



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

July 17, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gaston Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 1, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Margaret Bell, City Of Gaston

<paa> ya

CITY OF GASTON

116 Front St, PO Box 129, Gaston, OR 97119 Phone 503-985-3340

July 10, 2008

Department of Land Conservation and Development
Attn: Mara Ulloa
Plan Amendment Specialist
635 Capitol St. NE, Ste 200
Salem, OR 97301-2524

Dear Mara,

Enclosed is Ordinance 2008-009, approving an amendment to the Gaston Comprehensive Plan Map and Official Zoning Map. If there is any additional information needed please let me know and I will contact our city planner.

Sincerely,



Margaret Bell
City of Gaston
PO Box 129
Gaston, OR 97119
Phone: 503-985-3340
Fax: 503-985-1014
Email: Gaston.city@comcast.net

DEPT OF

JUL 14 2008

LAND CONSERVATION
AND DEVELOPMENT

DLCD # 001-08 (16892)

BEFORE THE CITY COUNCIL OF THE CITY OF GASTON

Ordinance No. 2008 - 009

An Ordinance Approving an Amendment to the Gaston Comprehensive Plan Map and the Official Zoning Map of 3.69 acres, more or less, including a portion of Tax Lot 3800, Map 1S 4 35 from Urban Low Density Residential R-1 to Urban Medium Density Residential R-2.

WHEREAS, The City Council of Gaston, Oregon is authorized by Chapter 1 of the Gaston Comprehensive Plan and Section 6.050 of the Land Development Code to amend the Comprehensive Plan and Zoning Maps; and

WHEREAS, The city received a land use request by a property owner to change the Plan and Zone designation of a portion of Tax Lot 3800 from Urban Low Density Residential R-1 to Urban Medium Density Residential R-2, a map of the area which is attached hereto and defined as a portion of Tax Lot 3800, and marked as Exhibit A, and

WHEREAS, The subject property is located inside the Gaston city limits and Urban Growth Boundary and has been proposed to be developed for single family homes and;

WHEREAS, The city currently does not have a separate Planning Commission and therefore the City Council is the only official review body to consider and act on land use requests, including a Plan Amendment and Zone Change; and

WHEREAS, The city's planning consultant reviewed the proposal and prepared a staff report and findings that address the criteria for approval of a Plan Amendment and Zone Change, dated June 18, 2008, which was submitted to the City Council. The staff report and findings are set forth in Exhibit B of this ordinance, attached hereto, and incorporated by reference, together with public testimony, which were considered by the City Council and entered into the public record at a public hearing duly scheduled and advertised for June 25, 2008; and

WHEREAS, Notice was provided to the Oregon Department of Land Conservation and Development as well as to property owners within 100 to 500 feet, and was published in the local newspaper, all in accordance with the procedures of Section 2.100 of the Gaston Development Code; and

WHEREAS, the Gaston Comprehensive Plan map designates the subject land, 3.69 acres, more or less, as within the Urban Low Density Residential R-1 Zoning District; and

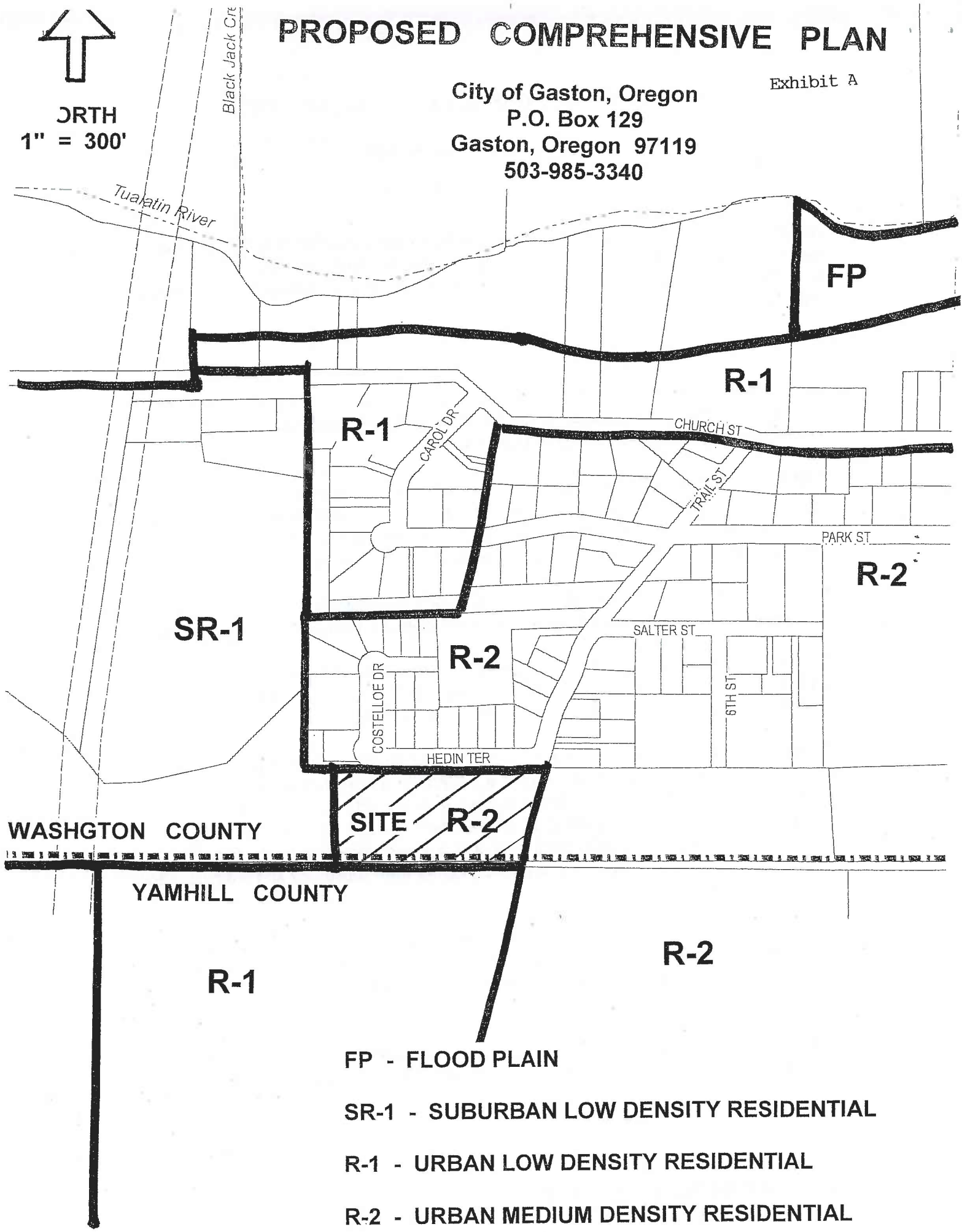


JRTH
1" = 300'

PROPOSED COMPREHENSIVE PLAN

Exhibit A

City of Gaston, Oregon
P.O. Box 129
Gaston, Oregon 97119
503-985-3340



FP - FLOOD PLAIN

SR-1 - SUBURBAN LOW DENSITY RESIDENTIAL

R-1 - URBAN LOW DENSITY RESIDENTIAL

R-2 - URBAN MEDIUM DENSITY RESIDENTIAL

**CITY OF GASTON
STAFF REPORT**

June 18, 2008

**Mace Plan Amendment/Zone Change
And 2Variances**

To: Gaston City Council
From: Carole Connell, AICP
Consulting Planner

APPLICATION: A request to **Amend the Comprehensive Plan and Zone Designations of 3.69 acres of Parcel B** (pending final partitioning) from R-1 to R-2 , on the 6.69-acre parcel in order to build Phase 1 of Gaston Heights, a proposed 35-lot residential subdivision.

Further, two **Variance** requests to reduce the right-of-way and pavement width for local and collector streets in Parcel B, and to increase the maximum street grade for streets in the proposed subdivision from 12% to 15%. The variance request begins on page 27.

These are two separate quasi-judicial land use decisions.

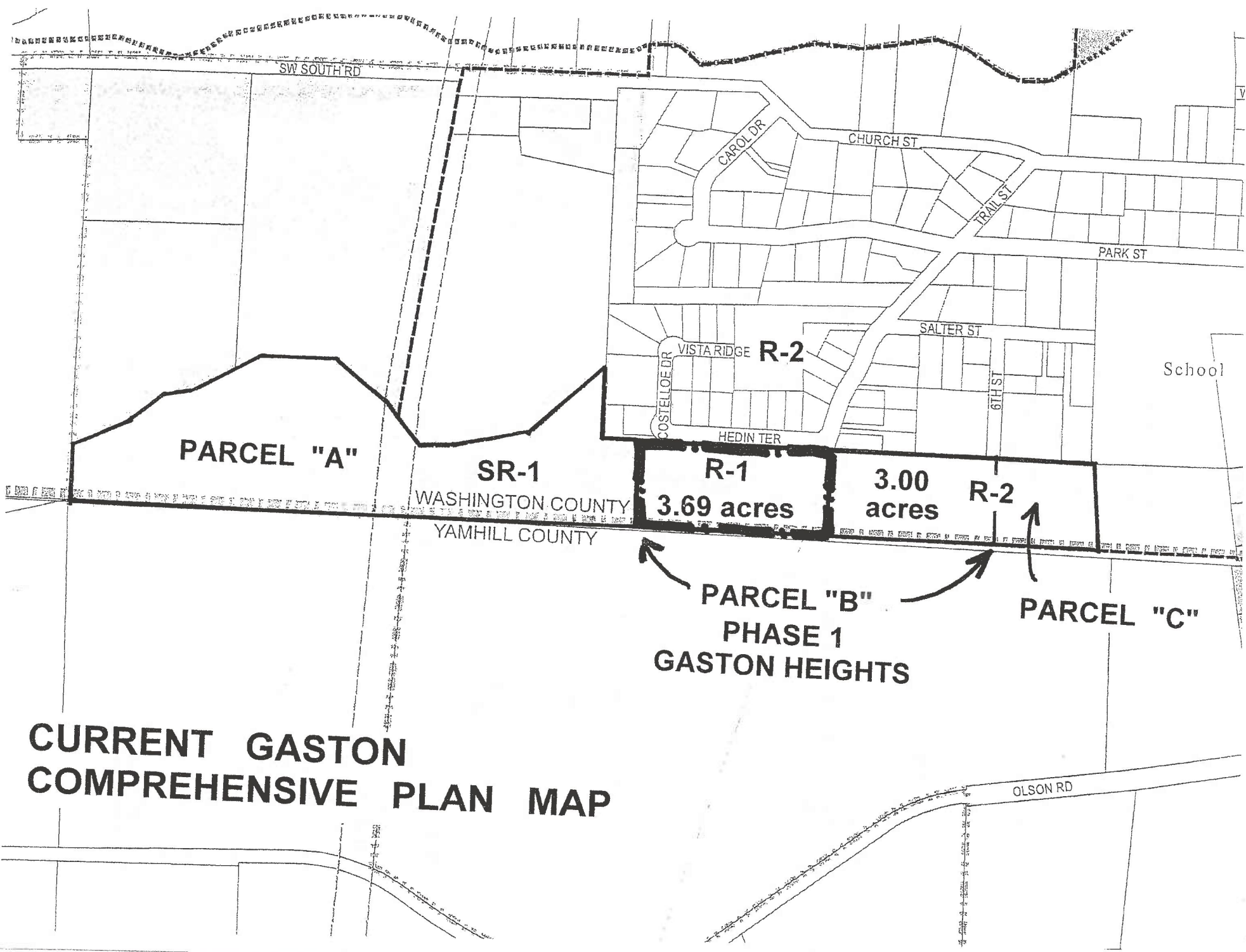
APPLICANT: Tim McDonald
233 SE 2nd Avenue
Hillsboro, Oregon 97123

| | | |
|----------------------------|-------------------|------------------------|
| OWNER: Richard Mace | Linda Marr | Carol Ann Mumbach |
| 2360 SW Winchester Place | 183 Gresham St | 954 Henderson Ave #150 |
| Portland, Oregon 97225 | Ashland, OR 97520 | Sunnyvale, CA 94086 |

LOCATION: Vacant land south and west of Hedin Terrace and 6th Street, further described as Tax Lot 3800. Map 1S 4 Section 35, and including a total of 19.84 acres.

