



AGENDA

ASTORIA PLANNING COMMISSION

October 25, 2016

6:30 p.m.

2nd Floor Council Chambers

1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. June 28, 2016
 - b. September 27, 2016
4. PUBLIC HEARINGS
 - a. Amendment 16-02 by Community Development Director to amend Article 3: Accessory Dwelling Units. This is a continuance of a Public Hearing from September 27. The Astoria Planning Commission will take public testimony, review the staff report, and make a recommendation based on criteria in Article 10 of the Development Code.
 - b. Conditional Use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial building at 3930 Abbey Lane, Bldg A, Unit 104 (Map T8N-R9W Section 9AA, Tax Lot(s) 90104; Astoria Business Park) in the S-2A, Tourist Oriented Shorelands zone. Development Code Standards 2.700-2.715, Articles 7, 9, and 11 and Comprehensive Plan Sections CP.005-CP.025, CP.070-CP.075, CP.130-CP.186, and CP.190-CP.210 are applicable to the request.
 - c. The Astoria Planning Commission will review the proposed Astor-West Urban Renewal Plan First Amendment, including its relationship to the Comprehensive Plan, and make a recommendation to the Astoria City Council. This is not a land use action. However, ORS 457 requires Planning Commission review for consistency with the Comprehensive Plan.
5. REPORT OF OFFICERS
6. PUBLIC COMMENTS (Non-Agenda Items)
7. ADJOURNMENT

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING SHERRI WILLIAMS, COMMUNITY DEVELOPMENT DEPARTMENT, 503-338-5183.

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
June 28, 2016

CALL TO ORDER:

President Pearson called the meeting to order at 6:30 pm.

ROLL CALL:

Commissioners Present: President David Pearson, McLaren Innes, Sean Fitzpatrick, Daryl Moore, Jan Mitchell and Frank Spence.

Excused: Vice President Easom

Staff Present: Planner Nancy Ferber, City Attorney Henningsgaard, Parks Director Angela Cosby, and Parks Planner Ian Sisson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Pearson asked for approval of the minutes of the May 24, 2016 meeting. Commissioner Innes moved that the Astoria Planning Commission approve the minutes as presented; seconded by Commissioner Moore. Motion passed unanimously.

PUBLIC HEARINGS:

President Pearson explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

CU16-04 Conditional Use CU16-04 by Oscar Nelson to locate light manufacturing (grow marijuana and soap making) in an existing retail/storage space at 487 W Marine in the C-3, General Commercial zone.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick declared that he hires the property owner, who is a drywall contractor. However, this would not affect his decision. He believed his vote would be impartial.

President Pearson asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Innes asked for clarification about the landscaping requirements. Planner Ferber explained that landscaping was a requirement for temporary occupancy. When the property owner applied for temporary occupancy, he planted the only plants he was able to buy at the time. Therefore, Staff added the condition that plants must be maintained and landscaping would be reviewed in one year.

Commissioner Moore asked if the legality of the operation was a review criterion. Planner Ferber said distributing marijuana would trigger a review by the Oregon Liquor Control Commission (OLCC) and the Police Department. However, the Applicant would just be growing plants. Staff cannot create conditions of approval for illegal activities, so illegal activities are not reviewed. City Attorney Henningsgaard further explained that possessing

and growing marijuana is illegal under federal law, but is decriminalized under State law. He did not know how the decriminalization process would apply to research and development.

Commissioner Moore said he understood the APC was not tasked with reviewing the legality of operations and activities.

President Pearson opened the public hearing and called for a presentation by the Applicant.

Oscar Nelson, 1444 Commercial St., Astoria, said since he filed the application, his wife has decided to move the soap and lotion making to another location. Medicinal cannabis would be grown in the facility. He and one other person at the facility will have medicinal licenses. The operation will conduct research and development for equipment. He would also like to sell plant starts if he can find a legal avenue to do so. He is part owner of Sweet Relief and is comfortable with the required documents and procedures. He believed the facility would have no impact on the community. No odors or adverse traffic would be generated. He has a garden store and a license to grow cannabis, so he would like to try out different equipment and techniques. He hoped the City would approve his request, allowing him to be an entrepreneur. He wanted the facility to be for light manufacturing so that he is not restricted to cannabis because he might want to produce root beer.

Commissioner Spence asked if the Applicant had received permits from the State. Mr. Nelson said not yet. However, once the permits are received, the plants would come in. The facility will remain empty until he receives the permits. He does everything legally and he has been careful and responsible. He confirmed that he had no plans to retail any of the cannabis. He might sell plant starts if it is legal, but his goal is to experiment with equipment and plants.

Commissioner Fitzpatrick confirmed that the facility on 13th Street had a grow operation in the basement.

President Pearson called for testimony in favor of or impartial to the application. There were none. He called for testimony opposed to the application.

Linda Stevens, 490 Hamburg, Astoria, said she owns her home and the home at 486 Hamburg. Both properties back up to the proposed grow operation and she did not want it in her neighborhood. The tenants in her duplex are very concerned and have talked about moving because they do not want to live next to a marijuana grow operation. She has nothing against Mr. Nelson and believed he was a great business man. She was only opposed because she lives next to the facility. She has owned her house since before the building was built. Mr. Nelson keeps saying that growing plants is what he wants to do for now, but then he wants to sell plants. If he were into rhododendrons, she would buy them by the buckets. However, she had concerns because her property borders the facility. She watches what goes on at the facility and does not want it in her backyard.

Commissioner Mitchell asked what Ms. Stevens' concerns were.

Ms. Stevens said currently, there seemed to be a lot of traffic, especially on weekends, but she did not want to get into the details of her concerns. She plans to put up a fence because the property owner over sprayed and killed her yard. She did not want marijuana growing, even if it is to find out which light would grow the plants better. Growing marijuana is a step toward more activity than the property can handle, especially parking. Large trucks go in and out of the gas station and what goes on is interesting. The community sees the front of the building, but does not see what goes on in the back.

President Pearson called for the Applicant's rebuttal.

Mr. Nelson said Ms. Stevens had valid concerns, but he was confident her concerns would be considered unfounded as time went on. He offered to give Ms. Stevens his personal number and invited her to call him with any concerns. He wanted to make sure he had a good business environment. The facility is currently a retail establishment, so there is traffic going in and out. The area in the back is employee parking. Her concerns are news to him, but if he needs to address something, he would make sure the issues are handled.

President Pearson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Moore said it is difficult to consider residential zones adjacent to commercial zones. He understood residents being concerned about the commercial spaces, but the C-3 zone is zoned for this type of activity. He appreciated that the business owner is concerned about the neighbors.

Commissioner Fitzpatrick said he sympathized with residential property owners adjacent to commercial properties. He owned a property adjacent to the Applicant's last enterprise and he did not feel that it affected the use of his property.

President Pearson appreciated the neighbor's concerns. However, Staff has done an extensive review and set some meaningful conditions. The request meets all of the criteria the APC is asked to review.

Commissioner Innes believed the owner would respond to any of Ms. Stevens concerns if any issues occur after the business has begun. The APC cannot ignore the rules that go along with this type of application and review. She thanked Ms. Stevens for expressing her concerns.

Commissioner Spence said most of the activity would be due to the retail business, the indoor garden supply store. The grow room is 30-feet by 25-feet and would be enclosed. He did not believe this would have a negative impact on the neighbors because the Applicant is prohibited from allowing any light or odors to escape. He believed Ms. Stevens was concerned about the concept of marijuana being grown in the neighborhood. However, he believed the Applicant would be a good neighbor because he has been in the past. The zoning gives the Applicant the right to be in the facility and the operations are legally permitted.

Commissioner Mitchell agreed with the rest of the Commission. The large trucks that go in and out of the area create noise and fume issues. She did not believe the grow operation would create more of a hazard or problems for the neighborhood. The Applicant's downtown operation has been a very quiet business. Given the zoning, there is no way for the APC to deny this request. The Applicant has complied with Staff's requirements. Residents can request changes if the business becomes a problem.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU16-04 by Oscar Nelson; seconded by Commissioner Innes. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

ITEM 4(b):

A16-03 Amendment A16-03 by Astoria Parks and Recreation Department to amend the Astoria Comprehensive Plan to include the Astoria Parks and Recreation Comprehensive Master Plan, city wide. This issue was continued from the May 24, 2016 meeting.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Mitchell stated she would abstain from voting because she did not attend the last hearing. However, she had read the Master Plan and the minutes of the hearing. City Attorney Henningsgaard said this was not a quasi-judicial hearing, so Commissioner Mitchell did not have to abstain. He explained this was a legislative hearing and the APC's decision would be a recommendation to City Council. Commissioner Mitchell understood and said she would participate.

President Pearson asked Staff to present the Staff report.

Planner Ferber said Staff would give a presentation in lieu of a Staff report. All correspondence received and text amendments made since the last hearing were included in the agenda packet.

Ian Sisson, Parks and Recreation Planner, 1555 W. Marine Dr., Astoria, presented the updates made to the draft Master Plan and Staff report, and a memorandum summarizing the modifications made since the last hearing.

The Citizen Advisory Committee and Parks Advisory Board unanimously voted to recommend that City Council adopt the Plan.

Commissioner Spence said the Citizen Advisory Committee and Parks Advisory Board raised the priority level of staffing and maintenance. He asked if this was reflected in the revised Plan. Mr. Sisson stated that the Plan communicates the priorities to decision makers in several ways. The implementation strategy prioritizes projects by recommendation completion dates for each action item. The recommendations are composed of narrative text and action items. Additionally, the Plan includes a matrix displaying the recommendations, projects, action items, and target completion dates. The executive summary also lists top priorities.

