therefore, a fill and removal permit is not required.

*Section 6.090 Protection of Archaeological Sites.*

#### Response

The caretaker suite will be installed within an existing building. The parking area and access path are on land previously disturbed by the school buildings. No archaeological resources are known to be present within the area to be disturbed for the parking.

*Section 6.100 Standards for Manufactured Dwellings.*

#### Response

The proposal is not for a manufactured home.

### D. Conditional Use. GZO

In the P/SP zone, creation of a caretaker use requires condition use review before the Gearhart Planning Commission. To approve the proposed use, the applicant must demonstrate compliance with all applicable approval criteria in GZO 8.040(1-7).

*1. The proposed use is consistent with the policies of the Comprehensive Plan:*

#### Response

The following assessment is based on: "[GEARHART COMPREHENSIVE PLAN](#), GOALS AND POLICIES. ORDINANCE NO. 677, ADOPTED, FEBRUARY 2, 1994, WITH AMENDMENTS THROUGH SEPTEMBER 2019.

#### *GENERAL DEVELOPMENT GOALS*

*To preserve the low density, semi-rural character of Gearhart.*

*To ensure that development occurs in a manner that is in harmony with the sensitive coastal environment that defines Gearhart.*

#### *Residential development Policies.*

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

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

#### Response

The site is zoned P/SP. The Planning Commission may permit a dwelling for caretaker or watchman or housing for staff in the P/SP zone after conditional use review. The proposed caretaker dwelling is not to be used as a transient rental property. The caretakers will live in and reside in the caretaker suite.

The applicant proposes to create a caretaker unit to help maintain the site and buildings and to provide general site security while plans are made and implemented to rezone the property and to develop it for a beneficial use. Caretaker use of the former school site will help protect and will benefit nearby residential zones because the caretaker will be able to properly maintain the property and help prevent vandalism, litter, or criminal activity.

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

#### Response

The P/SP zone allows the use of the building as a caretaker dwelling as a conditional use. The demand for a caretaker dwelling at this site is unique to the site and buildings. There is no similarly situated property in Gearhart.

The building can provide shelter, and all essential services, such as potable water, on-site septic, and electricity. Caretaker use of the building will create less demand on services than did the former school use or other uses permitted outright in the P/SP zone.

By residing in the building, the caretakers will have direct access to the buildings and grounds on a 24-hour basis. For a caretaker to reside elsewhere and commute to the site would not provide comparable level of maintenance and security.

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

#### Response

The caretaker suite will be limited to the north end of the primary building. The suite will occupy former classrooms which will require interior improvements to the building but will not require exterior improvements. No other substantial changes are proposed to the building at this time.

On-site parking is available; therefore, the caretaker use will not overly burden the nearby residential streets.



The use of the building as a caretaker dwelling will generate noise levels lower than the noise potentially generated by uses permitted in the P/SP zone. (For example, the P/SP zone would allow a government facility, a community meeting building, schools, or debris or heavy equipment storage.)

The noise level generated by the caretakers will be comparable to the noise level of a single family home.

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

#### Response

In the P/SP zone, a “primary, elementary, junior or senior high school or a higher education institution” is permitted outright. GZO.3.820.4. The GZO does not limit the size of the school.

The Institute of Transportation Engineers Trip Generation Manual (ITE) is the industry norm for calculating potential vehicle trips. The ITE manual code for a Middle/School/Junior High (grades 5-8) is ITE code 522. Middle School and Junior High students travel to and from school by foot, bike, car, or bus. The exact percentage of each mode of travel is dependent upon the location and circumstances. As a rule, an ITE code 522 school with a capacity of 1,400 students would generate 2,268 new average weekday trips (ADTs). This equals approximately 1.62 average weekday trips per student. Using that ratio, an ITE code 522 school of 200 students would generate 324 average weekday trips. (When the Gearhart Elementary School closed, [it was reported](#) there were 294 enrolled K-5 students.)

The caretaker dwelling will generate vehicle traffic at a level comparable to a single-family dwelling, approximately ten (10) average daily trips (ADTs).

Primary vehicular, bike and pedestrian access into the site is from Pacific Way. The [2017 Gearhart Transportation System Plan](#) (TSP) is the basis for the following statements relating to Pacific Way:

- It is classified as a ‘Collector’ street.<sup>1</sup>
- It is an element of the city-wide tsunami evacuation route .
- It is a designated ‘Shared Street’. (See Figure 6, Collector Shared Street.)
- The TSP Qualitative Pedestrian Assessment is ‘Good’
- Qualitative Bicycle Network Assessment is ‘Fair’
- The [2017 Gearhart TSP Volume II](#) provides the following observations and conclusions regarding the length of Pacific Way nearest to the site. The work was done at a time when the Gearhart Elementary School was operating. It is highly unlikely that after the school closure, the addition of a caretaker dwelling will substantially degrade Pacific Avenue.
  - In 2016 the intersection of Pacific Way and US 101 had a volume capacity (v/c) ratio of 0.50 and an observed Level of Service (LOS) of ‘A’. The 2040 v/c target is 0.65 v/ and the forecast LOS target is “B”.
  - In 2016 the intersection of Pacific Way and US 101 (signalized) had a v/c ratio of 0.50 and an observed LOS of ‘A’. The 2040 v/c target is 0.65 v/c, and the forecast LOS target is ‘B’.

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“Collectors connect many parts of the city and often serve traffic traveling to and from principal arterials. These roadways provide greater accessibility to neighborhoods, connect to major activity generators, and provide efficient through movement for local traffic.” 2017 Gearhart Transportation System Plan, page 33.

- In 2016 the intersection of Pacific Way and Cottage Avenue (stop controlled) had a 2016 v/c of 0.14 / 0.07 and an LOS of 'A/A'. The 2020 v/c target is 0.19 / 0.10, and the projected LOS is 'A/A'.

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

#### Response

Potable water is available at the site as is electricity. A recent test of the on-site septic system indicates the system servicing the caretaker unit is operating safely. All public services were available to accommodate the former school site and are currently adequate to accommodate a caretaker dwelling.

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

#### Response

The physical characteristics of the site were adequate to accommodate an elementary school. The proposal will convert four former classrooms into a caretaker suite within the existing primary building. Parking for the caretaker suite will occur on-site. There are no wetlands on Tax lot #1500 within the area proposed for parking use.

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

#### Response

The site was adequate to accommodate an elementary school. The proposed caretaker use will occur inside the existing building and parking will occur on-site. Access into the site will be existing connections to Pacific Way. No new driveway connections are proposed by this application. No loading or outdoor storage areas will be created. The proposed use will not further encroach on any required setbacks. No wetlands or wetland buffers will be impacted. Utilities and services necessary to serve the proposed use are in place and no new utilities or services are planned by this use.

## V. CONCLUSIONS

The proposed caretaker dwelling is consistent with the underlying zoning standards. The application is consistent with the Gearhart Comprehensive Plan and the 2017 Gearhart Transport System Plan. The application sustains the burden of satisfying all applicable conditional use approval criteria. For these reasons, we encourage the Planning Commission to approve this request for a caretaker dwelling in the former Gearhart Elementary School building.

Thank you.

# Exhibit E. Tax Map