EXHIBITS:

- Applicant's submittal including narrative findings and maps, received 6/9/08
- Letter from Pacific Geotechnical regarding lot sizes dated 4/10/08
- Soils Report from Geo Pacific dated 12/13/07
- Letter from Erik Hoovestol, City Engineer dated 6/19/08
- Letter from Shannon Wilson Inc Geo-Tec & Environmental Consultants dated 6/12/08
- Traffic Report, Lancaster Engineering dated 5/28/08
- Gaston School District Master Plan
- Applicant's proposed Phase 1 Subdivision Plan
- Applicant's proposed changes to the Collector Street designations in the City Transportation Plan



SW SOUTH RD

CAROL DR

CHURCH ST

TRAIL ST

PARK ST

SALTER ST

VISTA RIDGE

R-2

COSTELLO DR

HEDIN TER

6TH ST

School

PARCEL "A"

SR-1

WASHINGTON COUNTY

YAMHILL COUNTY

R-1

3.69 acres

3.00 acres

R-2

PARCEL "B"
PHASE 1
GASTON HEIGHTS

PARCEL "C"

CURRENT GASTON
COMPREHENSIVE PLAN MAP

OLSON RD

I. APPLICABLE CRITERIA

Plan Amendment/Zone Change Criteria

- A. Article 2 Section 2.081.3 Type III City Council Review
- B. Article 2 Section 2.100 Notice of Hearing
- C. Article 4 Section 4.021 Urban Low Density Residential R-1 Zone
- D. Article 4 Section 4.031 Urban Medium Density Residential R-2 Zone
- E. Article 6 Section 6.050 Amendments
- F. Gaston Comprehensive Plan
- G. Washington County – Gaston Urban Planning Area Agreement
- H. Yamhill County – Gaston Urban Area Growth Management Agreement

Variance Criteria

- A. Article 4 Section 4.030 Urban Medium Density Residential R-2 Zone
- B. Article 5 Section 5.050 Street Standards
- C. Article 6 Section 6.030 Variances
- D. Article 7 Section 7.050 Streets

FINDINGS

- A. **Location and Adjacent Land Uses:** The subject vacant property is located on the south side of Hedin Terrace. Surrounding land uses are residential to the north and vacant to the south. There are no wetland or 100-year floodplain designations on the subject parcel. There are steep slopes and soils with slide potential. The parcel is bordered by Yamhill County on the south. The site is inside the City and the Gaston Urban Growth Boundary (UGB).
- B. **Comprehensive Plan Designation:** The site has three Comprehensive Plan land use designations. Parcel A was annexed into the City in April 2008 and was preliminarily partitioned off in May 2008. Parcel A, the westernmost parcel is 11.43 acres and is designated Suburban Low Density Residential SR-1 (one acre minimum). Parcel B, the center parcel is 6.69 acres and has a split designation of Urban Low Density Residential R-1 on 3.69 acres and Urban Medium Density Residential R-2 on 3.0 acres. Parcel C is 1.72 acre and the eastern most portion, designated Urban Medium Density R-2.

The request is to designate all of Parcel B Urban Medium Density Residential R-2 in order build a 35 lot single family subdivision, removing the split plan and zone line. The amendment allows for 8 more residential lots.

- C. **Zoning:** The subject tax lot has three zoning designations because the final Minor Land Partition separating the three parcels has not been recorded.. The

easternmost Parcel C is 1.72 acres and is zoned Urban Medium Density Residential R-2; the middle 6.69 acres is split-zoned R-1 and R-2; and the westernmost Parcel A is 11.43 acres and is zoned Suburban Low Density Residential SR-1, one acre minimum.

D. **Agency Comments:** In accordance with the Washington County Gaston Urban Planning Area Agreement (2004), the county was notified of this request. In accordance with the Yamhill County Urban Area Growth Management Agreement, the County has been notified of this request. Clean Water Services, the sanitary sewer provider for the city, has also been notified of this request. No agency comments had been received when this report was published.

E. **Existing Improvements:** There are no improvements on the vacant site.

F. **Availability of Services:** City water and storm water lines and services are located in Hedin Terrace and 6th Street. Access is from Hedin Terrace which has full local street right-of-way of 50' and is paved to half-street width. Gaston Heights Phase 1 subdivision proposes to complete the half street improvement of Hedin Terrace. Access is also available from Trail Street and 6th Street. Although 6th Street does not connect through from the Mace property to Salter Street.

II. REVIEW CRITERIA AND FINDINGS

A. Article 2 Section 2.081 (3) Type III City Council Review Procedures

Section 2.081: This section outlines the review procedures followed by the City Council for certain land use applications that require a hearing, including proper notice and public hearing provisions described in Section 2.080.

Findings: The owner of the subject property has made a request to amend the Plan and Zone designation for a portion of his parcel in order to subdivide the subject parcel and create lot sizes that are all the same on the larger parcel. This is a quasi-judicial land use request that must be approved by City Council.

Section 2.100 Notice of Hearing: This section defines the public hearing notice requirements. The application was advertised as a public hearing to assure adequate public notice of the City Council hearing on the request.

Findings: In accordance with the requirements of Section 2.100, City staff has published public notice of the June 25 City Council hearing in the Forest Grove newspaper 10 days before the hearing, has notified property owners within 100 feet and 500 feet outside the city, and has posted the notice in the usual places.

B. Article 4 Zoning Districts

Section 4.021 - Urban Low Density Residential, R-1 - Purpose: The purpose of this district is to implement the Gaston Comprehensive Plan designation of Urban Low Density Residential. The areas to which this zone shall be applied have been generally identified as having an absence of potential natural hazards due to steep slopes, soils conditions, but may include flood plain, which may require larger lots for suitable building sites. The district is intended to provide for large lot single family homes at the edge of an urban setting with public water and sewer.

FINDING: The applicant provides findings that the subject property does not meet the intent and purpose of the R-1 zone. Larger building sites are not necessary for this property because there is no flood plain on the site. As described in the geo-technical reports and the letter from Pacific Geotechnical, the property can develop with 5000 square foot lots. The subject property is not on the edge of the urban setting, but rather in the middle of the Gaston UGB. Additional findings are provided later in this report concerning R-1 and R-2 zoning and statements and policies in the residential section of the Comprehensive Plan.

All similarly situated property in the area is zoned R-2. These other R-2 zoned properties are identical to the subject property. The subject property does not contain steep slopes or hazardous soil conditions according to the Geotechnical Reports even though the site is identified as a slide potential area on the Potential Natural Hazard Areas map in the Comprehensive Plan (See Applicant's Exhibit 4). This map does not show conclusive slide areas, only potential slide areas. The Natural Physical Environments section of the applicant's report and Chapter 2 of the Comprehensive Plan addresses this issue in more detail. Known sites with steep slopes and slide potential are Zoned SR-1.

The only other criterion for R-1 zoning is adjoining flood plain. The Scoggins Heights site is zoned R-1 because of the steep slopes and known slide problems. All of the property along the Tualatin River flood plain north of Church Street is also zoned R-1 in compliance with the intent and purpose of the R-1 zone. The subject property is not the same as these other R-1 zoned properties. All other land in the City is zoned either R-2 or R-3. Since no R-3 land is located in the area, R-3 zoning may not be appropriate as explained in the R-3 section of this report.

R-2 zoning is necessary to be compatible with existing development in the area. If the subject property remains R-1, it probably will not be developed because of economic reasons. New 10,000 square foot lots in the Portland Metropolitan area are almost non-existent because of the high cost to develop large lots. Some are developed in the West Hills of Portland, but the lot prices range from \$250,000 to \$300,000.

Although the City finds that the site adjoins SR-1 land to the west and is meant to provide a transition of densities from east to west, the City concurs with the applicant and finds there is R-2 zoning on two sides, there is no flood plain and that a split-zone on the 6.69 acre parcel is unnecessary.

Section 4.031 - Urban Medium Density Residential, R-2 - Purpose: The purpose of this district is to implement the Gaston Comprehensive Plan designation of Urban Medium Density Residential. The areas to which this new zone shall be applied have been generally identified as

having an absence of potential natural hazards thereby allowing for smaller lots for suitable building sites. The district is intended to provide for a variety of small lot single family homes in an urban setting with public water and sewer.

FINDING: The applicant finds that the subject property complies with the purpose of the R-2 zone. The subject property is identified on the attached slide potential map contained in the Gaston Comprehensive Plan. The letter from Pacific Geotechnical indicates *"the recommendations in their (applicant's) report are consistent with development of 5,000 square foot lots. From a geotechnical perspective, they support the reduction in zoned lot size from 10,000 to 5,000 square feet"*. The geotechnical engineers did not find any reason to retain 10,000 square foot lots and R-1 zoning based on slide potential (See Applicant's Exhibit 4). A *final* geotechnical report has been prepared by Pacific Geotechnical for Phase 1. Two *preliminary* geotechnical reports have been prepared by two separate firms for the remaining portions of the Mace site.

R-2 zoning will provide variable lots sizes (5,000 – 7,000 SF) to encourage housing variety and architectural styles and variable set backs. This variety has been achieved as shown by the applicant's attached preliminary plat (See Exhibit 3). The lot and house value chart shows the Real Market Value for mostly newer properties in the area surrounding the subject property (See Exhibit 2). A total of 30 properties with houses are identified on this chart. The breakdown is as follows:

| Number of Properties | Total Value in 2007 |
|----------------------|------------------------|
| 20 | Less than \$200,000 |
| 7 | \$200,000 to \$250,000 |
| 2 | \$250,000 to \$300,000 |
| 1 | \$370,000 |

Based on this information, according to the applicant house values for the subject property will be \$220,000 to \$270,000. These prices can not be supported with the higher cost to develop 10,000 square foot lots. These prices can be supported, however, with 5,000 to 7,000 square foot lots and R-2 zoning. According to the intent and purpose, all property in the City qualifies for R-2 zoning if it does not contain Natural Hazards or flood plain. The R-2 zone is intended to provide a variety of small lot single family homes in an urban setting. The subject property is in an urban setting and a variety of lot sizes are proposed as shown by the attached preliminary plat (see Exhibit 2).

Although the slopes on the site are primarily 5 – 10%, the grading plan results in slopes up to 20%. But the City concurs with the applicant's findings and supports smaller, more affordable

lots consistent with the adjoining 24-lot Trails End development, and supports a single zone on the parcel.

C. Article 6 - Section 6.050. – Amendments.

Section 6.051. – Purpose: The purpose of amendments is to permit this Ordinance document and map to be changed as necessary to reflect changes in the Gaston Comprehensive Plan, new requirements of law, changing conditions within the community, to apply appropriate zone districts to new areas as they are annexed to the City, and to protect the public health, safety and welfare.

Section 6.052. - Application, Notice and Public Hearing: An application for a ordinance or map amendment may be initiated by a property owner or his authorized agent, or by the City on its own action, by filling an application with the City Recorder consistent with Section 2.081(3). The application shall be processed as provided in Sections 2.100 to 2.150.

Section 6.053. – Standard for Approval: To grant an amendment the City Council shall find that the proposed amendment is in compliance with the Land Use Plan, Goals, and Policies of the Gaston Comprehensive Plan, and all applicable portions of the Plan that are not being amended.

Section 6.054. – City Council Action: The City Council has the authority to enact ordinances in the City of Gaston. The Council shall enact an ordinance granting the amendment to the text or map of this ordinance, or by resolution deny the amendment after considering the evidence and the recommendations of the Planning Commission, Planning Director and/or other consultants. The ordinance or resolution shall include appropriate findings explaining the basis for the decision. These findings may be attached and need not be incorporated into the ordinance or resolution. The decision of the Council is final.