Commissioner Spence believed the City owns about 1300 parcels of land. Three years ago when the City discussed selling properties, the properties being considered for sale were not parks. He was in favor of selling any undevelopable parcels of vacant land to adjacent property owners. This would put those properties on the tax rolls and generate revenue for the City, which is needed to support the Parks and other departments. He believed the option to sell non-park properties should remain open.

President Pearson asked Staff to clarify what the APC was being asked to consider. Director Cosby explained that the Plan only applies to park land, not the other parcels that have been discussed in the past. The Plan identifies specific parks as underutilized and in over served areas. If the Plan is adopted, the City would consider repurposing or selling those parks.

President Pearson called for public comments.

George Hague, 1 3rd Street, Astoria, said he sent letters and email that had been included in the agenda packet. Mr. Sisson has done a wonderful job, but he was concerned about how the City would implement the Plan. One of the findings says the Plan identifies a higher than normal level of park land per capita and several underutilized parks. This finding will probably be used to satisfy a 20 year supply of residential or commercial land. The City will sell the underutilized parks to a private interest. In 100 years, the finding could be used again to sell even more parks in order to supply more residential and commercial properties. At some point, the City needs to maintain its parks. The report is full of statement after statement from residents opposed to selling parks. The citizens would like a higher level of service, but do not want the City to sell parks. The question about selling parks received negative responses, and then Staff separated it into two questions. The residents indicated a preference for allowing parks to return to a natural state rather than selling them. However, the Plan states the City will need more residential and commercial land over the next 20 years without indicating how much park lands will be needed in that time. Based on the projected population for 2036, Astoria's park lands will be within the recommended range. If the City sells parks and ends up with a deficit 20 years from now, it will be very difficult to buy more parcels. The minutes of a Citizen Advisory Committee meeting indicates the committee members were opposed to selling parks and were concerned that once park lands are sold, they can never be reclaimed. The APC needs to consider this. The cemetery takes a lot of Staff time because it is 100 acres. Staff is not doing as good a job as they used to on the cemetery because the City has cut the Parks budget each year since 2009. Since the department no longer has the funds to maintain its parks, the City has decided to sell some of the parks. This Plan does not state that revenues from park sales will benefit the Parks Department. The money would go into the General Fund. He attended the last Citizen Advisory Committee meeting where people were quite concerned about the sale of parks. Committee members believed they were only discussing the sale of ace parkland, which they referred to as real estate. However, the finding in the Staff report states several sites could be sold. Six or seven years from now when the City begins selling land, the public comments included in this Plan will be forgotten, but the finding will not. Page 41 of the Staff report indicates that selling underutilized parks did not rate favorably and that respondents preferred developing or reducing maintenance of those parks. Page 55 of the Staff report states the community has expressed that reconfiguration or alternative uses of facilities are strongly preferred to sales. City Staff was the only one of 13 focus groups mentioned selling parks. Yet now, the City will move forward with this finding in support of selling parks. This is not right. Astoria has an overage of basketball and volleyball courts; football, baseball, and softball fields; and playgrounds. He did not believe the City would try to get rid of those sports and playground facilities. This should have been presented in the Staff report, instead of the finding that parks should be repurposed to meet residential and commercial land needs. Staff will say this will be further investigated, but who will do the investigation? The same focus group that was in favor of selling? Staff will say this is subject to future public hearings, but how many people spoke on this issue last month? He had a problem with Staff's analysis. While he applauded the work done by Mr. Sisson and the Parks Department, he was concerned about the direction the City would go.

However, he would not be surprised if the APC recommended City Council adopt the Plan. This Plan could be recommended with limits to the sale of City parks. The APC could ask Mr. Sisson to revise his numbers to represent 2036 and show that park lands would be within the recommended range. The APC could also recommend that Council refrain from cutting Parks funding. If Parks had more funding, it would not be necessary to discuss selling parks. He believed the residents of 2036 would appreciate the City maintaining its current acreage. The park system should not be sliced and diced in order to deal with the issues. The Parks Department is responsible for many things he does not consider parks, yet their budget continues to decrease. The City should focus on ways to cut back on the non-park responsibilities that have been assigned to the Parks Department.

President Pearson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Fitzpatrick asked Staff to respond to Mr. Hague's comments. Mr. Sisson clarified that the evaluation of land that could be sold or repurposed was directed towards lands that are not legally dedicated as park land in areas that are already over served. One such property is Birch Field in Alderbrook. The Astoria Recreation Center was also considered because the Plan recommends a feasibility study on combining the recreation center at the aquatic center site. This could potentially involve the sale of the old yacht club and current recreation center facility. Oceanview Cemetery was also a consideration. This would just be a matter of due diligence to determine what could be gained by land sales, like whether the revenue would go directly to the Parks Department or time saved by the maintenance department. Several acres of land are not dedicated park lands, nor are they considered part of the inventory of park lands. These properties include rights-of-ways and traffic triangles. Some Citizen Advisory Committee members supported the sale of land and the investigation of the sale of land. The overall sentiment of the Committee was that the City should do its due diligence and look into selling land because they preferred a more manageable park system that the maintenance crew could handle with existing resources. The level of service recommendations set by the state provides very large ranges for several categories of park lands. The recommendations are based on statewide medians and it is up to each community to decide the appropriate levels of service. Facilities managed by outside recreation providers, like the State or National parks services, can also contribute to levels of service in a community.

Commissioner Fitzpatrick wanted to know the process for selling the cemetery and asked about the annuity that provides for the perpetual care of the gravesites. Director Cosby said selling the cemetery would be a challenge. Staff has been open to selling the cemetery for quite some time. The State Cemetery Board would have to approve the sale of the developed portion of the cemetery. The undeveloped land could be sold and professionals have indicated that about 30 acres of the undeveloped land could be developed. The City has an irreducible fund with just less than \$1 million. About a year and a half ago, the City conducted an analysis of the fund and discovered that the interest has been \$2000 to \$3000 per year for the last 10 years. Prior to that, the fund was earning \$30,000 to \$40,000 per year that would go towards staffing and maintenance of the cemetery. In the 1970s, staffing was cut from seven to five full time employees. Staffing continued to be cut and in 1999, the number of full time employees went from two to zero. This has resulted in the current negative feedback about the cemetery.

Commissioner Fitzpatrick asked if the decrease in funding was related to the decrease in interest. Director Cosby confirmed that City funding was completely separate from the irreducible fund. The City has struggled financially to maintain a full service city and so many services in a small community is not typical. Many departments are stretched thin and the most severe cut was seven years ago when the Parks Department lost the majority of its full time employees. The Master Plan demonstrates that while funding and staffing were reduced, services were not.

President Pearson congratulated Director Cosby and Parks Staff for creating a plan that encompasses many concerns. He fully supported the Plan and was willing to recommend City Council adopt it.

Commissioner Innes said she would recommend the Plan as well. She believed the Plan provided the framework for solving several issues in phases. She was confident the right data would be examined and good decisions would be made. Citizens have enjoyed great services from the City, but not everyone can have what they want when they want it anymore.

Commissioner Spence said Mr. Hague made many good points. The City can never have enough open space and green space. He believed an oversupply of parks relative to population was immaterial. Land is not made, so

the City must utilize what it has wisely. He agreed with Mr. Hague and was not in favor of selling park lands. He supported utilizing park lands in different ways while maintaining them. Once the properties are gone, they can never be recaptured. Even with a lack of buildable lots, Astoria's population will continue to grow. The City needs to preserve and protect what it has. He would approve this request with comments in opposition of selling park lands and hoped Council would consider the comments.

Commissioner Mitchell said she believed there were some very particular things about Astoria that make this a special circumstance. The population has been between 9000 and 10,000 for 100 years or more. There is not a lot of buildable land, so the population cannot grow very much in Astoria. This makes population growth predictable. Also, there is a wealth of recreational land in the area. City parks and other parks are used daily, so people are not entirely dependent on what the City provides. Lands not being used as park space could be used in another functional way. However, people will only begin to speak up about selling land when the City starts to take action. If the City decides to sell an unused land, there will be much public participation. Therefore, she was not as concerned about land sales as Mr. Hague. She has not seen a city sell a park because it is not worth going through the grief. She believed Staff did a marvelous job creating a basic plan.

Commissioner Fitzpatrick thanked Director Cosby and Mr. Sisson for their work on the Plan and Mr. Hague for his presentation. The Plan points out the consequences of the shortfalls in the budget and the importance of figuring out how to staff and fund the parks.

Commissioner Innes moved that the Astoria Planning Commission found the proposed amendment to be necessary and recommends to the Astoria City Council that the proposed amendment be approved. seconded by Commissioner Fitzpatrick. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Fitzpatrick said at the last public hearing, he was surprised by the response from an Applicant when asked if he had a presentation, as the project was very large. Staff had invested considerable time assisting the Applicant with preparing the application and the Planning Commission invested considerable time reviewing the application. He expected the Applicant to thank Staff and Commissioners for their time, then either offer more information or state the Planner had done a good job of presenting the application and offer to answer questions. He believed Staff and the Commission felt the application was worthy of approval and the Commission unanimously voted to approve the request. However, he was still bothered by the Applicant's response when asked if he had a presentation, "nope." He understood an Applicant might be timid about approaching the microphone, but in the ten years since he began attending Planning Commission meetings, he has seen possibly more than 100 Applicants thank the City and provide input; he could not remember an Applicant who did not. He has even made long distance trips to Astoria to make sure Applicants understood he took their request seriously. Even if he had nothing to add, he thanked the Applicants. He asked if it would be out of line for a Commissioner to request that a public hearing be continued until the Applicant could provide a presentation that justifies their request. During the last public hearing, he was not sure how to react.