FINDING: According to the applicant, this application demonstrates compliance with the intent and purpose of the R-2 zone and the statements, goals and policies of the Comprehensive Plan. Conditions have changed in Gaston and the rest of the Portland Metropolitan area. Land prices and development costs have increased significantly since the Comprehensive Plan was first adopted in 1978, 30 years ago. At that time 10,000 square foot lots were common, although a series of zoned changes from 10,000 to 7,000 square foot lots occurred in older subdivisions and in the creation of new subdivisions in the Metro Area. In 1978, 7,000 square foot lots became the norm. Today, 3,000 to 4,000 square foot lots are the norm closer to Portland and 5,000 square foot lots further from Portland. Similarly, more recent subdivision in Gaston has resulted in smaller lots, such as the adjoining Trails End development, The average lot size proposed in the Gaston Heights subdivision will be 6,000 square feet with a range form 5,000 to 7,000 square feet. The School District is losing students because new house construction has not kept up to pace with demand for housing in Gaston for younger families. The children in older families have graduated form the Gaston Schools and moved out of town. Increasing density will help change the existing school enrollment situation, protect the health, safety and welfare of Gaston and provide more affordable housing opportunities in the City.

The City concurs with the applicant and finds that smaller lots are more affordable for families with children, more efficient to serve, and will better meet the changing housing needs of the anticipated changing population demographics.

GEOTECHNICAL SOILS REPORTS

Two geotechnical reports have been prepared by the applicant (See Exhibits 4 and 5 of the Subdivision and Variance Application). The first report is from GeoPacific Engineering and provides a preliminary analysis of the entire Mace site. During test pit exploration, one small surface slide was encountered. Page 4 of this geotechnical report describes this slide. Page 5 of this report provides the following Preliminary Conclusions and Recommendations:

"The results of this geotechnical study indicate that the proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated in the design and construction of the project. The primary constraint to site development is steep slope and landslide hazard potential which must be mitigated as part of planning and development. Additional exploration and analyses will be needed to develop specific recommendations for site grading and slope stabilization. With implementation of appropriate measures, we anticipate that residential structures can be supported on shallow foundations bearing on competent undisturbed native soils and/or engineered fill. Some specific foundation systems may be needed for homes located near steep slope areas/or zones of particular slope hazard"

The second report, prepared by Pacific Geotechnical, provides a **preliminary** analysis of the total Mace site and a **final** report for construction for Phase 1 (See Exhibit 5 of the Subdivision and Variance Application). The conclusions are contained on Pages 13 to 15 of the Pacific Geotechnical Report. A summary of these conclusions are as follows:

Phase One Geo Report Conclusions

Based on our explorations, testing and analyses, it is our opinion that the site is suitable for the proposed development provided the recommendations in this report are incorporated in the design and construction of the project. Note that due to the aforementioned land slide hazard in Oligocene marine sediments, we have prepared slope grading recommendations more stringent than provided in applicable building codes, including the Oregon structural Specialty Code (OSSC). We offer the following summary conclusions (See page 14 of the Pacific Geotechnical Report contained in Exhibit 5 of the Subdivision and Variance Application).

Geo Report Conclusions For Remaining Phases

Based on our explorations, testing and analyses, it is our opinion that much of the remaining phases of the project site will generally be suitable for residential development with recommendations similar to those provided in the report for Phase One. The exception to this may be the broad swale noted on Figure 2. Because of the presence of lower strength old colluvium, more stringent controls on cuts, fills, and drainage will be needed at a minimum. Additional subsurface exploration will be necessary in order to further evaluate this area and to prepare specific recommendations for the remaining phases. Under our current knowledge of

the site, our expectation for remaining phases include (See Pages 14 and 15 of the Pacific Geotechnical Report contained in Exhibit 5 of the Subdivision and Variance Application).

FINDING: The applicant states that the findings for Section 4.031 on page 4 of the applicant's report along with these geotechnical reports clearly show that the subject property, 3.69 acres in Phase 1, is suitable for development of 5,000 square foot lots and should, therefore, be designated R-2 on the Comprehensive Plan and re-zoned R-2.

The City Engineer concurs with the applicant's geo-technical findings in his letter dated June 19, 2008

COMPLIANCE with the GASTON COMPREHENSIVE PLAN

Chapter 1

History, Citizens and Vision

I. INTRODUCTION

This document represents the Comprehensive Plan for the City of Gaston. In the context of Oregon land use law, this Plan serves as the primary policy and decision-making guide for all land use decisions within the city's authority. It describes the community's vision for the future and establishes policies and strategies aimed at realizing the declared future. All implementing ordinances adopted and land use decisions made by the city must be consistent with this Plan.

This Plan provides a coordinated policy framework and implementing structure to manage urban growth while providing urban level services in a timely, efficient and economic manner. It is designed to maintain or enhance community livability while accommodating growth and economic expansion in the context of a pleasant rural village atmosphere.

FINDING: The applicant finds that the Comprehensive Plan will be used to guide the proposed Plan Amendment and Zone Change. Urban growth will be managed and accommodated with an adequate level of public facilities and services as demonstrated in this report. Re-zoning the subject property will produce lots which are almost identical to existing lots in the area and, therefore, preserve the pleasant rural village atmosphere envisioned by the Comprehensive Plan while accommodating future growth.

Community Vision

The applicant finds it is important to understand the distinction made with the incorporation of the Vision Statement as the principle guide to the future. This means the updated Plan is not just a document that accommodates a mathematical calculation of growth. It also means that the Plan is not just a policy document that extends from past trends and/or statewide goals.

What it means is that this Plan constitutes a specific and deliberate declaration by the City of Gaston of a particular desired future. This declaration is made even knowing that in some cases it may be completely contrary to past trends. It declares a future that is not projected from past trends, but one that is to be created by direct actions of the city, its residents, land owners, and business owners and operators.

So, in contrast, to projected trends, with the new focus on the potential for this community, one of the immediate challenges the community faces is justifying declared growth within the context of the State's Goal 2 planning requirements for projections. State law requires a coordinated population allocation within each county, yet there are no current updated allocations from either Washington County or Yamhill County available for consideration in the update of Gaston's Plan. Since there are no new allocations available, at this time, and the UGB is set, with no current need to expand the boundary, it is the City's intent to allocate densities to available vacant land to meet declared population and employment targets.

***Policy I.3:** The city shall coordinate resolution of the differences between projected growth allocations and the City's declared growth with Washington County, Yamhill County, and DLCD. However, it is the city intent to declare and adopt a desired population target for the UGB of 2,600 people and 625 jobs. This computes to a jobs/population balance of 4.16:1, or one local job for every 4 people living in Gaston.*

FINDING: The applicant finds that the Comprehensive Plan statement above identifies that no new population allocations were available in 2002 when the current Comprehensive Plan was updated. The City intended to allocate densities to available vacant land to meet population targets. Some of the land in the City identified as developable may not develop to projected densities. This is especially true for property north and west of the subject property. Housing construction has not kept up with demand, which was strong but has slowed recently. Adding 8 more lots to the City inventory of vacant and available residential building lots will help achieve the target population declared by the City. Achieving the target population of 2,600 people will be easier if the subject property is re-zoned R-2 than retaining the R-1 designation. The City concurs with the applicant.

Gaston's Vision Statement

In interpreting the application of this Plan to specific circumstances, it is anticipated that conflicts or confusion will arise about intent. In such cases, interpretations of intent shall be guided by the following policy:

***Policy I.4:** The City Council shall rely first on specific policies, then on the map(s), and finally on the narrative text to draw interpretive conclusions. The maps and narrative text help to provide a context for understanding the intent of the various policies. As the legislative body of the city, the City Council shall be the final interpreter of this document.*

FINDING: The applicant finds that if there is confusion about the intent of the Comprehensive Plan, the City Council has the authority to interpret the plan and make a decision on plan amendment and zone change applications. After review of the Comprehensive Plan, no findings, policies or statements indicate that this Plan Amendment and Zone Change should not be approved. The Comprehensive Plan clearly shows that the subject property is suited for a R-2 plan designation and R-2 zoning.

The City finds that there is a conflicting plan policy that applies to this request, which is the goal to achieve a “blending residential lotting pattern where various densities are mixed, rather than clustered along rigid zoning lines, in a uniform cookie cutter pattern.” Plan Policy IV.8 page 42. The policy is reflected in the zoning of the subject site and the adjoining vacant land to the south. This policy was developed 30 years ago to create gradual transitions between urban and rural uses. With the changes in land and house values and the continuing change in demographics, this policy for very large urban lots may no longer be feasible.

B. Plan Amendments

In order to grant a Plan amendment, the City Council shall find the following:

1. The proposed amendment is in conformance with the text portions of the Plan not being considered for amendment, and does not create internal conflicts with other chapters of the Plan.
2. The granting of the amendment is in the public interest.
3. The amendment is necessary and appropriate to address changed circumstances or to adjust for unanticipated consequences or unusual circumstances not previously considered.
4. The public interest is best served by granting the amendment, at this time.
5. The following factors were consciously considered, and the amendment will yield an equal or better development pattern:
 - a. The suitability of the various areas for particular land uses and improvements;
 - b. The existing land uses and improvements in the areas, relative to trends in land improvement, density of development, and property values;
 - c. The availability and economics of providing necessary urban services to the specific area and the rest of the UGB;
 - d. The needs of economic enterprises in the future development of the area;
 - e. Transportation access; and

- f. Natural and agricultural resources and the public need for healthful, safe and aesthetic environmental conditions.

FINDING:

The following findings prepared by the applicant and staff correspond to the above numbers and letters:

1. This application states they have demonstrated compliance with the Comprehensive Plan Text and no conflict with other chapters of the Comprehensive Plan. Staff finds that the Plan identifies this area generally with natural hazards and steep slopes, technically making the SR-1 zone more applicable, and requiring grade variances. Further, the original development policy called for a transition of lot sizes from urban to rural, creating the R-3 to SR-1 pattern from east to west in this area. Since then the applicant has supplied more site specific geo-technical analysis that supports the development, subject to strict construction requirements. Housing and land cost have significantly changed since the 1978 plan policies, making large lots uneconomical for most homeowners.
2. Creating more opportunities for economical subdivision lots and housing units, meeting City population projections and school enrollment projections for the School District is in the public interest. A larger population will increase economic activity in the City, help extend public roads and provide development fees and taxes for the City to pay for services.
3. This plan amendment allows a more efficient and compatible development than R-1 zoning for half of the phase one subdivision property and R-2 zoning for the other half. The high price of housing was not anticipated when the Comprehensive Plan was prepared in 1978 and updated in 2002. However, the City recognized the need for housing variety by requiring variable lot sizes in the R-2 zone. The city also assumed that the subject property has significant slope stability problems, so was zoned R-1 for larger lots. The new information includes the high price of housing in Oregon and the geotechnical studies which demonstrate the property is suitable for R-2 zoning and smaller lots. The subject property may have been zoned R-2 if this information was known when the Comprehensive Plan was adopted.

As identified in the purpose of the R-2 and R-3 zones, all residential property is zoned R-2 if it does not contain Natural Hazards and nor adjacent to commercial land to provide a buffer from commercial land. The subject property is physically identical to other property Zoned R-2 in the City and should be zoned R-2.

4. The public interest is served by re-zoning the subject property R-2 because more affordable housing opportunities will be provided, the subject property is identical to adjacent R-2 and rezoning will create better compatibility with existing housing in the area. The R-2 section of the Land Development Code and the Urban Medium Density section of the Comprehensive Plan both support R-2 zoning for the subject property. The R-2 zone is intended to allow a variety for small lots in an urban setting without potential natural hazards. The Urban Medium Density section of the Comprehensive Plan is designed to accommodate a range of lot sizes and creates

opportunities for in-fill on existing lots. This density is intended to be applied to property with few or no natural limitations to development. The primary area where the R-2 designation is applied is throughout the central portion of the City, including the majority of the Yamhill portion of the UGB. The subject property is in the center of the UGB and does not contain natural hazards which require lots to be 10,000 square feet in area.

5. The applicant finds the following factors were consciously considered with this Plan Amendment and Zone Change and approval of these applications will yield an equal or better development pattern based on the following:

a. The suitability of the subject property for R-2 zoning has already been described in this report.

b. The subject property is exactly the same as other R-2 zoned property in the area. The trend for development in the area is R-2 zoned land with 5,000 to 7,000 square foot lots with an average density of 5.5 units per net acre. Exhibit 2 shows the house and lot values in the area. These values are compatible with R-2 and not R-1 zoning. Because of the high cost to develop 10,000 square foot lots, providing houses with compatible values will be difficult if R-1 zoning remains on the subject property. The chart below provides a summary of the values of 30 homes in the surrounding area:

| Number of Properties | Total Value in 2007 |
|----------------------|---------------------|
|----------------------|---------------------|

| | |
|----|------------------------|
| 20 | Less than \$200,000 |
| 7 | \$200,000 to \$250,000 |
| 2 | \$250,000 to \$300,000 |
| 1 | \$370,000 |

Based on the above information, house values for the subject property will be \$220,000 to \$270,000. These prices can not be supported with the high cost to develop 10,000 square foot lots with R-1 zoning. These prices can be supported, however, with 5,000 to 7,000 square foot lots and R-2 zoning.

c. All urban services are available to the subject property with or without R-2 zoning. Sanitary sewer will be extended from Cottonwood Street. Sewer capacity for the City is described in the Public Facilities and Transportation section of this report. Storm drainage pipes will be extended to Olson Road and water is available in Hedin Terrace. The City is in the process of expanding the existing reservoir. The impact of this Plan Amendment is very small and no impact to the provision of urban services will occur for the rest of the property in the UGB. The City will not incur any costs to extend urban services into the

subject property as a result of this plan amendment. However, Phase 1 of this subdivision will extend services to the rest of the UBG which is a net benefit to the City and in the public interest.

d. If this plan amendment is approved, 8 additional houses will be constructed. This will benefit the City with additional disposable income to spend at the existing and future businesses in the City. Also, additional revenue will be available to the City and the Gaston School District.

e. Access will be provided by Trail Street. Since only one access is available in the area, Trail Street will be built to Olson Road with Phase 1 as an emergency access with gravel 12 feet in width. Trail Street will be extended 265 feet to the south with development of Phase 1 of the subdivision. R-2 zoning will help with the economics for construction of Trail Street. Extension of Trail Street to Olson Road will provide better circulation in the City and create a second access for existing housing units and the school located at the west side of the City.

f. This Plan Amendment will not effect existing agricultural uses in the area because the subject property is completely surrounded by land in the Gaston UGB. No impact on the natural resources of the City will occur because none of these resources are adjacent to the subject property. R-2 zoning will allow the subdivision to develop with a healthful, safe and aesthetic environmental conditions just as much as R-1 zoning. R-2 zoning will be more compatible with the surrounding area than R-1 zoning.

Chapter 2 - Natural Physical Environment

The City of Gaston is located for the most part on hillside slopes, which taper down into the valley floor of the Tualatin River and Wapato Creek. The surrounding rural community is composed of low lying farm land, much of which is situated in the flood plain, or the drained lake bed of Wapato Lake. These contrasting elevations give Gaston a distinct visual image, which adds to the charm and character of the community.

Some of the slopes, particularly the steeper ones over 20%, with weak foundation soils are unstable and subject to landslide. The areas with the most severe soils limitations are shown on Figure 4 (see Exhibit 4 of applicant's report). ***Mapping of these areas does not mean that development cannot or should not occur. But it does mean that additional geo-technical engineering analysis is warranted before approving development in these areas, to define appropriate mitigation.***

The city has experienced slide problems in the past, due in part to under-engineering and improper and incomplete construction. The worst case occurred with the Scoggins Height subdivision, which even today (2002) remains partially unimproved. Cuts in slopes, unfinished storm drainage and road systems coupled with heavy rains (1996) resulted in landslides, which caused significant damage to property and homes.

FINDING: Two geotechnical reports have been prepared. Both of the reports show that the subject property can develop with 5,000 square foot lots in compliance with the R-2 zone. The City Engineer agrees with the reports.

Policy II.9: *To minimize the potential for damage or loss of life from natural hazards, the city shall limit land use and/or the intensity of development in areas identified by the Soil Conservation Service, or other competent authority, as having slide prone or otherwise hazardous soil conditions. All new development on hillsides shall be required to provide geo-technical engineering analysis to define soil and slope stability and any appropriate mitigation to ensure against hazards damage.*

Policy II.10: *The city shall encourage retention of natural vegetation, especially forest or tree cover, to stabilize land with steep slopes. As needed supplemental planting and other engineered measures may be required to ensure slope stability.*

Policy II.11: *The city shall adopt Chapter 70 of the Uniform Building Code and the most recent version of the Oregon One and Two Family Specialty Code to ensure proper grading procedures are followed within the city.*

Policy II.12: *The city shall plan to concentrate urban uses on suitable lands based on research of available information showing the absence of known hazards including, but not limited to, flooding, unfavorable soil conditions, and steep slopes.*

Policy II.13: *The city shall encourage development that creates minimal disturbance of the city's natural environment and results in enhanced visual character of the community.*

Policy II.14: *To ensure appropriate consideration of natural hazards is given in the development review process, soils and geo-technical engineering analysis shall be required for all subdivisions. A registered engineer must place his stamp of such report. Such analysis may also be required for larger non-residential developments, particularly if slopes are involved.*

FINDING: The applicant finds that the subject property can be planned and developed safely in accordance with the geo-technical reports submitted with this application (See Exhibits 4 and 5 of the applicant's Subdivision and Variance Applications). These reports are stamped by registered engineers. All existing vegetation has been cleared from the site. The site is in agricultural production of grain. Policy II.12 above states that the City shall concentrate urban uses on suitable lands based on research of available information showing the absence of known hazards. The available information is contained in the two geo-technical reports for this project. Specific measures and requirements are contained in these geo-technical reports for careful inspection of the site by the geo-technical engineers during construction. Compliance with these measures will prevent future problems. The site has been designed with the least amount of grading as possible and still allow reasonable development of the site. The grading will be very similar with 10,000 square foot lots compared to 5,000 to 7,000 square foot lots.

Chapter 3 - Public Facilities and Transportation

This chapter discussed the status of the city's current public facilities and transportation system. It also frames the policies for how the city intends to coordinate provision of adequate urban services with continued urban growth.

The City Council declares that there will be two categories of urban services and facilities considered in this plan as follows:

a. Primary Facilities and Services:

Primary facilities and services include water, sanitary sewer, storm drainage and streets. These facilities must be provided prior to or in conjunction with urban development and must provide adequate capacity and service levels, including peak demand periods. They are essential to support development as it occurs.

b. Secondary Facilities and Services:

Secondary facilities and services include police, fire, city administration, including parks and the library, and schools. Provision of these facilities and services typically lags behind or follows growth. However, they are often planned in anticipation of growth, but it is usually not possible or practical to create service capacity in advance of development.

FINDING: The City finds that all primary and secondary facilities and services are available or can be made available to the subject property, with proper agency and engineered plan approvals.

A. Primary Facilities and Services

Water

The city maintains its own supply distribution system, which consists of pipes ranging from 4" to 12". System pressurization and storage is provided by a 0.5 million gallon reservoir, located at the top of the hill, west of Trail Street, adjacent to what is now platted as the Trails End subdivision.

FINDING: Water lines are available in Hedin Terrace with a pressure system. The subject property will connect to this pressure system because the lots are too high in elevation to receive gravity pressure from the reservoir. The pressure system will be upgraded if necessary to accommodate this development. Adding 8 lots onto the system will have no effect of the capacity of the system or restrict water use for other property in the City Limits. Funding for the new reservoir is available and the reservoir is under construction. The reservoir should be completed before new homes are occupied on the subject property.

Sanitary Sewer

The city's sanitary sewer system has been operated by Clean Water Services (formerly USA) since 1972. The sewage treatment plant, located on East Main Street, was abandoned in 1987 and replaced with a pump station, which moves effluent from the city to a regional waste water treatment plant in Forest Grove,

The existing pump station contains 2-pumps, referred to as a duplex station. Design pumping capacity is 500 gpm. The theoretical pumping capacity is 1000 gpm.

At the time the pump station was designed the city's population was 430, with an additional 173 people in the UGB portion of Yamhill County for a total of 603 people in the service area. Growth projections at that time indicated a total of 850 people in 1985 and 1,085 by 2000. The city has not actually grown to meet that projection, yet. The 2001 population was only 600. Therefore the current system has a capacity to serve an additional 186 dwelling units or the equivalent non-residential flows, without any upgrades.

Preliminary records indicate that there are wet weather flows considerably in excess of normal discharge flows. These flows indicate a condition called inflow & infiltration or I & I. I & I conditions can be caused by leaking connection, manholes, cracked or broken pipes, or inappropriate connections, such as storm water.

Clean Water Services monitors I & I and schedules repairs if the system experiences excessive flows. They generally allow up to 4,000 gallons per acres per day. However, if the I & I problem compromises the ability of the system to accommodate planned growth, rehabilitation would be coordinated with improvements to serve the new growth.

FINDING: The City had the capacity for 186 new housing units in 2002. The pump station was recently upgraded so additional capacity is available. This additional capacity will not be known until total I & I is determined by Clean Water Services (CWS). Repair of this I & I will be completed by CWS over the next 2 years. An 8" sewer line will be extended to Cottonwood Street through the School District property. The existing 8" line in Cottonwood extends to Olson Road into a 12" line which flows northerly to a 15" line in Main Street. This 15" line flows into the pump station and an 8" pressure line flows to the Forest Grove Sewer Treatment Plant. At a pre-application conference, CWS said sewer capacity is available for development of the subject property and 8 addition housing units from a re-zone of the subject property to R-2.

Storm Drainage

The city's existing storm drainage system is comprised of ditches and pipes. Most streets have curbs, but not all of them do. It is not an ideal or well engineered system, but it seems to function without significant problems.

FINDING: The subject property is on the south facing slope away from existing development in the City. All storm drainage will flow to Olson Road and the existing creek south of Olson Road. A series of culverts are available along Olson Road to accommodate the increased storm flow from the subject property. Some if not all of these culverts will be replaced and upsized to accommodate storm drainage for this development. If impacts to properties along Olson Road are determined, then storm water detention will be provided. Based on this information, storm drainage is adequate for this Plan Amendment and Zone Change.

Transportation

The primary arterial serving Gaston is Highway 47. The highway runs north/south through town.

This facility is under the jurisdiction of the Oregon Department of Transportation (ODOT). Therefore any improvements to the highway, such as traffic signals, must be coordinated with ODOT.

Cross-highway traffic is becoming an increasing problem for local circulation. Through traffic volumes on the highway over the past 10 years have increased substantially.

There currently is no fully signalized intersection on the highway within Gaston's planning area. There is, however, a flashing yellow light at the Main Street intersection.

In the main portion of town, west of the highway, the local street network provides a partial grid circulation pattern. However, the grid is broken by development in several locations.

For example, Oak Street does not connect through to Third Street or to Salter, and Sixth Street tees to Slater, but does not connect through to Park or Church. The school property and buildings block this connection.

To the south, except for Olson Road, there are no roads extending into the Yamhill portion of the UGB. However, Cottonwood, Sixth, Trail, even Third Street are can be extended into this area, completing links to Olson Road. East of the highway, Main Street is the primary collector. Onion Lane is the only local street serving the industrial district, and it is not a full standard width street. Not all of the streets are fully improved to the city's urban standard, with curbs, gutters and sidewalks.

With limited road funds, the city has incrementally been upgrading streets one segment at a time. The most recent improvement was completed in 2001 along the length of Trail Street. However, due to steep grades and right-of-way limitations, this street was not brought up to full urban collector width.

As development occurs, particularly to the south into Yamhill County, streets will need to be extended. In order to provide good local circulation Cottonwood should be extended west, and Third, Sixth, and Trail should be extended south to Olson Road. And, generally streets should be

designed to maintain and enhance the basic grid system whenever possible to ensure maximum circulation options.

To the west, steep slopes may prevent, or severely limit good connectivity of roads. Ideally, there should be another north/south link between Church and Olson Roads west of Trail. But the topography will likely not allow for any direct connection. However, as development occurs, any feasible north/south and east/west links should be provided to support overall community connectivity.