President Pearson said he disagreed with Commissioner Fitzpatrick. The application was very simple and all of the necessary information was provided in the Staff report. The Applicant did not deny the Commission access to any information and no questions were asked of the Applicant. He did not have any expectation, nor did he want there to be a perception that the Commission expected thanks for the work they do.

Commissioner Moore believed it would be difficult to draw such an arbitrary line about what constitutes a complicated request. He had been concerned that the Applicant would be significantly violating the Gateway Overlay Zone because the applicant did not provide a master plan for the campus area as recommended in the staff report to bring the project up to the standard in the future. The Applicant seemed to be confident the request would be approved without the need to address any questions about the project. The Commission had the opportunity to ask questions and the request could have been denied if questions went unanswered. It would be difficult to require a presentation for certain projects. He would not want to force people to make a presentation, but would encourage presentations and be available to support applications in the future.

Commissioner Innes said in this particular case, she felt like she could ask questions. She believed Commissioners did ask questions. It was regrettable that the Applicant did not have a long range plan, which put

Staff in an unfavorable position. However, she believed it would not have been appropriate to continue the hearing until a long range plan was presented.

Commissioner Fitzpatrick stated the Applicant requested a variance from the Gateway Overlay zone floor to area ratio requirement. Instead of explaining why the variance was being requested, the Applicant said nothing.

Commissioner Moore suggested Commissioners put a little more thought into future variance requests.

Commissioner Innes added she believed choosing between Applicants would create a slippery slope. Many people are uncomfortable making presentations.

Commissioner Fitzpatrick said this particular Applicant was a professional who was being paid to present the request. Sometimes he is unsure of the Commission's authority to make judgment calls and ability to state when he is not comfortable with the way an application is being presented. That request was one of the biggest the Planning Commission has had to review. He believed an Applicant requesting a major variance should offer an explanation or offer to answer questions.

Commissioner Spence said if the situation occurs again, Commissioner Fitzpatrick would recognize his ability to speak his mind. Commissioners have the right to bring up things that are bothersome or make motions at any time in a public forum.

Commissioner Mitchell suggested the people in charge of the project be told they need a different representative. Commissioner Moore noted that the Applicant put in the minimum effort required to have their request reviewed by the Planning Commission.

President Pearson said he was confident about the way he voted in that hearing. He was presented with all of the information he requested. The architect and project manager were present. No questions were asked and the Commission voted unanimously to approve the variance. The Commission can discuss procedures and the role of the Chair, but he believed a specific topic should be addressed, other than the Applicant's personality.

Commissioner Fitzpatrick clarified that he was not questioning the Commission's vote. He wanted to know what the Commission could do in those situations.

President Pearson said the hearing could have been continued or asked the Applicant for more information. He apologized for failing to make this clear. In the future, if Commissioners believe information is missing, the Commission could work with the Applicant.

City Attorney Henningsgaard reminded that the City is bound by the 120-day rule, which establishes a timeline for approving applications. Continuing a hearing could violate this rule and keeps the application on Staff's desk, occupying more Staff time. Commissioners can always ask questions of an Applicant. If Commissioners believe the record is deficient, the Commission could continue the hearing or deny the request. However, if all of the information has been presented, the Applicant has a right to make a presentation but does not have any obligation to speak.

Commissioner Spence confirmed that a special meeting had been scheduled for August 2nd.

PUBLIC COMMENTS:

George Hague, 1 3rd Street, Astoria, said his letters to the Planning Commission were buried in the end of the 88-page Staff report. It would be nice if Commissioners were notified where public comments were located within the reports. He suggested Commissioners read public comments first and then review the Staff's reports. Sometimes, Commissioners miss the public comments because they are behind 80 pages of material. He walks around the city every day and has noticed that some of the large garbage bins around town need to be updated. Other cities set standards for those types of containers. The large doors are sometimes left open, but some cities provide bins with side doors that make dumping easier. At some two- and three-story buildings, like hotels, large slats are placed over the bins so that people looking down do not see into the garbage. He believed Astoria should adopt these standards, maybe over a ten year period. Staff should encourage business and property owners to fix and update the bins. Also, he asked the Planning Commission to consider where the Sunday

Market would be located if a new library were built on Heritage Square. He has looked at the plans and understood all of the work that went into the plans. The City probably needs multi-family units above the library, but where would the residents park and where would the Sunday Market go? If the building were just a library, no cars would be parked at that location on Sundays, allowing the market to be located there. He hoped the Planning Commission and Staff could find a solution. As more multi-family units are built, the City will need more parks.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:00 pm.

APPROVED:

Community Development Director

DRAFT

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
September 27, 2016
CALL TO ORDER:

President Pearson called the meeting to order at 6:30 pm.

ROLL CALL:

Commissioners Present: Commissioners Present: President David Pearson, Vice President Kent Easom, McLaren Innes, Daryl Moore, Jan Mitchell, Sean Fitzpatrick, and Frank Spence.

Staff Present: Community Development Director Kevin Cronin and Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Item 3(a) July 26, 2016
Item 3(b) August 2, 2016

Commissioner Innes moved that the Astoria Planning Commission approve the minutes of July 26, 2016 and August 2, 2016, as presented; seconded by Vice President Easom. Motion passed unanimously.

PUBLIC HEARINGS:

President Pearson explained the procedures governing the conduct of public hearings to the audience and advised that handouts of substantive review criteria were available from Staff.

ITEM 4(a):

CU03-04 Permit Extension request for Conditional Use CU03-04 by Elisabeth Nelson for a temporary use permit for one year, to August 26, 2017 to operate the Astoria Conservatory of Music in the existing church structure at 1103 Grand Avenue in the R-3, High Density Residential zone.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Vice President Easom declared that he was a member of the First Presbyterian Church, but this request would not affect his personal finances or his vote.

Commissioner Moore declared that his son is currently a student at the conservatory, but that would not affect his objectivity.

President Pearson called for the Staff report.

Planner Ferber reviewed the written Staff report.

President Pearson opened the public hearing and confirmed the Applicant was not present. He called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he closed the public hearing and called for Commission discussion and deliberation.

Commissioner Mitchell believed using an existing building for a non-obstructive use was great. All of the Commissioners confirmed they supported the request.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Permit Extension request for Conditional Use CU03-04 by Elisabeth Nelson; seconded by Commissioner Mitchell. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

ITEM 4(b):

A16-01 Amendment A16-01 by Community Development Director to amend the Astoria Development Code, Article 9 Administrative Procedures, City Wide. Development Code Standards Articles 9 and 10 are applicable to the request.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, he called for the Staff report.

Director Cronin reviewed the written Staff report and noted no significant changes had been made since April.

Commissioner Mitchell said she appreciated the level of detail that went into this work because it will solve problems down the road.

Commissioner Moore confirmed no major changes had been made since the last time the Planning Commission discussed the amendments.

Commissioner Fitzpatrick asked what changes had been made other than providing notices to people within 200 feet and posting notices at the site. Director Cronin clarified there were no other changes. He explained Staff had already been providing notices to people within 200 feet, but the current Code had only required a radius of 100 feet from the site.

President Pearson opened the public hearing and called for any testimony in favor of the application.

Jack Osterberg, 1711 Grand Ave., Astoria, stated he believed the proposed amendments made sense, added necessary information, and aligned the Code more with what the City has already been doing.

President Pearson called for any testimony impartial to the application.

Doug Thompson, 342 14th Street, #602, Astoria, said in theory he was supportive of streamlining administrative procedures regarding land use issues and he believed the proposed amendments looked good. He received information from Director Cronin that night that the Department of Land Conservation (DLCD) had a template for a model. He believed models were beneficial and he wanted to know in which areas Director Cronin had decided to vary from the model and why because that information did not appear to be included in the Staff report. He has known about this hearing for several weeks now, but the materials were not released until the middle of last week. He did not know the proposed language was almost identical to what was discussed last spring. He noted his concerns were not substantial. This issue quickly died last spring and now, six months later, the issue is being revisited. However, he only found out in the last several days that the language is identical to the previous work. Director Cronin has decided to link two chapters, so this hearing and the hearing on the Code amendments related to accessory dwelling units (ADU) should be continued. Many people have not had the opportunity to review the material.

President Pearson called for any testimony opposed to the application. Hearing none, he closed the public hearing and called for Commission discussion and deliberation.

Commissioner Mitchell asked why this hearing had been delayed. Director Cronin explained that this proposal was linked to the ADU proposal for efficiency and the two are not related in any way. He could have scheduled this hearing for April 2016, but Staff wanted to provide more opportunities for public comment. He apologized for not including the model code language in the Staff report and offered to provide the information to anyone who wanted it.

Commissioner Moore believed the Planning Commission was ready to move forward on Article 9 that last time they reviewed it and no changes have been made since then.

President Pearson said he supported the changes, particularly the higher standards for mailing notices because it increases transparency. Commissioner Moore added that the onsite notices will let renters know about what is going on.

Vice President Easom moved that the Astoria Planning Commission finds that Amendment A16-01 to be necessary and recommends approval to City Council; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

ITEM 4(c):

A16-02 Amendment A16-02 by the Community Development Director to amend the Astoria Development Code, Article 3: Accessory Dwelling Units, Article 1: Definitions section to encourage more housing options as part of a larger affordable housing strategy, City Wide. Development Code Standards Articles 9 and 10 are applicable to the request.

President Pearson asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, he called for the Staff report.

Director Cronin reviewed the written Staff report and noted no significant changes had been made since April.

Commissioner Moore understood that an existing detached garage could not be converted to an ADU, but the space above a detached garage could be. He recommended allowing detached garages to be converted because Astoria has many small detached garages that are not useful as garages and adding another story would be prohibitively expensive. He also believed the location of entrances should state whether the requirements apply to detached structures.

Commissioner Mitchell believed the Code language should ensure normal doors are used on converted garages to prevent someone from using a garage door as an entrance.

Following discussion, the Commission agreed that ADUs should not be mentioned in the paragraph about the location of entrances.

Commissioner Moore asked how many units Staff expected to create. Director Cronin said he could not predict the market, noting this was also discussed at the Lower Columbia Preservation Society (LCPS) meeting held just before this Planning Commission meeting. However, he was sure no additional units would be created under the existing Codes. The City has only received one application in five years. Commissioner Moore understood the City was trying to open up some opportunities for some additional low rent units. Director Cronin confirmed that he did not expect more than two or three applications per year.

Commissioner Moore asked how many lots would be affected by the changes in the lot size requirements. Director Cronin said he did not have the answer, but noted Staff is not receiving requests for lot partitions because of the current requirements. Staff could run a GIS analysis to determine the number of lots, but it would be a small number. Placing a tiny home or ADU on a flat 9,000 square foot lot is a more attractive option than waiting on the City to do something about the lot sizes.

Commissioner Moore understood tiny homes had to be constructed off site and attached to a foundation when placed on site. Director Cronin clarified tiny homes are not required to be built off site, but they usually are. The Code would allow a tiny home to be built on the property. The proposed changes create the ability to add detached units, but define a tiny home as a manufactured dwelling built off site.

Vice President Easom said the recommendation discusses reducing lot sizes from 5,000 to 4,500 square feet. Director Cronin explained the Staff report in the packet was included to keep the Findings of Fact available from the original Staff report.

Commissioner Fitzpatrick said he was also concerned about the original Staff report. Director Cronin clarified the Commission would be recommending the amendments, not the Staff report, to City Council and a new Staff report would be provided to City Council.

Vice President Easom disagreed with eliminating garages, which can increase on-street parking. However, he supported putting an ADU above a garage.

Director Cronin confirmed that a garage counted as a parking space when a driveway was present. However, Staff has found that no one uses their garages for parking anymore; they are used for storage.

Vice President Easom understood that ADUs would have to provide adequate parking, but the Code allows that parking to be on the street. Astoria has neighborhoods with parking issues and increasing on-street parking by eliminating a garage is a mistake.

Commissioner Fitzpatrick agreed.

President Pearson opened the public hearing and called for any testimony in favor of the application. Hearing none, he called for any testimony impartial to the application.

Doug Thompson, 342 14th Street, #602, Astoria, stated he was generally in favor of the concept of increasing density in Astoria. He was also in favor of a variety of housing types in order to accomplish increased density because density is directly related to affordability. There is a lot of pressure to increase density. In the past few days, the Obama Administration just released a 32-page toolkit available online for cities and counties to use when increasing density. This is not a politically pain-free exercise, but he believed it was necessary to increase the supply and the affordability of housing of all types. He commended Director Cronin and the Planning Commission for dealing with this issue. However, this issue is moving forward very quickly. He realized the City dealt with this issue six months ago, but he did not know the Staff report that was issued and made available to the public just last week was the identical to the Staff report from last spring. Now, he has learned that Staff report could not be relied upon 100 percent. Earlier that day, he received a notice in the mail from the City. The notices were mailed last Friday, September 23rd. It was a Notice of Public Hearing for the Astoria City Council on Monday, October 17th to consider the two items being discussed now. The notice says the Planning Commission has already recommended approval of the two requests. He asked for an explanation.

Director Cronin said he had not reviewed the notice before it was sent out, but explained that the City is required to send the notices in advance.

President Pearson confirmed the Planning Commission had not approved anything when the notices were sent.

Mr. Thompson understood that errors happen, but this public notice did not allow the public to understand when they would have the opportunity to comment.

Commissioner Mitchell stated the point of the public notice is to get people to attend the meeting and this notice worked.

President Pearson apologized for the mistake.

Mr. Thompson added that he was speaking as an individual, but he was also a member of the Lower Columbia Preservation Society (LCPS) Board of Directors and has been designated by that board to advocate for the LCPS. However, he was not present in that role because the board has not reviewed, discussed, or taken a position on these two requests. He asked the Planning Commission to continue this hearing to give the public the opportunity to look at the recommendations from today, not six months ago. The Sightline Institute in Seattle states on their website that they did an exhaustive study on ADUs within the last two years. The study included a survey of about 36 cities of all sizes in the northwest and the survey results were summarized in a 4-page matrix that he printed from the website, which he had available. The matrix identifies the seven criteria that those cities wrestled with to come to conclusion on as follows: the number of ADUs allowed per mile; off-street parking spaces required per ADU; must property owner live on site; how many people may live on the lot; how big may the ADUs be; where will ADUs be allowed; and must the exterior design of the ADU match the house. The Staff report addresses each of these points. It is possible that the Planning Commission held work sessions to deal with the issues in detail, but that would have been done six months ago. He questioned whether the public was engaged in the process. He understood a public engagement process would be time consuming and costly. The City did this with the Riverfront Vision Plan by dividing the process into bite sized chunks. He read in the newspaper that the City is now struggling to continue the process. He understood time was money, but believed this proposal to allow ADUs in every zone would affect every citizen in the city. He advised the Commission to engage the public. An education process is necessary because there were things in the Staff report he did not understand even though he served on this Commission for three years and on City Council for 11 years. He believed the public should have the opportunity to think about this proposal. As a Planning Commissioner, he was advised early on that the Commission's job is to sweat the details and deal with the minutia of the issues, allowing the Commission to tell Council that a lot work went into their recommendation. If the Planning Commission has not looked at other cities, dealt with all of the issues, and tried to learn lessons from other jurisdictions through a thorough public discussion, then he urged the Commission to take the time to do this right.

Sarah Jane Bardy, 1661 Irving, Astoria, said she agreed with much of what Mr. Thompson said. She was not opposed to ADUs and understood they could address the housing crisis. People are moving to Astoria, but there is nowhere for them to go. However, she believed the amendments needed to be narrowed to ensure that they do fulfill housing needs before being approved. It is very important to include a clause ensuring that converted garages and newly built structures are rented at least on a month-to-month basis. This will prevent people from renting the units out as nightly vacation rentals. She was also concerned about the parking requirements. Some neighborhoods already have a parking shortage. Cars park on the sidewalk along one stretch of Irving because there are no driveways. The Code could prevent people in that neighborhood from having ADUs because the

parking is not adequate for more tenants. She believed new construction should not be visible from the street because the beauty of the town is a huge part of its charm. She has never seen a town this well preserved. The Planning Commission should not just say no to everything, so she believes the amendments are a good idea, but they need to be narrowed. She also wants new construction to match or be congruent with the style of the house. Years ago, she was thinking about converting her garage. The City told her no codes were in place for that type of project at the time. Her garage and house were built in 1905 and her converted unit would have matched the house. She believed all of her suggestions could be written in and the amendments have the potential to make the city more affordable to live in.

Katy Rathmell, Astoria, said she was speaking as a member of LCPS. She believed the comments made so far were correct. She wanted the process slowed down so that the issues could be discussed. She did not believe the community had enough information about how the amendments would impact the neighborhoods. The community has no idea how much density can be increased and it would be nice to know how many more housing units could be put in Astoria without overwhelming the system. She asked the Commission to continue the hearing and let the public have more time to discuss and think about the issues.

Dave Pollard, 1676 Jerome, Astoria, said he has lived in Astoria all his life. His family came to Astoria in 1900 and they have had a deep commitment to the city for a long time. He lives in a National Historic District and a designated historic home in an area that he believed would be significantly impacted by the proposed changes. He believed Astoria was experiencing a renaissance and much of the change is positive. However, he also believed the changes made were fragile. The number of vacant buildings downtown indicates there is a lot of potential for growth, but that growth has not yet occurred in the commercial areas. The people who come to Astoria are people who can go anywhere they want and their income is portable. If these people find another place that is exciting, they will go there instead of Astoria. He hated to say he was opposed to a proposal designed to create affordable housing, but he did not believe the proposal would actually create affordable housing. Last night, he looked online and found 13 vacation rentals by owners in Astoria, and Airbnb listed 35. There are also other homeowners who are renting out their properties without being officially listed on Airbnb. This has resulted in a tremendous demand for transient housing and recreational housing in Astoria. He has been very interested in how many homes are empty in his neighborhood. About a year ago, he walked the neighborhood. Clatsop Community College is on the south side of his house. There were 31 houses that were used for recreational housing and were not lived in full-time. Within the last 24 hours he passed by those same properties and found that there are now 29 houses not lived in full-time. This means people are buying the houses, but not living in them full-time or participating in Astoria's economy. These people own the properties but are not really a part of the community. He was afraid this proposal would become a Petri dish for creating Airbnb properties and transient housing. The government has problems enforcing the rules that have been established, especially because there is no system in place to enforce the rules. Can the City control who parks where or how many cars a person owns? Can the City control who lives in a house with an accessory dwelling? Those are pretty difficult to do. People may or may not live in the house or they may rent under the radar. People could be parking cars in spaces that could be used by residents or other individuals. He was concerned that this proposal would eventually cause the situation that occurred in Cannon Beach, where the number of vacation rentals ended up overwhelming them. The same thing has happened in Seaside and Gearhart. He was also concerned about density and parking. At about 11:00 am on weekdays, he must park several blocks away from his house. On Irving between 16th and 17th Streets, there are eight homes. On his street, there are three homes. All of those homes except one could have an accessory dwelling unit. What we're really talking about is increasing densities in areas that cannot handle higher densities because there is no parking. He appreciates when people have to come to the City Planning Department to get variances because there are controls set to limit how much the density would impact the neighborhoods and how it would impact the quality of life in those neighborhoods. He was also concerned about what these changes would do to the historic neighborhoods. Converting a basement into an accessory dwelling unit would not have a visual impact on how the neighborhood presents itself. One block from his house is an area where large houses are turned into five-plexes, duplexes, and rental units. He was not categorically opposed to those types of changes. However, he was concerned about what tiny houses would do to historic districts. He goes to every historic district he can find in every town he has traveled to and has never seen an area that successfully presented itself well with things like tiny houses and trailers. If his community is going to present itself to the City, the State, and to the world as a wonderful town that supports historic preservation and historic districts, the City needs to be very careful about the types of structures built into the Development Code. He also believed it was very important to protect the quality of life and ensure the changes will really do what the City hopes they will do. He asked the Commission to consider whose needs would be met by this proposal.