FINDING: The applicant finds that this Plan amendment will not adversely affect the Gaston transportation system. State Law and the Oregon Transportation Planning Rule (TRP) require traffic impacts to be determined from additional density with any approval of a Plan Amendment. A Plan Amendment may be denied if the traffic impact is found to be significant or if the increased traffic requires the classification of a road to be changed. In this case, the impacts are so small that a significant impact will not occur. The traffic report prepared by Lancaster Engineering states that 8 additional housing units will generate 6 trips during the morning peak hour, with 2 entering and 4 exiting the site. During the evening peak hour, it is expected that 8 additional trips will be generated, with 5 entering and 3 exiting the site. The expected daily traffic volume is 76 trips, with half entering and half exiting. The conclusion of this report states that the proposed zone change is expected to generate 8 additional trips during the highest volume hour and 76 trips during an average day. This increase will not have a significant affect on the surrounding transportation system as defined under the Oregon Transportation Planning Rule. No mitigation is recommended by the traffic engineer in association with this proposed plan amendment and zone change.

B. Secondary Facilities and Services

Police and Fire

The city staffs its own police department. Currently there is just one officer, who receives backup from Washington County.

Fire protection is provided by the Gaston Rural Fire District. There is a fire station located on East Main next to the city park. The district currently has one full-time employee, who operates along with 2 part-timers and 36 volunteers.

Both police and fire service are adequate for the current population.

As development occurs and the population increases additional staffing will be required to maintain good service.

FINDING: Page 30 of the Gaston Comprehensive Plan states that both police and fire are adequate for current population. Adding 8 additional housing units will have almost no affect on police and fire services.

City Administration

City administration is currently provided by three full-time staff. The staff operates out of a city hall located on the highway. The library is also located in the same building. There is a small public meeting room, available where the city council meets. However, the capacity of this room is very limited. If large public participation is expected other facilities, such as the school gym is necessary.

As development occurs and the population increases additional staffing will be required to maintain good service. At some point a new or expanded city hall will be required. A larger public meeting room is also a desirable facility improvement. There may be options for the city to coordinate with the school district in providing additional administrative facilities. Community input has indicated some support for development of a new multi-purpose civic center.

FINDING: The applicant finds that if 8 additional housing units are developed in the City, no increase in City staff or services will be necessary. However, as the City grows, additional staff will be required. Because of finances, the City cannot afford additional staff until additional housing units are constructed and addition revenue is received by the City. This plan Amendment will help the proposed 35 lot subdivision to be built which will provide 35 new families in the City of Gaston. If this plan amendment is not approved, the developer may not be able to financially afford to build this subdivision.

Public Parks

The city currently owns about 7 acres of park land. The park is located on East Main Street adjacent to the fire hall. It is located within the 100 year flood plain. There are three existing ball fields, with a small parking area.

With a current population of 600 people, the existing ratio of park land to population equals 10 acres per 1000 people, not counting school facilities, which are also available at times for public use. This is a desirable ratio (10 acres per 383 homes) for parks to maintain as the community continues to grow.

FINDING: The applicant finds that no additional parks are necessary as a result of this Plan Amendment. Parks will be provided in the future with the additional subdivision phases.

Schools and Education

Existing Conditions

The Gaston Comprehensive Plan states that a local elementary and high school education is provided by the Gaston School District. Like many districts, in the aftermath of property tax measure 5, school funding is tight. However, the district actually faces a problem of not having

enough students. The lack of student growth is compounded by the lack of local residential growth, which further compounds tax revenues.

Future Needs

According to the applicant, in order to sustain current operations, the district needs more students. The district owns just over 9 acres south of the existing high school. Part of this land is outside of the current city limits, but within the UGB. The district decided the land was surplus to their needs, and has made application to annex the property, in Yamhill County, into the city. Once annexed, they will market the property to a residential developer. In this way the district will be feeding its future by generating additional housing, which will produce more students. The housing will also generate additional tax revenues. The annexation is pending city decision on public facilities to serve the area. There are many opportunities for the city and the district to work together in building the community. The new community vision envisions such cooperative efforts, anchored in life long learning for all members of the community.

FINDING: The applicant finds this Plan Amendment is in compliance with the above statements. The student population has been declining and additional housing is needed in the City. Providing affordable housing in the City will help the school district. The school district plans to expand the school and develop new ball fields. This will not happen unless the voters approve a bond measure. Providing additional housing in the City will generate new families with younger, school age children which generally vote for school bond measures.

Chapter IV Urban Growth and Land Use

Urban Growth Boundary

Early settlement in and around Gaston occurred in the early to mid 1800's. The City of Gaston was incorporated in 1914. Historical population growth is as follows:

| Year | Population |
|-------------|-------------------|
| 1914 | ? |
| 1920 | 221 |
| 1940 | 333 |
| 1950 | 368 |
| 1960 | 320 |
| 1970 | 429 |
| 1976 | 450 |
| 1980 | 471 |
| 1990 | 563 |
| 2000 | 600 |

Source: PSU Center for Population Research and Census.

Growth in Gaston has been generally slow as compared to other suburban cities within the Metro region. During development of the first comprehensive plan, beginning in 1976, population projections assumed that by 1985 there would be 850 people. However, this growth did not occur, and the population of Gaston still has not reached that number, even in 2001, some 25 years later. The city's certified population was 600 in 2000. Based on the countywide average household size of 2.61 it is estimated that there are approximately 230 existing housing units in the city.

FINDING: The applicant finds that this Plan amendment will help the City achieve the desired population growth.

Vacant Buildable Land

The current Urban Growth Boundary (UGB) was jointly established by the city, Washington County and Yamhill County in 1976. The Yamhill portion of the boundary was adjusted in 1981, removing an area south of Olson Road and west of the mobile home park (see UGB file for details). Any amendment to the boundary must also be jointly agreed to and must be acknowledged by the Department of Land Conservation and Development (DLCD).

As part of the 2001-02 plan update, the city completed an updated vacant land inventory within the UGB. This report was coordinated with Washington and Yamhill Counties and the Gaston School District regarding population projections for the city limits and surrounding rural communities. The findings and conclusions of these analyses are included in a separate background report, Gaston, Urban Growth and Natural Resources, February 2002. Only the relevant conclusions of that report have been incorporated directly into this chapter of the plan. It is noted that some calculation errors were found in the back ground inventory report. In addition, subsequent decisions made regarding new residential densities and associated land use designations have resulted in different numbers reflected in Table 2 below as compared to Table 2 in the February 2002 report. In 2001 it was determined that there was vacant and buildable land as follows:

**Table 2
City of Gaston 2001 Land Inventory City Limits and UGB**

| Type Land Use | Vacant Acres | Built Acres | Total Acres |
|----------------------|---------------------|--------------------|--------------------|
| Residential SR-1 | 50.40 | 1.25 | 51.65 |
| R-1 | 41.02 | 36.47 | 79.49 |

| | | | |
|----------------|------------|--------------|---------------|
| R-2 | 36.61 | 30.50 | 67.11 |
| R-3 | 13.64 | 5.67 | 19.31 |
| Commercial (C) | .73 | 5.42 | 6.15 |
| Industrial (I) | 15.60 | 1.71 | 17.31 |
| Other * | 0 | 16.59 | 16.59 |
| Total | 158 | 97.61 | 257.61 |

1. Other includes public, including the City Park, water reservoir, and school district property.
2. City Hall is included in commercial, and fire hall is included in industrial.
3. Total acres do not include right-of-way or easement.

As reflected above in Table 2, there are very few acres of vacant buildable land remaining within the current (2001) city limits. Within the city limits only about 18 acres are vacant and buildable to accommodate new housing. But, within the UGB, there are about 124 vacant acres available. Most of the potential development within the current city limits will come from infill and/or redevelopment. There are only about 16.33 acres of vacant buildable land within the UGB to accommodate commercial and industrial uses and job growth.

FINDING: The applicant finds that the above information shows that very little vacant and developable land is available in the City Limits. Only 18 acres of land are identified within the existing City Limits to accommodate new housing. All of these properties are currently not available for future development. The 9.9 acres west of Park Street has geological problems which prevents development. The 2.3 acre and 6.7 acre school properties are anticipated to be retained by the school district for future expansion school ball fields. The City Comprehensive Plan identifies an additional 25 to 40 lots from partitioning and infill. As a result, the City can not achieve the growth projection identified in the Comprehensive Plan unless additional properties, like the subject property, are zoned R-2 and developed. Even the School property which was once determined to be surplus is currently identified to be retained for future school expansion. The school district has also requested the easterly 1.72 acres of Tax Lot be reserved for construction of a track and football field.

Residential Land

The two largest developable parcels designated residential within the City Limits are situated at the western and southern edges:

One parcel, containing 9.9 acres, is situated west of the terminus of Park Street and lies on steep forested north slopes. Access to the property will be from Park Street. This property has been approved for a large lot planned development (Mosswood). However, due to lack of road improvements through the Scoggins Height plat, only a couple of lots adjacent to Church Street have been developed to date. Because of the slopes and trees there are only 15 lots on just over 11 acres.

The other site lies south of the Trails End plat, at the current southern terminus of Trail Street. This is the applicant's subject property and contains a total of 19.33 acres, but only about 8 acres

are developable at the present time. The remaining 11 acres are zoned SR-1 and the City does not want this property to be developed until a new water reservoir is constructed.

This property is actually part of a much larger 91 acre ownership that extends across the county line into Yamhill County. Not all of this ownership, however, is within the current UGB. The UGB stops at the power line easement. Therefore only about 73 acres of the total ownership is available without a UGB amendment. This property is on the south slope and is relatively unconstrained for urban level development.

The school district also owns a 2.3 acre parcel located adjacent to this larger tract. It lies at the western terminus of Cottonwood Street. This parcel is also within the city limits.

In addition there are several parcels throughout the city that are large enough to accommodate further partitioning. Some of the larger parcels north of Church Street have development potential, but are also limited by the flood plain. Development on these larger lots will depend upon the owners' interests and needs. But, not more than about 25 to 40 additional housing units could be expected from such infill. This infill is also less likely in the near term. However, the major portion of new development will occur on the land that is currently outside of the city but within the UGB.

As noted above, there is one large 73 acre parcel, most of which is within the UGB but outside the city limits. In addition, the school district also owns a 6.7 acre and a 2.3 acres with 2 separate tax lots. This land is vacant and buildable and is within the UGB but currently outside the city. It is also on the south slope. The District has an annexation request pending before the City Council for this property. However, because there was insufficient information regarding utility services, particularly water, the annexation decision was been postponed until the plan update could be completed.

On the north slope, west of Mosswood, there are 3 larger parcels containing a total of 27.98 net acres. These parcels are constrained by steep slopes and trees, much like the Mosswood property. Therefore they are not suitable for high density development, at least on the slopes. This property is currently designated for very low density (SR-1).

There is also additional 29.58 acres of vacant land, which lies north of Church Street between the street and the Tualatin River. The largest of these parcels contains 11.31 acres. However, because much of this property is constrained by flood plain, and has been further encumbered by a split zone with Washington County, the owner requested to be removed from the UGB. The rest of the area north of the road is designated for low density (R-1). While these areas will not generate high density development they do offer an alternative housing type to accommodate those that prefer a larger lot and high value home option.

There are additional parcels ranging in size from 0.50 acres to over 18 acres along both sides of Olson Road. Most of these parcels can accommodate additional partitioning or subdivision. But, there are some wetland constraints, and there is an existing mobile home park on some of this property.

In total there are an additional 142 vacant residential acres available for urban development, within the current UGB. However, to accommodate the targeted population of 2,500 people, only about 130 acres, at 6 units/ac, to 150 acres, at 5 units/ac, are needed, depending upon the zoned density and the average density of new development. So it is concluded that there is sufficient available residential land to accommodate desired growth within the current UGB.

As additional land is developed, appropriate extension of streets and public utilities will be necessary. Street extensions must provide a logical circulation pattern to and from the highway, as well as connectivity providing alternate routes around town.