President Pearson called for any testimony opposed to the application.

Linda Oldenkamp, 1676 Jerome, Astoria, stated she was opposed to the proposal, particularly the tiny house concept. The Comprehensive Plan's general land and water use goals state the primary goal is to maintain Astoria's existing character by encouraging compact urban form, strengthening the downtown core and waterfront areas, and protecting the residential and historic character of the city. The intent of the Plan is to promote Astoria as a commercial, industrial, tourist, and cultural center. The Plan's housing policies state the historic neighborhoods are recognized as some of the City's most significant assets and should be protected through the Historic Preservation Ordinance and other actions. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction. If the Commission plans to vote in favor of the proposal, she wanted to hear from each Commissioner how tiny houses in all of the neighborhoods would protect the historic character of neighborhoods. The historic homes and residential areas are the most wonderful things about Astoria and they need to be protected. She did not believe tiny houses were the answer. Nothing could convince her that tiny homes would end up being affordable housing. The Findings of Fact state the ability to use land efficiently would allow property owners to partition lots, use proceeds to finance improvements to existing historic structures, and allow reuse of existing buildings. This will provide income for the building owners and facilitate restoration and maintenance of historic buildings. This is not a fact. People will not necessarily use money from tiny houses to work on their homes. She was concerned because people in Astoria do not know about this proposal. She knew the City held meetings, but people do not know what the meetings are about. She encouraged the City to do all it could to get the information out to people. The City needs to hold a meeting with the community before going any further because these are sweeping changes. It is not fair or right that people do not know about this proposal. Property owners and renters need to know what is being proposed.

Pamela Alegria, 1264 Grand Ave., Astoria, said Astoria's charm and economic engine are its historic buildings and vistas. Astoria is a destination, but the proposed amendments might negate this accomplishment. She was concerned about tiny homes. The housing study seemed to indicate there were other strategies that have been proposed and would be more effective at increasing affordable housing. If tiny houses are approved, she suggested they be approved as a Type 2 permit to provide opportunities for comments. She also recommended tiny homes be a conditional use, not a permitted use in any zone. She preferred tiny homes only be permitted in a manufactured home or recreational vehicle park. Design guidelines should be required, particularly in historic areas, because every home should have its own aesthetics. Many of Astoria's streets have parking problems and many people have two cars. The parking ordinance is too wishy-washy because there are no criteria for determining how to credit parking spaces. This creates a lot of contention. She wanted the location of entrances and the location of the tiny house to be part of the design guidelines. She also wanted tiny homes limited to a cluster zone. She hoped the Commission would consider the effect of tiny homes on the character of the city and whether they will actually increase affordable housing.

Lorrie Johnson, 1193 Harrison Ave., Astoria, said she supported protecting and maintaining Astoria's historic neighborhoods. She agreed with the speakers before her. The historic neighborhoods are the charming parts of Astoria. She wanted to know how a tiny house would fit into affordable criteria. She had no idea how much tiny houses cost to build, but she was interested in looking it up. Her apartments are lower income apartments and she could not understand how she could rent a tiny house after the building costs, taxes, and other expenses. She wanted to see some of the empty downtown buildings reutilized, improved, and made into affordable housing. She was also concerned about parking. There are three churches within a block of her house and there is no parking on Sundays between 10:00 am and 1:00 pm, even for the residents. She believed this process was moving too quickly and she wanted a community discussion on this proposal. She questioned whether these amendments would help tax-paying residents with historic homes or people who move into the area without jobs and need affordable housing.

Jack Osterberg, 1711 Grand Ave., Astoria, said he had not prepared any comments because he just noticed the email about the hearing earlier that afternoon when he returned home from vacation. He stated he was a member of the LCPS and the Historic Landmarks Commission (HLC), but he did not believe his position on the HLC had any bearing on this testimony. He opposed the amendments and agreed with the comments made impartial to the proposal. He was concerned about the overall impact to historic districts. He believed the amendments included many shades of grey. He supported many aspects, but he was troubled by other elements. The existence and placement of tiny houses in historic districts could never be placed without adverse or negative impacts. Perhaps some locations could be allowed under certain circumstances. However, in general, he was in opposition because of the way the Staff report was presented. He must speak against the application because he did not support the entire proposal. He lives in a historic district and parks his cars in his garage. He agreed that parking was an issue and that more time should be spent on this request. The Commission might believe they had already done their work, but several committed individuals have brought up some good points. He urged the Commission to listen to the testimony given at this hearing and consider a continuance.

Mike Sensenbaugh, 110 Kensington, Astoria, said he did not own a historic property, but he was a member of the LCPS. He did own a lot that could potentially be subdivided and had enough area to build an ADU or a tiny home. However, he was opposed to the proposed amendments. This would start a slippery slope in the community. About a year ago, he relocated to Astoria from a neighborhood in Portland with many smaller homes, which were removed and replaced with skinny homes or larger homes that were out of place in the neighborhood. He was very concerned when he first saw this proposal six months ago because a lot of the changes that are taking place in Portland could start here. When the packet was first posted online about a week ago, he believed some of the Commissioners were confused about why the April Staff report was being reviewed again. However, he did appreciate that City Council would receive an updated Staff report. This proposal might be a good start, but the Code needs a number of revisions. This is an opportunity to prevent the destruction of the visual appeal of the neighborhoods. He and his wife came to Astoria for 10 years before deciding to move. If ADUs could be incorporated while preserving the appearance of the neighborhoods, and the amendments could be tweaked before they are passed, then he would favor the proposal. He did not see that the amendments addressed the number of ADUs. The proposal addresses size, but does not say there can only be one ADU. He was afraid a number of tiny houses would show up on a larger property. The Commission needs to make sure that the proposed changes are for affordable housing, not vacation rentals or Airbnb.

President Pearson closed the public hearing and called for Commission discussion and deliberation.

Commissioner Fitzpatrick thanked everyone for speaking because people voiced many of the concerns he had as well. He asked which of the seven issues mentioned by Mr. Thompson applied to the Planning Commission.

Director Cronin stated he did not have the list, so he could not say. He confirmed he would look into it.

Commissioner Fitzpatrick believed all seven of the issues were valid considerations. He agreed that each application should be reviewed individually. He was also concerned about how units would be used and how those uses would affect neighbors and the community. Parking is a major concern. He had sent an email discussing the infill of housing in his neighborhood over the past two years. There are many parking issues on Sundays. A number of chronic vacancies have been filling in. He listed two houses that had once been chronic vacancies and are now occupied with people who have at least one car each. The cars have spilled out into his block on Grand and in front of his house and church. These parking issues did not exist five years ago. It is important to realize how serious the parking issues are getting with existing residences. Allowing more residences and offering an on-street parking space will increase the issues and seriously impact the neighborhoods. He was in favor of a continuance since it seemed to be the consensus of the audience.

Commissioner Moore thanked everyone who commented. He believed it was obvious that everyone who attended wanted more information and he believed an informational session would benefit many people. During public testimony, he heard many questions that had already been addressed, like the questions about vacation rentals. Astoria does not currently have good enforcement, but Staff has not proposed anything that would make vacation rentals any more legal. It would still be illegal to have a nightly or weekly vacation rental, even in an ADU. He appreciated the design review process because the Commission certainly would not want to see pop-up shanties on the side of a house. He was unsure if this had already been addressed through the building permitting process and wanted more information. He proposed a work session or an informational session. He liked most of the proposed amendments, but did have some concerns. He preferred to spend more time on these issues.

Commissioner Mitchell said she could not think of any reason not to take more time to involve the public. Some of the issues mentioned at this hearing were things she had not considered in great detail. She lives in an 1890 house, but it is not in a historic district. The streets in her neighborhood are all dead ends and they have parking problems. Her neighborhood has single-family homes that were converted to multi-family or have units over the garage. Affordable housing has not been discussed as part of this hearing. She wants to protect the area from second home owners who do not participate in the community, but this proposal does not deal with that issue. She has lived in Astoria for more than 20 years and remembers when this was the affordable resource for people who were working in Cannon Beach and Gearhart. This was one of the arguments for keeping the community college in Astoria because there was affordable student housing. This is not the case anymore. She did not want to write off the people who contribute to the community. The City needs to find a way for people who work here to also live here, and that may not be through tiny homes, but she believed that is what Staff and City Council had in mind when they prepared this proposal. Astoria does not have a lot of vacant land for apartments. She understood that some people cared deeply about the issues. Parking is an issue, but some value choices will have to be made. She was happy to continue this discussion and possibly get more people to speak about the issues. She noted

she was also a member of the LCPS, but the community needs to recognize that Astoria is becoming so cute and popular that people from the cruise ships with a lot of money decide to buy houses; that is not what makes Astoria. The community needs to struggle to find ways for all income groups to live here.

Vice President Easom said he was concerned about parking. He did not believe the proposed amendments would serve as an affordable home remedy. Tiny homes and ADUs would be rented at the full market rates, not reduced rates. The units might not be seen from the street, but they will still be seen by the neighbors. The visual impact matters to all surrounding properties and the street. Adding an ADU to take care of a sick mother seems legitimate, but if the mother dies or something happens to the homeowner, it will become another rental unit. Instead of putting money into an ADU, that money could be put into maintaining the main house. An 800 square foot ADU is larger than most studio or one-bedroom apartments by 300 to 400 square feet, which is substantial. At least two people could be added to the ADU, which would definitely impact the neighborhood. He believed the Commission should take more time to consider the proposal.

Commissioner Innes agreed with much of what had been said. She thanked everyone for attending and speaking. She believed there was nothing to lose by continuing the hearing. She was pleased with all of the energy put into the various editions of the Staff reports. The audience has some good suggestions, adding that coping with affordable housing has only just begun.

Commissioner Spence thanked everyone for clearly identifying their concerns. He supported Mr. Thompson's presentation and said he wanted to see a copy of the matrix. It is important for Staff and the Commission to see what other cities have gone through. He did not believe adding mini houses to a historic district would be compatible. Historic districts must be preserved. Any accessory units must comply with design requirements and neighbors are allowed to participate. He was in favor of a continuance. Implementation of the Riverfront Vision Plan was very successful because the community was involved, the City received feedback and made adjustments, and it was supported in the end. It is important for the community to support what the Commission is trying to do. Astoria has important historic districts that must be preserved, but the City's boundaries are extensive. There are opportunities outside of the historic districts, so maybe an exclusion could be added. This definitely needs more work, more input, and more dialogue between neighbors and the Commission.

President Pearson thanked everyone for attending because the Commission appreciates all feedback, for and against. As Staff pointed out in the beginning, there has only been one ADU in the last five years. To many people, that could seem like something is not working right. This is a vital community that has to move forward and there should be more going on. Only one ADU means the Development Code is not healthy and is not working. He supported finding a way to make ADUs work. Historic preservation is never supposed to be a moment frozen in time. Astoria is about so much more and the community has always defied the odds because they have never allowed historic preservation to define the city. Astoria loves its historic buildings and this is just a small section of the Development Code that does not preempt anything else. The proposed amendments will not stop the good work of the HLC or the protections already in place. None of the on-street parking rules will be changed. This section is just about ADUs. The Planning Commission has always had to make difficult decisions and it is very rare that everyone agrees. The perception that the Commission has rushed a decision is unacceptable, so he favored a continuance. However, the Commission must move forward and present something to City Council, where there will be another opportunity for the public to speak during a hearing.

President Pearson moved that the Astoria Planning Commission continue the public hearing on Amendment A16-02 by the Community Development Director to October 25, 2016 at 6:30 pm; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Director Cronin confirmed that the on-street parking standard will not change. He explained he was trying to provide an on-street credit for property owners with an actual City street in front of their home; but the Commission can strike that from the proposal and require that the extra parking be an off-street space. He was just trying to creatively maximize space. The vacation rental dwelling standards will not change with an accessory dwelling unit. A homeowner could have a home stay lodging through an ADU, but the Commission could decide not to allow this. Astoria requires a design review in most of the city and if an ADU were proposed, the design would be reviewed by the Design Review Committee or the HLC. The Planning Commission was not being asked to review design standards. The proposed amendments do not include changes to the review types, which are determined by zoning categories.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Innes reported that she recently attended a civic leadership training session that focused on planning. She asked for specific information on affordable housing, tiny housing, distrust at public meetings, and transparency. They discussed the Planning Commission's relationship to City Council, hearing processes, ethics, and community relations. No conclusions were drawn, but experiences were shared. She learned that land use and planning guidelines were adopted by the State when farming and forestry were the focus. The guidelines lack terminology related to urban development. She also learned that other communities have had success with pre-hearing training sessions, where the Community Development Director explains procedures, the issues being discussed at upcoming meetings, and the criteria that the Commission is required to review. Commissioners should always be gracious hosts because remaining open, welcoming, and pleasant allows for the best result.

Director Cronin announced the following upcoming events:

- Economic Development Strategy presentation at Fort George on Wednesday at 6:00 pm.
- Astor West Expansion open house, which will be proposed to the Planning Commission on October 25, 2016.

Commissioner Fitzpatrick asked if the Commissioners should take public comments on the proposed amendments. Director Cronin explained the differences between a legislative hearing and a quasi-judicial public hearing. He confirmed Commissioners could discuss the amendments outside of public hearings because they are simply forwarding recommendations to City Council.

Commissioner Fitzpatrick asked if the microphones in the audience could be turned off because they magnify the sounds in the audience. Director Cronin explained those microphones are used to record the minutes.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:20 pm.

APPROVED:

Community Development Director

STAFF REPORT AND FINDINGS OF FACT -
AMENDED

October 20, 2016

TO: ASTORIA PLANNING COMMISSION (APC)

FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT REQUEST (A16-02) BY COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT CODE – REVISIONS TO ACCESSORY DWELLING UNITS.

I. BACKGROUND SUMMARY

- A. Applicant: Kevin A. Cronin, AICP
Community Development Director
City of Astoria
1095 Duane Street
Astoria, OR 97103
- B. Request: Amend the Development Code to include definitions for tiny homes and revision to accessory dwelling unit, removing restrictions for accessory dwelling units (ADUs), and allowing “tiny homes” as ADUs.
- Development Code Sections: Article 1: Definitions, Article 3: Accessory Dwelling Units
- C. Location: Citywide
- D. Zone: Multiple (see above)
- E. Previous Applications: A concurrent application (A16-01) was heard by the Planning Commission on September 27 to amend Article 9 – Procedures. The APC recommended approval to the City Council.

II. BACKGROUND

The Astoria Development Code (Code) outlines what is allowable in each zoning district with specific standards to implement the zone, including: density, lot size, setbacks, lot coverage, height, and building type. Currently, the Code allows accessory dwelling units - also called “mother-in-law units” or “granny flats” – only in certain zones under strict conditions. The provision was added in 2004, but has only produced one application and no new housing units.

Policy Context

The City Council set a FY 15-16 goal: “Promote housing that Astorians can afford.” As a result, the Community Development Department conducted a full analysis of housing in Astoria to provide policymakers a baseline of information on the local housing crisis. The “Housing Study” (2015) outlines a range of issues from population, household income, demographics, housing production, housing costs, local examples of affordable housing, and recommendations. City staff presented the study to the Astoria Planning Commission (APC) in August 2015 and City Council in September 2015 in a special work session and followed it up with a list of recommendations in November 2015 referred to as the ‘affordable housing strategy.’ The strategy included a “Problem Definition” that the Council has adopted to address the lack of housing opportunities for local residents and employers.

Regional supply is at an all-time low in every housing category and demand is at an all-time high as a result of the North Coast’s historically low unemployment rate among other factors (City/County Building Permits 2011-2016). With this backdrop, the Community Development Department proposed a set of zoning revisions to achieve the goal of creating more housing supply. With the exception of the ADU proposal, those provisions in Article 2 have been tabled until further direction from the Council.

Review Process

Beginning in February 2016, the APC held two work sessions (February 23 and March 22) to review the proposed revisions. In April, the APC was slated to hold a public hearing to officially take public comment, but the Commission opted to hold a “town hall style” work session where public comment was requested. On July 18, the City Council held a work session to get an update on the affordable housing strategy and study the code amendments, including the option to increase flexibility of ADUs and tiny homes. Based on the feedback from Council, the ADU portion was scheduled for a public hearing on September 27. (The APC did not hold their regular meeting in August). The APC continued the hearing until their next regular meeting on October 25. In order to process the comments from the public hearing, staff scheduled a work session on October 19, which was open to the public and comments were received. The staff report, recommendation, and revisions to the ADU proposal reflect the comments received at the work session.

Overview of Revisions

Staff presented a list of issues that were raised at the September hearing during a work session on October 19. Discussion of the issues is contained in a memo to the APC dated October 14, 2016 and enclosed of the record. Based on this feedback, staff has made the following revisions to Section 3.020 – Accessory Dwelling Units:

- Added a homestay lodging prohibition
- Clarified city street standard for on street parking credit
- Clarified allowable ADUs: detached vs. attached
- Clarified entrances for new detached units
- Added height standard for detached ADUs
- Revised definition of ADU (Article 1)

Next Steps

The APC has the option of closing the hearing, and then deliberating for as long as necessary. The other option is to continue the hearing until November 22. If the APC recommends approval, the proposal will be forwarded to City Council for consideration and a public hearing at a date to be determined.

III. PUBLIC REVIEW AND COMMENT

Planning Commission

A public notice was mailed to Neighborhood Associations and interested parties on October 6, 2016. In accordance with Section 9.020, a notice of public hearing was published in the *Daily Astorian* on October 10, 2016. The proposed amendments are legislative as they apply citywide. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020(A) states that *“an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.”*

Finding: The proposed amendment to the Development Code is being initiated by the Community Development Director.