It is the city's intent to establish a policy framework for allocating densities to the available vacant lands. This framework is designed to provide a wide range of housing options from large suburban lots to high density townhome and multi-family developments. The densities established herein range from a low of 1 unit per acre to a high of 15 units per acre. This range is consistent with and maintains the established density pattern in the city. Generally density is highest near the highway and commercial district and decreases going west. The framework and zoning is shown on a single map (Figure 8) and described as follows:

FINDING: The applicant finds that the above statements from the Comprehensive Plan state that only 25 to 40 additional homes are expected from infill. The subject property is one of the 2 sites mentioned above. The 9.9 acre site is not expected to develop in the near future. Therefore, the subject property is the only large site in the city which is available for development. This storage of available residential land further justifies R-2 zoning for the subject property. The school district property was once available for residential development but is now planned for future school expansion. Other properties zoned SR-1 could experience development problems because of weak soil conditions. No utilities or improved streets are available to property on the south side of Olson Road. Development of that property is not expected in the near future. The Comprehensive Plan is designed to provide a wide range of housing options that maintains the density pattern in the city. R-2 zoning for the subject property will maintain the existing density pattern in the surrounding area.

Urban Low Density:

This density allows for smaller suburban sized single family lots at 3.2 units per acre. It is intended to be applied to the close in areas limited by wetlands or flood plain. It is to be implemented by the R-1-10 zone. As with the suburban low density, clustering may be allowed to protect sensitive resources, which may result in lots smaller than 10,000 square feet in size. Accessory dwelling units may also be allowed in this zone.

The primary area where this designation is applied is north of Church Street, the Scoggins Heights area, and south of Olson Road in the forested area.

The total number of vacant acres allocated to this density designation is 41.02 net acres. This acreage is expected to yield 131 dwelling units, at 3.2 unit per acre.

FINDING: The subject property does not meet the intent of the R-1 zone or designated areas as described above. The site is not forested, adjacent to wetlands or flood plain. Even if these constraints were located on the subject property, the Comprehensive Plan anticipates clustering and smaller lot sizes to protect sensitive resources.

Urban Medium Density:

This density allows for traditional single family lots and attached dwellings at 4.6 to 6.5, or an average of 5.5 units per acre. This is the predominant urban residential designation and is to be implemented by a new R-1-7/5 zone. This new zone replaces both the prior R-1-7 and the R-1-6 zones. It is designed to accommodate a range of lots sizes and creates opportunities for in-fill on existing lots. Accessory dwelling units may also be allowed in this zone.

This density is intended to be applied where there are few or no natural limitations to development. The primary area where this designation is applied is throughout the central portion of the city, including the majority of the Yamhill portion of the UGB.

The total number of vacant acres allocated to this density designation is 36.61 net acres. This acreage is expected to yield 201 dwelling units, at 5.5 unit per acre.

FINDING: The applicant finds that the subject property meets the intent of Urban Medium Density Residential R-2 zone. It is in the center of the City with similar slope limitations on both sides of the hill, and is designated for the subject Yamhill County portion of the UGB. Development of the subject property with R-2 zoning will allow development of traditional single family lots with variable sizes.

Policy IV.1: All residential development shall occur in conjunction with appropriate primary urban services, including sanitary sewer, water, and storm drainage. Such utilities must be provided consistent with the city's systems master plans.

Policy IV.2: All residential development shall occur in conjunction with appropriate street improvements that provide logical extensions of existing streets, and also maintain a reasonable grid pattern, with alternate circulation choices.

Policy IV.3: As residential development occurs additional parks shall be developed to maintain the acres/population ratio of existing parks, at 10 acres per 1000 people.

Policy IV.4: All residential development shall be consistent with the densities set forth on the Comprehensive Plan Map. But, density transfers may be allowed as a method of protecting steep slopes, flood plains and forested areas, or providing for parks and open spaces, while accommodating reasonable urban densities and efficient use of available land.

Policy IV.8: The City desires a blended lot pattern. The intent is for the various allowed residential densities to be spread or mixed throughout a development, rather than clustered along rigid zoning lines, in a uniform cookie cutter pattern. Therefore the maximum number of units allowed within a development shall be determined by multiplying the specified densities times the gross acreage allocated on the Comprehensive Plan Map, but the actual lot layout need not conform to the district boundaries shown on the map. This mixing of densities across zone lines will not require a PUD to implement this policy.

FINDING: The applicant finds that all public utilities and services are available for development of the subject property in accordance with Policy IV.1. Appropriate street improvements will occur with logical extensions in compliance with Policy IV.2. Park space will be provided in later phases in compliance with Policy IV.3. The first phase of this subdivision is too small and in the wrong location for a new park. During the planning for the school district facility the location of a new city park will be determined. Policy IV.4 identifies the need to accommodate reasonable urban densities and efficient use of available land. Re-zoning the subject property R-2 will help conserve scarce urban land and create efficient use of the land. Policy IV.8 describes the desire of the City of blend the lot pattern. The R-2 zone provides variety of lots ranging from 5,000 to 7,000 square feet in area. The first phase is relatively small and not suitable for a Planned Unit Development. A PUD will be considered during the planning process for the remaining phases in Yamhill County.

III. CONCLUSION

Although the Plan proposes a blended residential lotting pattern that avoids a uniform cookie-cutter pattern and large lots in this area, the City accepts the applicant's findings and supports the request to amend the Comprehensive Plan and Zone Map from R-1 to R-2 for 3.69 acres of land. The change will allow for an additional 8 residential lots on the subject site that will meet the projected housing needs of smaller and more affordable homes. The existing zone line splits a parcel that is appropriate for R-2 development. The Comprehensive Plan (page 38) says that land south of Trail Street is relatively unconstrained for urban development, and R-2 zoning is intended where there are few or no natural limitations to development, such as the central portion of the city and including the majority of the Yamhill portion of the UGB (page 40). Further, the applicant intends to develop the site in accordance with City public facility master plans for sewer, water, streets, and storm drainage. The additional 8 lots will not have such an impact that would warrant a change in the street classifications for the area. In fact, the City is considering reducing the number of planned collector streets on the subject south slope area. The additional 8 lots will add housing needed for the school district defined in the Plan.

III. RECOMMENDATION

Based on the application, the legal description and map and the findings in this report, Staff recommends approval of the request by Tim McDonald representing Mace, Marr and

Mumbach, to rezone 3.69 acres from Urban Low Density Residential R-1 to Urban Medium Density R-2 subject to the preparation of an Ordinance for City Council approval.

IV. CITY COUNCIL ACTION

The City Council may either:

- A. Approve the application based on the findings, and direct staff to prepare an ordinance;
- B. Approve the application with modified findings and/or conditions; or,
- C. Deny the application, specifying reasons why the applicant failed to meet the decision criteria.

If requested, staff will prepare an Ordinance for the next regularly scheduled City Council meeting.

**GASTON HEIGHTS PHASE I
TWO VARIANCE REQUESTS
For street alignments, design and street grades**

This request was made simultaneously with the applicant's Plan Amendment/Zone Change from R-1 to R-2 which is addressed in the first 26 pages of this report . All the background data for the variance request is found at the beginning of this combined report.

Request: The applicant plans to build a 35 lot single family residential subdivision on Parcel B of the Mace property south of Hedin Street. The applicant requests two street standard variances for the subdivision plan. *One is to reduce or increase the street right-of-way or paving width for a local and a collector street. The second is to increase the allowable street grade for the site.*

In addition, the pending proposal of Gaston Heights Subdivision is Phase 1 of a larger development between Hedin Terrace and Olson Road. The proposed street pattern of Phase 1 will begin to determine how collector streets in the overall development are to be aligned in conformance with the Transportation Master Plan. The pending subdivision does not illustrate the extension of Cottonwood, or the a connection of 6th Street at Olson Road. These variations are being considered with the City's update of their Transportation Master Plan. *Relevant to the variance request is whether or not 6th Street should be changed from a collector to a local street designation.*

A. APPLICABLE CRITERIA AND FINDINGS

Section 5.050.1 - Street Standards: The following are the street standards that apply to this subdivision. **The bolded standards are the standards proposed to be varied:**

1. **Except as specifically approved by the Review Authority, all street and access improvements shall conform to the Transportation Master Plan, together with the following standards:**
 - a. **All street improvements shall conform to the Public Works Standards and shall provide for the logical continuation of streets through specific developments to adjoining properties or subdivisions.**
 - b. All streets shall be developed with curbs, utility strips and sidewalks on both sides.
 - c. Intersections of Streets:
 - i. Angles. Streets shall intersect one another at right angles, unless existing development and/or topography make it impracticable. The minimum inside curb line radius shall be twenty-five (25) feet.

ii. If intersections cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty degrees (60%). Any angle less than sixty degrees (60%) shall require approval by the City Engineer after consultation with the Fire Chief.

iii. **Offsets.** Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections on arterial streets should be separated by at least five hundred (500) feet; and in no case shall there be an offset of less than:

1. (250) feet on a minor arterial. To the greatest extent possible, the City shall also encourage consolidation of curb cuts and access points on arterial streets.
2. (100) on other streets.

iv. **Street grades shall be a maximum of six percent (6%) on arterials and eight percent (8%) on collector and local streets. Where topography dictates a steeper grade, up to twelve percent (12%) may be approved for not more than 200 foot increments.**

v. The minimum centerline radius street curves shall be as follows:

1. Arterials and industrial collectors – six hundred (600) feet, but may be reduced to four hundred (400) feet in commercial areas.
2. Residential collectors – one hundred (100) feet.
3. Local streets – seventy-five (75) feet.

vi. **Rights-of-way. Prior to issuance of Building permits or recordation of a final plat, the City shall require dedication of rights-of-way as required by these regulations and conditions of approval, and consistent with the Transportation Master Plan. All dedications shall be recorded with the County Assessor's Office.**

vii. **Dead-end Streets.** New dead-end streets or cul-de-sacs shall not exceed 250 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads, freeways or arterials or physical constraints such as topography, streams or rivers, that prevent future street extension or connection. No more than 25 dwelling units shall take access from a new dead-end street. All dead-end streets shall end in a turn-around with a minimum center line radius as follows:

1. 50 feet, if curb parking is allowed.
2. 42 feet, if no curb parking and it is posted as a tow-away zone.
3. The minimum return radius shall be five (5) feet.

4. Except, however, that an alternative design may be approved, with consultation from the Fire Chief.

viii. Access Drives and Lanes:

1. An access drive to any proposed development shall be designed to provide a clear travel lane of at least ten (10) feet, free from any obstructions. A minimum additional width of eight (8) feet shall be provided on each side where parking is allowed.

2. Access travel lanes shall be constructed with a hard surface capable of carrying a 23-ton live, or 25-tons load, if designed to be used for fire access. Improvement width shall be:

- a. 12 feet for one-way traffic.
- b. 20 feet for two-way traffic.

3. Secondary or emergency access lanes may be improved to a minimum 12 feet with a gravel or better all-weather surface as approved by the Fire Chief. All fire lands shall be dedicated easements.

4. Minimum access requirements shall be adjusted commensurate with the intended function of the site, based on vehicle type, traffic, and alternative accesses.

5. A minimum of 12 feet of vertical clearance above the pavement surface shall be maintained over all streets and access drives. If higher vehicles are expected to frequently use the street or drive, then a minimum vertical clearance of 13 feet six inches may be required.

FINDING: Section 5.050.1 requires all street improvements to conform with the Transportation Master Plan and the standards listed in section 5.050, except as specifically approved by the Review Authority. In this case the Review Authority is the City Council. Modifications are requested through the variance procedure because Section 5.050 does not contain specific standards or required findings to justify City Council approval of modifications to the standards. This development complies with all of the standards in Section 5.050 except as indicated below.

Requested deviations to Section 5.050 Standards are divided into the following three categories:

- 1. Justification for modification of right-of-way and pavement width for local and collector streets
- 2. Compliance with the Gaston Transportation Master Plan Map - Figure 7

3. Justification for modifications to street grades

Applicant's explanation for the Variances

1. Variance for right-of-way and pavement width: Local Streets (Costello, "A", "B", "J" and "L") : The standard city local street design includes 50 feet of right-of-way and 34 feet of pavement. This permits 2 travel lanes, on-street parking on both sides, a curb-tight sidewalk and 2.5 feet of extra right-of-way on each side. If the property is zoned Urban Medium Density R-2, the Council can approve a narrower street that contains 40 feet of right-of-way and 28 feet of paving per Section 4.036.9c. This allows for two travel lanes, parking on one side and curb-tight sidewalks with a half-foot of extra room on each side.