- B. Section 10.050(A) states that *“The following amendment actions are considered legislative under this Code:*
- 1. An amendment to the text of the Development Code or Comprehensive Plan.*
 - 2. A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate.”*

Finding: The proposed amendment is to amend the text of the Astoria Development Code concerning ADUs to encourage more housing opportunities. The Code is applicable citywide in any of the proposed zones. Processing as a quasi-judicial action would be inappropriate.

- C. Section 10.070(A)(1) requires that *“The amendment is consistent with the Comprehensive Plan.”*

1. CP.005(5) concerning General Plan Philosophy and Policy Statement states that local comprehensive plans *“Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve.”*

Finding: The Comprehensive Plan and Development Code establish specific uses allowed in each zone. The evolving development pattern and market fluctuation over the last 10 years has seen an increased need for affordable housing. The proposed amendments are aimed at addressing the need for more housing options. The Housing Study 2015 clearly outlined a need for more housing options. In response, the Council directed staff to develop a strategy to address the lack of housing options. The ADU proposal is one small part of a larger strategy.

2. CP.015(1) concerning General Land and Water Use Goals states that *“It is the primary goal of the Comprehensive Plan to maintain Astoria’s existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City’s neighborhoods. It is the intent of the plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area.”*

CP. 015(2) concerning General Land and Water Use Goals states that *“It is a goal of the plan to encourage the development of public and private lands within the city limits, particularly areas that are presently serviced with sewer and water, prior to the extension of public facilities to areas outside the City.”*

Finding: The proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities and maximizes the recent investments in stormwater treatment. The proposal will encourage redevelopment and reinvestment in vacant houses. In addition, the City’s Buildable Lands Inventory (2011) indicates the supply of residential land is at a deficit of 15 acres. The proposed changes will allow Astoria to maximize existing land within the urban growth boundary (UGB) by encouraging infill and redevelopment of underutilized properties. An expansion of the UGB is not feasible nor is it warranted.

3. CP.220.5 concerning Housing Policies states that *“Low and moderate income housing should be encouraged throughout the City, and should not be concentrated in one area.”*

CP.220.8 concerning Housing Policies states that *“Astoria’s historic neighborhoods are recognized as some of the City’s most significant assets, and should be protected through the Historic Preservation Ordinance, and other City actions to protect individual structures and*

neighborhoods. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction.”

Finding: The ability to use land efficiently will allow property owners to use the proceeds to finance improvements to existing historic structures. It would also allow adaptive reuse of existing houses providing income for the building owners and in turn will facilitate restoration and maintenance of historic homes in the various zones.

Finding: The request is consistent with the Comprehensive Plan as a result of the findings stated above.

- D. Statewide Planning Goal 12 concerning Transportation requires that cities review transportation related issues when considering land use amendments. Oregon Administrative Rules (OAR) Section 660-012-0060(1) concerning Transportation Planning Rule (TPR) - Plan and Land Use Regulation Amendments stated that *“Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in Section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . .”* The OAR text continues to identify the requirements for compliance with the TPR and specific review that must be made to show compliance. The full text is not copied in this staff report but is available upon request.

Finding: The proposed amendment encourages infill and redevelopment thereby encouraging a compact urban form that facilitates alternative transportation options. The amendment would only change the allowable parameters for the construction of ADUs. Therefore, the traffic impact would be minimal for any residential use regardless of the proposal as long as it is consistent with the zoning code. Finally, the Transportation System Plan (2013) contemplated the development of a compact urban form on the overall service levels and by policy encourages infill and redevelopment. The amendment is not subject to review under the Transportation Planning Rule.

- E. Section 10.070(A)(2) requires that *“The amendment will not adversely affect the ability of the City to satisfy land and water use needs.”*

Finding: The proposed amendment would allow expanded ADUs within the R-x zones. Existing utilities and services are available for this type of use. Reuse of the underutilized portions of properties and buildings would be consistent with the compact urban form of development the City needs to conserve land area for development within the UBG. The proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code.

Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council for a public hearing, review, and adoption. Alternatively, the APC could continue the hearing to November 22 or close the hearing and deliberate at the November 22 meeting.

The Planning Commission recommendation includes an evaluation of the new standards after one year to study the production levels, efficacy, and determine if additional revisions are needed. In addition, the fee schedule to process ADU permits should be updated to reflect the true cost of administering the permit.

3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood.

B. Standards.

1. Size.

a. Primary Structure.

~~A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage. Any finished area used to determine floor area of the primary unit must have been completed at least ten years prior to the application for an Accessory Dwelling Unit. This date shall be determined by proof to be submitted by the applicant, such as the final inspection report date of a building permit.~~

b. Accessory Dwelling Unit.

~~An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller. Only one unit per single family lot is permitted.~~

2. Creation of the Unit.

a. ~~The Accessory Dwelling Unit may be created only through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units. Accessory Dwelling Units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.~~

b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as

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single service utilities. -The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.

- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.
- d. Tiny Homes: A tiny home as defined in Article 1, Section 1.400 may be located on a single family lot and treated as an accessory dwelling unit. A tiny home must be mounted on a foundation, anchored to the foundation with hurricane straps, tie-downs or other engineered measures to withstand wind load, and hooked up to city utilities.

3. Location of Entrances.

In addition to the main entrance, one entrance to the house for the ADU may be located on the side or rear of the house. An additional entrance on the main dwelling shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in from the main dwelling, the entrance shall not face the street.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright or conditional allowed as an accessory use to any existing single-family dwelling in all zones.

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5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.
- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

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-6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan, one space may be credited to the requirement of three total spaces.

-8. ~~Age of Home. Height~~

~~The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less. An Accessory Dwelling Unit may be allowed in homes originally constructed a minimum of 50 years prior to the application for the Accessory Dwelling Unit.~~

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9. Homestay Lodging

Homestay lodging is prohibited in accessory dwelling units created after January 1, 2017.

C. Permits.

1. Permit Required.

A Type 1 or Type 3 permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or

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- b. The subject lot ceases to provided the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:
 - a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.
 - b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
 - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".
2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
 - a. The permit review shall be in accordance with Article 9 concerning Type II administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; -and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and

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3) That the granting of the permit will not create a safety hazard.

3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040.

(Section 3.020 Added by Ordinance 04-10, 11/1/04)

Additions to Definitions Section of Development Code

Article 1: Section 1.400

Tiny Home: An accessory dwelling unit that is less than 500 square feet, a manufactured dwelling constructed off site according to Section 1.400, and either certified by HUD manufactured dwelling standards for permanent living or through Recreation Vehicle Industry Association safety standards for temporary living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

Accessory Dwelling Unit: An accessory dwelling unit is one additional subordinate or auxiliary living unit in an existing house or detached from the main dwelling. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling.

Comment [KC1]: Proposed additions to the Development Code require an addition and revision to the definition section.

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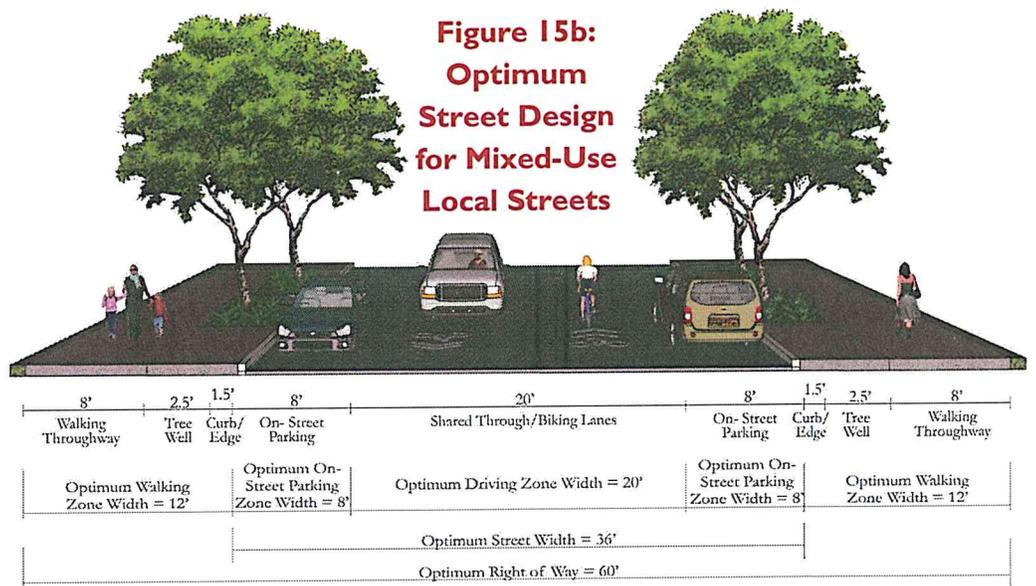
The Standards

Determining the Design Types of Mixed-Use Streets

Step 1: Determine if the street is located along a transit route. If so, the through lane width should be a minimum of 11 feet, or the minimum lane width as shown in the optimum street design, whichever is higher.

Step 2: Determine if left-turn lanes are needed at intersections. Intersection design should generally try to minimize pedestrian crossing distance. If turn-lanes are warranted, consider the trade-offs between improved driving mobility and increased crossing distance.

Step 3: Compare the optimum street design to the available right-of-way. If the cross-section is wider than the right-of-way, identify whether right-of-way acquisition is necessary or reduce the width of or eliminate lower-priority elements as determined by the City.