According to the applicant, a 44-foot right-of-way is proposed for the local streets instead of a 40 foot right-of-way to increase pavement width from 28 feet to 32 feet and allow parking on both sides of the road.

The applicant states that the 32 foot pavement width is in compliance with the parking standards on page 7 of the Oregon Fire Code adopted by the Gaston Fire Department which permits parking on both sides of the road (See Exhibit 1). These standards allow parking on one side of the road for pavement 26 to 32 feet and no parking for less than 26 feet. John Dalby, the Fire Marshall for the Tualatin Valley Fire District, was contacted regarding an interpretation of this code. He indicated that parking is allowed on both sides of the road when the pavement is 32 feet or wider, and on one side if the pavement is 26 feet wide although the code states 26 to 32 feet for parking on one side of the road.

The standard street in the Portland metropolitan area is generally 32 feet of pavement. Washington County and many cities in the metro area allow 28 feet of pavement with parking on both sides of the road. Since the City prefers curb tight sidewalks, there is no reason for a 50 foot right-of-way. If the City allows 40 feet of r-of-w with 28 feet of pavement, then the City should allow 44 feet of r-of-w with 32 feet of pavement.

The street standard proposed with this application is identical to the City's SD-1A standard, except the pavement and the r-of-w are 4 feet wider. In this case, the City Council can approve the SD-1A standard without a variance application. Therefore, the City Council may have the authority to approve the widening of a SD-1A street right-of-way to 44 feet and pavement to 32 feet without a variance. Section 5.050.1 may give the City Council authority to modify any street standard, improvement standard in the Land Development Code, adopted Street Standards, any improvement standard or location of collector streets in the Transportation Plan.

Staff response to local street variance: The City agrees that although the Code allows for a street reduction by Council approval in an R-2 Zone, there are no criteria by which to make that decision. The City approved this variation for the existing Costello Drive and Vista Ridge Court in the Trails End Subdivision. If the streets in Phase 1 are permitted to be reduced, does that imply that all future phases will follow, even if the zoning is not R-2? Staff finds that the City Council should apply the existing standards, or choose the desired street standards being

considered in the updating of the Transportation Plan, which could be applied to this proposed development. If the Council chooses a narrower option for special circumstances (topography) then they may want to allow the option in other zones besides the R-2 Zone. The City Engineer's letter states that reducing local street paving to 32' is acceptable and typical. He states that the ROW width is pending the City's review of street standards.

Collector street width variance (Trail and 6th): Other modifications proposed include a reduction in right-of way for the collector streets, Trail and 6th Streets. City of Gaston Design standard SD-3 requires 60 feet of r-of-w and 36 feet of pavement. The proposal for Trail Street is 50 feet of r-of-w, but still maintaining 36 feet of pavement. The proposal for 6th Street is 48 feet of r-of-w and also maintaining 36 feet of the pavement width. The function of both collector streets will be the same as the SD-3 Standard with 36 feet of pavement. Only the r-of-w is requested to be reduced. Since the City prefers curb tight sidewalks, there is no need for a 60 foot right -of-way.

Staff response to collector street variance: The Staff has proposed options for collector street designs that replace the existing County road standards that were adopted for the City. The City Council's discussion of streets will come before, but the adopted decision will come after this variance request. Staff is trying to gain Council consensus on desired street designs and locations in order to apply them to Gaston Heights Phase 1 and future phases. The Council's decision may include right-of-way for parking, planter strips and/or bike lanes.

Staff believes that 6th Street may not need to be a collector street, due to the proximity to Trail Street (which should remain a collector), the termination of 6th Street at Salter Street to the north and the steepness of a future termination at Olson Road to the south. Staff recommends that the 6th Street ROW be 50' minimum and the paving width 34', and designated a local street. Staff recommends that Trail Street have a minimum ROW of 52 feet and a paving width of 36'.

2. Conformance with the Transportation Master Plan – Fig 7: The applicant states that this subdivision is in full compliance with the Gaston Transportation Plan. Trail and 6th Streets are identified as collector streets on the Transportation Plan. Both streets are proposed to be extended to the south. The Gaston Heights Master Plan shows Trail Street extending to Olson Road and 6th Street ending without connection to Olson Road. In the opinion of the applicant, 6th street does not need to extend to Olson road because it is very close to Trail Street. The Gaston Transportation Plan contains the following statement: *"Street alignments shown are general and not specific. Actual alignments will be engineered in conjunction with development"*. Cottonwood Street, also a collector street, is located on the south side of Phase One and can be extended with future phases as shown by Exhibit 1.

The Phase One plan as designed does not preclude the Cottonwood collector street extension. The Master Plan submitted with this application (See Exhibit 1) includes a future request to modify the Gaston Transportation Plan by moving the Cottonwood collector street further south to provide only one east/west collector street between Hedin Terrace and Olson Road. In the opinion of the applicant, the Gaston Transpiration Plan shows too many collector streets in this area. The Transportation Plan shows a second collector street south of Cottonwood which

extends to Church Street. This collector street extension may not be possible because of the 35% slopes north of the Mace property (See Exhibit 2 topography map). The proposed Gaston Heights Master Plan shows an east /west collector street from the school site to the power lines. This street can be further extended west in the event property west of the power line easement is added to the Gaston Urban Growth Boundary.

At this time, the City Council is not required to make any decisions on the proposed changes to the Transportation Plan outside of Phase One. After the remainder of the Mace property is annexed to the City of Gaston, requests to modify the Gaston Transportation Plan will be presented to the City Council with the Gaston Heights Master Plan and other Amendments to the Comprehensive Plan.

Staff response to compliance with the Transportation Map – Figure 7: Staff disagrees that the proposal is in full compliance with the Transportation Plan Map, because Trail and 6th streets are not designed in accordance with the current collector street 60 –foot right of way. The City should decide what the updated collector street standard is and consistently apply it to Trail Street extension through all of Gaston Heights. The City should also decide if 6th Street should remain as a collector, or be re-designated as a local street.

3. Increase Street Grades for this area: Section 5.050.1.c.iv limits local and collector streets to an 8% grade except where topography dictates a steeper grade, up to 12% may be approved for 200 foot increments. A Variance has been submitted with this application to increase the street grade to 15% for both the local and collector streets for a distance of more than 200 feet. The modifications are as follows:

LOCAL STREETS

- 13% - "A" Street - over 200 feet
- 15% - "J" Street - over 200 feet
- 15% - "B" Street - over 200 feet
- 15% - Costelleo Drive - over 200 feet

COLLECTOR STREETS

- 13% - 6th Street - over 200 feet
- 12% - Trail Street - over 200 feet

The proposed street grades are shown on Sheet DD-8 of the Preliminary Plat plans. According to the applicant, the street grades can not be changed for Trail and 6th Streets and still comply with the alignments shown on the Gaston Transportation Plan. In fact, due to steepness, 6th Street cannot be practically built to connect to Olson Road. All of the above streets have grades over 8% for more than 200 feet. The existing ground elevations of the subject property and Olson Road dictate the slope of the streets. The elevations of Olson Road can not be realistically changed because of the extreme cost of raising Olson Road. Trail Street has a 12% grade from Hedin Terrace to Olson Road. No other alternative is possible. As shown by the Oregon Fire Code, grades up to 15% are acceptable if houses contain fire suppression sprinklers.

Costelloe and "J" Streets are in the same situation as Trail and 6th Streets. These streets follow the existing slope of the property in a north/south direction. When Hedin Terrace and Trail Street were constructed, they were left in a higher elevation which is not appropriate for extension of these roads. Extensions of these roads should have been considered during design. These streets could have been lowered in grade to accommodate extending Costelloe, "J" and Trail Streets to Olson Road.

Costelloe and "J" streets are designed in a north/south direction to create flat lots, front to back. An alternative are east/west streets which create an extreme grade differential up to 32 feet from the front to the back of the lots. This design would cause excessive grading. The north/south street design allows slopes to be picked up with stair-stepped house foundations from side to side of 7 to 8 feet rather than front to back of the lot. Picking up a slope from the side to side of the lot which is much easier to build and significantly reduces the grading compared to creating flat front to back lots when the grade differential is 32 feet. The negative results of the north/south street design are 15% street grades. 15% street grades have been widely used in the Portland metropolitan area without negative results. In some cases, 18% to 20% street grades have been constructed when no other alternatives are available.

"B" Street starts with a 15% grade and changes to a 5% after about 250 linear feet. This 15% grade is necessary to accommodate required fill for the extension of Trail Street to the south, sight distance and other safety considerations. The slope of the existing ground changes to an east/west direction east of Trail Street which accommodates the east/west direction of "B" Street at 5%.

"A" street is properly located to provide access to Parcel "A", west of Phase One. The street grade is 13%. If this street is moved further south, the street grade would increase. If the street is moved further north, the 100 foot off-set requirement for streets would not be met (See Section 5.050.1.c.iii above).

Staff response to an increase in street grades for this area: Based on the applicant's geo-technical reports (Pacific Geotechnical, LLC & GeoPacific Engineering, Inc., the City Engineer's letter and the comments from the City Engineer's geo-technical consultant Shannon & Wilson, Inc. staff supports the variance request to allow an increase in street grades to 15% maximum over 200 feet in length.

Section 6.030 - Variances: The purpose and standards for variances are as follows:

Where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of this Ordinance may result from the strict application of certain provisions thereof, variances may be granted to the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship. However, no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located.

Request: The proposed variances are as follows:

Section 4.036.9.c R-2 zone local street requires 40 feet of r-of-w and 28 feet of pavement. This variance request is 44 feet of r-of w and 32 feet of pavement.

Section 5.050.1.a Street standards require compliance with the Public Works SD-1 standard of 50 feet of r-of-w and 34 feet of pavement for local streets and Public Works SD-3 standard of 60 feet of r-of-w and 36 feet of pavement for collector streets. This variance request is 44 feet of r-of-w and 32 feet of pavement for the local streets. The proposal for the collector streets is 50 feet of r-of-w and 36 feet of pavement for Trail Street, and 48 feet of r-of-w and 36 feet of pavement for 6th Street.

Section 5.050.1.c.iv Street grade requires a maximum of eight percent (8%) on collector and local streets. Where topography dictates a steeper grade, up to twelve percent (12%) may be approved for not more than 200 foot increments. This variance request is to raise the street grade of local and collector streets to 15% for over 200 feet.

Section 6.033 – Standards for Approval. To grant a variance the Review Authority shall find that the circumstances or conditions for which a variance is requested shall not have resulted from any act of the applicant or his predecessors or agents subsequent to the adoption of the particular zoning regulations from which relief is sought, and that based on the evidence presented by the applicant or others that:

1. **Exceptional and extraordinary conditions apply to the property that do not generally apply to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.**

FINDING: Street design standards: The Comprehensive Plan and that applicant both state that the subject site is not unusually constrained, But in some areas there are steep grades that may warrant reduced street right-of-ways to avoid steeper cuts and larger retaining walls. Further, the north side of Gaston has similar grade issues as the proposed south side development, and past decisions have been inconsistent and substandard regarding street widths. Yet the south side has been zoned R-1 and SR-1 in many areas, that do not permit the same street reductions as the R-2 zone. Since the applicant has no control over the topography on the south side, and street width reductions are warranted in some locations, Gaston Heights has similar conditions that apply to other properties in the City, warranting a variance.

Street grade: The applicant has shown detailed maps of the street grades necessary to develop the site. Three geo-technical engineers and the City Engineer have all agreed that the site can withstand the proposed grades, subject to strict construction standards which would be required as a part of a subdivision review.

- 2. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same district or vicinity.**

FINDING: Street design standards: The City finds that exceptions in street standards have been made throughout the city in the past, and that the subject site may warrant the same development exceptions. However, since the City is in the process of updating street design standards, and the applicant's proposed streets will extend to vacant land to the south in the future, the applicant is encouraged to apply the proposed new standards to their first phase of development.

- 3. The authorization of the variance shall not be materially detrimental to the purposes of this Ordinance, be injurious to property in the district or vicinity, or be otherwise detrimental to the objectives of any City Plan or policy.**

FINDING: Street design standards: The City finds that it would be materially detrimental to the purposes of the Zoning Ordinance to reduce street right-of-way widths unless it is clearly warranted by topography. Not all of the streets should be reduced below city standards because large areas of future development on the south side will be affected by Phase 1 street design. Trail Street in particular is an important collector and connector in both directions that should provide maximum improvements possible to serve several hundred new homes. Portions of the site warrant reduced street widths, where others do not. As the City decides on their new standards, provisions will be made for difficult areas. The subdivision can be reviewed utilizing the new standards.

Street grade increase: The City finds that evidence provided supports the increase in street grades subject to including specific construction requirements in the subdivision review and the engineered construction plans.

- 4. The variance requested is the minimum variance from the provisions and standards of this Ordinance, which will alleviate the hardship.**

FINDING: Street design standards: The City staff has developed a minimum set of local and collector street design standards that are being considered by the City Council. These standards are slightly less than current city street standards and slightly more than the applicant's request. The City Council's chosen preference is occurring simultaneously with the variance request and will affect the outcome.

Street grade increase: The City finds that the proposed increase to 15% is the maximum needed for the site and is in accordance with standard practices. Further, three different geo-technical engineers have verified that the grades will be safe if properly constructed.

- 5. The variance shall not be detrimental to the Gaston Comprehensive Plan.**

FINDING: Street design standards: The City finds that the 6th Street and Trail Street variances are not in conformance with the current collector street designation and standards. The local street variances may be in conformance with the current street design alternative if the site is all zoned Medium Density Residential R-2. Pending changes to the standards should be finalized before the variance is approved.

The applicant finds that these variance requests comply with the purpose of variances because the Gaston Transportation Plan requires the extension of collector streets and Section 7.025.2 requires extension of local streets to adjoining property. Additional justification for these variances is provided on Pages 7 to 10 of this report. The only way for these street extensions to be accomplished is steeper street grades for more than 200 feet. Since the City prefers curb tight sidewalks, the 50 and 60 foot right-of- ways are excessive. Compliance with the standards would require two lots to be removed from the subdivision and the design and grading of the site would be very difficult if not impossible. Because of the shape of the property, no logical location is available to remove the two lots.

The applicant finds that changing to east/west streets will cause significant grading which the geotechnical engineer may not approve. If the city allows a 40 foot right-of way with 28 feet of pavement in the R-2 zone, then approval of a 44 foot right-of-way with 32 feet of pavement should be relatively easy. The long and narrow shape of the property, steep slopes, the existing elevations of Trail Street and Hedin Terrace, and compliance with the Gaston Transportation Plan all contribute to the hardship of strict compliance with the Gaston Land Development Code. These hardships prevent the property owners from full development of the property. It is in the interest of the City to allow reasonable development of the property.

The applicant finds that the Trails End subdivision to the north was granted a SD-1A Street standard which shows precedence in the area. The circumstances involved with the subject property are very unusual and do not apply to other property in the general area. The property owners have no control over these circumstances. The flatter and easier to develop land north of the subject property has already developed. That property does not have the same circumstances and physical features of the subject property. In conclusion, these variances will not authorize a use that is not permitted in the R-1 zone.

The applicant finds that these variances will not be detrimental to the purpose of the Gaston Land Development Code. The proposed street standards are very similar to many cities and counties in the metropolitan area. The current City Street Standards were developed a number of years ago and cars have become smaller which need less street width. There is a need to conserve scarce urban land and reducing the street widths will accomplish this goal. The proposed street grades and r-of-w widths are used commonly used throughout the metro area. If fire suppression sprinklers are installed in the houses, the steeper street grade will comply with the Oregon Fire Code adopted by the Gaston fire Department.

B. CONCLUSIONS

The applicant finds that the proposed variances are the minimum necessary to allow reasonable development of the subject property and are not detrimental to the Gaston Comprehensive Plan. These variances will not affect on the provision of public facilities and services. Policy IV.4 of the Comprehensive Plan states that "*all residential development shall be consistent with the densities set forth on the Comprehensive Plan map*". The reduced street width and steeper street grades will reduce grading and help the City achieve the Comprehensive Plan Map densities envisioned for the subject property.

City Conclusion:

Street Grades: The City finds that all of the criteria have been met to warrant an increase in street grade to up to 15% for more than 200 feet where needed based on approved engineering plans.

Street Design: The City finds that all of the above variance criteria have *not* been met to reduce street width standards. Criterion 1, 2 and possibly 3 can be proven due to the physical circumstances on the south side of the hill that are similar to those on the north side, where many exceptions have been made in the past. However, criterion 3 and 4 cannot be justified as the street width request may not be the minimum variance needed on all the proposed streets. The City is close to developing new street design standards that are taking this development into account. The City Planner and Engineer should be allowed to review the subdivision plat with the draft new standards in mind with the intent to meet the maximum widths where possible for each street.

C. RECOMMENDATION

Based on the findings of fact in this report, Staff recommends the following:

1. The street grade variance is granted allowing the following grades:
 - "A" Street: 13% - for over 200'
 - "B" Street: 15% - for over 200'
 - "J" Street: 15% - for over 200'
 - Costelleo Drive: 15% - for over 200'
 - 6th Street: 13% - for over 200'
 - Trail Street: 12% - for over 200'

2. The street design variances are granted only as follows:
 - Local Streets: At the time of subdivision review, allow a minimum of 48' ROW with 32' of paving and curbtight sidewalks only where warranted by topography.
 - 6th Street may be reduced to a local street standard with 50'ROW and 34' of paving with curbtight sidewalks.

Kennedy/Jenks Consultants

Engineers & Scientists

200 S.W. Market Street, Suite 500
Portland, Oregon 97201
503-295-4911
FAX: 503-295-4901

20 June 2008

Carolle Connell
City of Gaston - City Planner
4626 SW Hewett Blvd.
Portland, OR 97221

Subject: Comments on Variance Request
Gaston Heights
K/J 0891012.00 / Phase 03 / Task ****

Dear Ms. Connell:

The application titled Gaston Heights Preliminary Plat and Variance Applications and dated 23 May 2008 has been reviewed by Kennedy/Jenks Consultants for general compliance with the City of Gaston's (City's) design standards for paved street widths, right-of-way widths, street grades, and geotechnical issues.

Paved Street Widths

Local Streets

The applicant has proposed a paved street width of 32 feet. The City standard for Local Streets is 34 feet. However, there is an allowance for a minimum of 28 feet in areas zoned R2, with City Council approval. The City Council generally approves narrower paved widths for unique situations such as the steep topography present in this development. The proposed width of 32 feet is a common width for local residential streets used in other jurisdictions. Wider local streets have the undesirable effect of increasing the speed of traffic. It is our opinion that the paved width proposed is acceptable from an engineering standpoint.

The applicant proposes to widen the existing and adjoining Hedin Terrace from 25 feet to 32 feet. This improvement is acceptable from an engineering standpoint.

The applicant has proposed a paved street width of 36 feet for 6th Street, which is more than the current Local Street standard of 34 feet. The City's Transportation Master Plan indicates that 6th Street is a Collector. However, it is doubtful that it will remain with that classification due to complications connecting this roadway to Olson Road and its proximity to Trail Street (also a Collector). It is recommended that the street width be reduced to 34 feet.

Ms. Carolle Connell
City of Gaston
20 June 2008
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Collectors

The applicant has proposed a street width of 36 feet for Trail Street, which conforms to current City Standards for Collectors. This is a common width for Minor Collectors in other municipalities.

Right-of-Way Widths

Local Streets

The applicant has proposed a right-of-way width of 44 feet. The current City standard for Local Streets is 50 feet. However, there is an allowance for a minimum of 40 feet in areas zoned R2 with City Council approval. The City Council generally approves narrower right-of-way widths for unique situations such as the steep topography present in this development.

The 44 feet of right-of-way proposed by the applicant only allows 6 inches from the back of the sidewalk to the right-of-way. Conversations with City personnel indicated a desire for water meter placement immediately behind the sidewalk. Placement of fences and retaining walls on the property could conflict with this location for the water meters. A right-of-way width of 48 feet, allowing for 2.5 feet from the back of the sidewalk to the right-of-way, is recommended to allow for this location of water meters.

If the applicant desires to place the street side retaining walls in the right-of-way to facilitate easier and more desirable grading of the site, it is recommended that measures be taken to have the maintenance responsibility of the retaining walls not be inherited by the City, but rather to the home owners association.

Given the steep topography of this phase of the development, decreasing the right-of-way to 44 feet for Local Streets is reasonable. This would place the retaining walls outside of the right-of-way; however, an alternate location of the water meters would be needed. Placement of the water meters in the sidewalk would be required in this situation.

If planter strips are desired by the City for local streets, then the right-of-way would need to be increased to 58 feet. Planter strips are not recommended for local streets for this development due to the steep topography involved, the associated increase in the amount of cut and fill required, and increases in retaining wall heights. Curb-tight sidewalks are recommended.

The applicant had proposed a right-of-way width of 48 feet for 6th St. In the Paved Street Widths section of this memorandum, it was recommended to reduce the paved street width of 6th Street from 36 ft. to 34 feet. As such, a right-of-way width of 50 feet, allowing for 2.5 feet from the back of the sidewalk to the right-of-way, is recommended to allow for this location of water meters.

Ms. Carolle Connell
City of Gaston
20 June 2008
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Collectors

The applicant has proposed a right-of-way width of 50 feet for Trail Street. The current City standard for Collectors is 60 feet. The 50 feet of right-of-way proposed by the applicant only allows for 18 inches from the back of the sidewalk to the right-of-way. The same concern for water meter placement as discussed previously applies here. A right-of-way width of 52 feet is recommended, which allows for 2.5 feet from the back of sidewalk to the right-of-way to allow for location of water meters.

If the City chooses to have planter strips, the right-of-way would need to be increased to 62 feet to allow for water meter placement behind the sidewalk. If water meters were located inside the planter strip, the right-of-way width could be reduced to 58 feet.

Street Grades

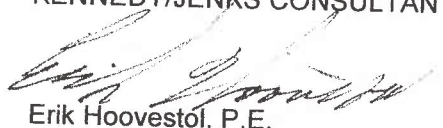
The applicant has proposed grades of up to 15% for Local Streets and up to 12% for the Collector. The City standard allows up to 12% for distances less than 200 feet in which the topography dictates a steeper grade. After a review of the street profiles, it appears that the street grades proposed cannot be effectively reduced. An exception of up to 15% to 16% is common in other municipalities when the topography dictates steep grades. It is recommended to approve the variance for the street grades proposed.

Geotechnical Issues

Shannon and Wilson Inc. (S&W) has reviewed the Geotechnical Engineering Report included in the application. S&W is in agreement with the applicant's Geotechnical Engineering Report, which indicates that the Phase 1 subdivision and the requested zone change from R1 to R2 is acceptable from a geotechnical perspective, provided that the recommendations in the report are followed during construction.

Very truly yours,

KENNEDY/JENKS CONSULTANTS



Erik Hoovestol, P.E.
City of Gaston City Engineer

WHEREAS; the City Council passed a motion to adopt the ordinance approving the Comprehensive Plan Amendment and Zone Change and applying the Urban Medium Density Residential R-2 Zoning District to the subject land; now, therefore,

THE CITY OF GASTON ORDAINS AS FOLLOWS:

The City Council, after conducting a public hearing, adopting the findings in the city staff report, and following procedures for adoption of ordinances set forth in the Land Development Code, hereby approves a Comprehensive Plan Amendment and Zone Change from R-1 to R-2 the area of which is depicted hereto as Exhibit A.

Presented and Passed first reading on the 9th day of July, 2008

Presented and Passed the second and final reading on the 9th day of July, 2008

Votes in favor 4

Votes against 0

Enacted this 9th day of July, 2008 by the City Council of the City of Gaston, Oregon.


Margaret Bell, City Recorder

Approved this 9th day of July, 2008 by the Mayor.


Mayor

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DLCD
ATTN: Mara Ulloa-Plan Amendment Specialist
635 Capitol St. NE, Suite 200
Salem, OR 97301-2524

JUL 11 2008
USPS