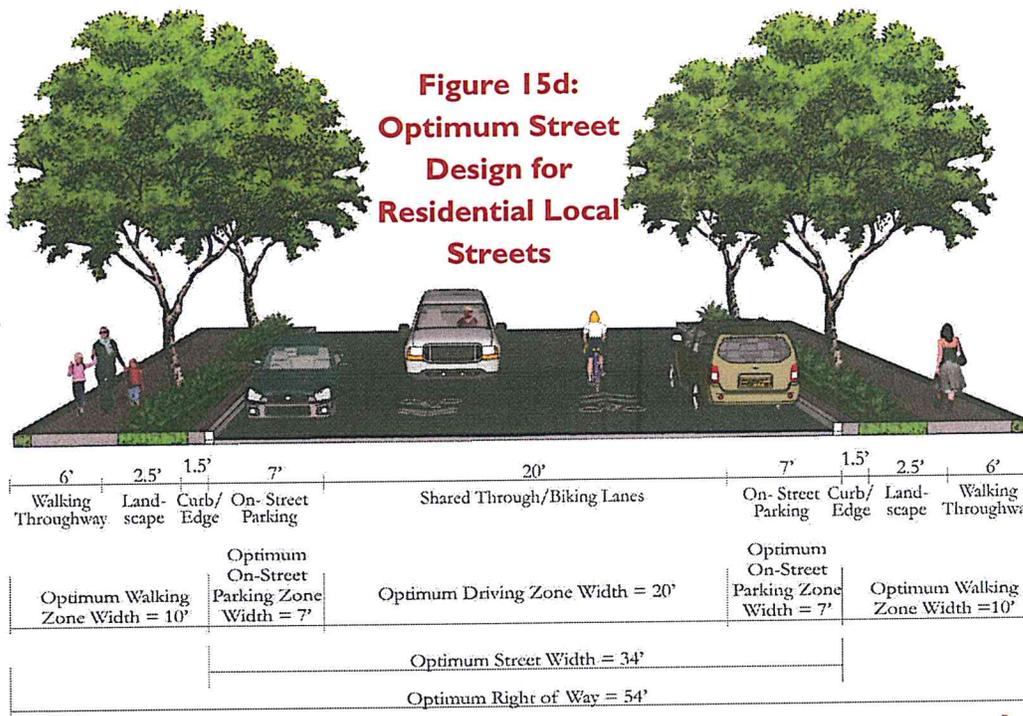
The Standards

Determining the Design Types of Residential Streets



Step 1: Determine if the street is located along a transit route. If so, the through lane width should be a minimum of 11 feet, or the minimum lane width as shown in the optimum street design, whichever is higher.

Step 2: Determine if left-turn lanes are needed at intersections. Intersection design should generally try to minimize pedestrian crossing distance. If turn-lanes are warranted, consider the trade-offs between improved driving mobility and increased crossing distance.



Step 3: Compare the optimum street design to the available right-of-way. If the cross-section is wider than the right-of-way, identify whether right-of-way acquisition is necessary or reduce the width of or eliminate lower-priority elements as determined by the City.

STAFF REPORT AND FINDINGS OF FACT

October 20, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER



SUBJECT: CONDITIONAL USE REQUEST (CU16-10) BY DARYL BELL TO LOCATE
RETAIL SALES AT 3930 ABBEY LANE, BUILDING A, UNIT 104

I. Background

A. Applicant: Daryl Bell
2220 SE Ladd Ave
Portland, OR 97214

B. Owner: Ted Forcum
Nomadic Properties, LLC
10139 NW Skyline Heights Drive
Portland OR 97229



C. Location: 3930 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 90108;
Building A Unit 104, Cannery Loft Condominium, Astoria Business
Park

D. Zone: S-2A, Tourist Oriented Shoreland Zone

E. Lot Size: Proposed retail space is 950 Square Feet

F. Request: To locate a medical/recreational marijuana dispensary center as a
retail sales establishment in an existing mixed use
(commercial/residential) building

G. Previous

Applications: The condominium mixed residential and commercial use was
approved by the Planning Commission under Conditional Use
Permit (CUP) 04-04, and Amendment to Existing Permit AEP05-
05

- Variance 04-07 and 05-04 for building height and landscaping
- Conditional Use Permit 04-04 for condominium construction
- Conditional Use Permit 14-15 to locate professional offices in
units 101, 102, 109, approx. 1,050 square feet in existing building
first floor
- Conditional Use Permit 14-09 to locate a wellness center within
the maximum 20% allowable non-industrial use

- Amendment 14-03 for rezoning from GI General Industrial to S-2A Tourist Oriented Shoreland approved by City Council 9/2/2014 Ordinance 14-08

H. Comments from Public Notice

1. Heather Hansen
2. Randy Elliott
3. Jake Bakke
4. Katie Murry and Bill Colwill
5. Donna and Russel Calahan
6. Connie Spencer
7. Petition from condo residents (see attached).

Comments and a petition from the condominium residents are attached. All concerns voiced are not directly related to criteria reviewed by the Planning Commission. In summary, concerns that are applicable include: parking and traffic impacts, potential odor nuisance, and Cannery Loft Condo Association Policies that govern usage separate from what is reviewed by the City.

II. BACKGROUND

A. Subject Property

The property is located on the north side of Abbey Lane in Building A of the Cannery Loft Condominium complex. The structure, built in 2007, is four stories with mixed use spaces on the ground floor and residential use on the upper floors.

B. Adjacent Neighborhood

The neighborhood is developed with a mixture of industrial and commercial uses. To the south across Abbey Lane is the Astoria Business Park with construction supply retail sales, automotive repair/detailing, carpet store, and a gym. Most recently, a salon has moved into 103, which falls under “personal service establishment” and is an outright permitted use.



The parking spaces required for the salon were dictated by the number of stations available to customers. Parking for retail sales is determined by square footage of the site.

As a condominium, each unit is individually owned, but the building envelope, parking and other common areas are owned jointly by all condominium owners through a Condominium Owners Association.



Proposed Site

To the north is the City Trolley line and Riverwalk Trail, Columbia River, and Pier 39 facility with Rogue Brewery, boat storage, offices, and marine related supplies. To the west across the 39th Street right-of-way is Hampton Inn & Suites; to the east is Building B of the condominium complex.

Abbey Lane right-of-way is 50' wide with a paved area of approximately 35' wide and parking on the north side only.

C. Proposed Use

The applicant has requested a conditional use to locate a medicinal/recreational marijuana dispensary in one ground floor unit of the building. The proposed footprint is approximately 950 square feet.

The S2-A zone allows "Tourist Oriented Retail Sales" as an outright permitted use. "Non-Tourist Retail Sales Establishments" requires a conditional use permit. The definitions of both are as follows:

Tourist-Oriented Retail Sales	Non-Tourist Retail Sales Establishment
<i>A use or business which devotes 50% or more of its gross floor area to uses or activities which are open or physically accessible to the public, and are reasonably expected to be interest to visitors</i>	<i>Business, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household or farm use. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes.</i>
Permitted Outright in S-2A	Requires Conditional Use Permit in S-2A

Note that any retail sales establishment would come under Commission review in S2-A, this application should not be weighed solely on the fact the product sold is

marijuana. In an earlier draft of the application, the applicant included a business plan including the use of the space for a gallery and splitting the space to dedicate an area to accessories and art pieces. This portion of the proposal has since been withdrawn, and the general retail sales of medicinal/recreational marijuana is the proposed use for the space.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on September 30, 2016. A notice of public hearing was published in *The Daily Astorian* on October 18, 2016. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.710 (4), Conditional Uses in the S-2A Zone, lists “*Non-Tourist Oriented Retail Sales Establishment*” as an allowable conditional use.

Finding: This district is intended to “*provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area. The uses permitted are intended to be compatible with pedestrian orientation. The emphasis is on the rehabilitation and reuse of existing structures.*”

The applicant proposes to locate a marijuana dispensary in approximately 950 square feet in the ground floor of an existing structure. The gross floor area of the ground level industrial/commercial includes 7,390 square feet (enclosed building area excluding parking and outdoor covered walkways) with the covered parking and communal areas of approximately 3,030 square feet for a total of 10,420 square feet.

Existing commercial/industrial uses at the site include a salon-an outright permitted use, mini-storage, and counseling offices, which were granted a Conditional Use Permit (CU 14-15) for “Professional and Business Offices.”

Medicinal/recreational sales of marijuana falls under “Non-Tourist Oriented Retail Sales Establishment” as an allowable conditional use.

- B. Section 2.715 (2) Development standards and procedural requirements states “*Outdoor storage areas will be enclosed by appropriate vegetation, fencing or walls.*” 2.715 (4) *Signs will comply with requirements in Article 8*

Finding: The applicant has not proposed any additional outdoor storage areas, should any storage areas be developed in the future, they shall be enclosed by appropriate vegetation, fencing or walls.

Any signage shall require a sign permit and site plan submitted per Article 8 requirements, including signage for any sandwich boards.

Section 7.100(C), Minimum Parking Space Requirements, Retail Sales Establishment parking requirements are determined by square footage of the proposed space. Retail Sales requires one off-street parking space per 500 square feet of gross floor area. With a proposed floor plan of 950 square feet, two parking spaces are required for the use as a retail sales.

Finding: The Cannery Loft Condominium complex was constructed with parking in the common areas. Covered parking within the two buildings is limited to the ground floor industrial uses as per conditions of the original Conditional Use Permit (CU04-04) and Amendment to Existing Permit (AEP05-05) and may not be used for residential parking. The building was developed with 11 covered parking spaces allocated for uses within the ground floor of Building A. The proposed 950 square feet of floor space would require one space per 500 square feet of space for a total of two parking spaces. Currently, 8 of the 11 available spaces for commercial use are accounted for. This proposal requires 2 spaces, which leaves 1 available for additional commercial/professional service use in Building A.

The site was developed with 30 residential units in Building A requiring 40 parking spaces, and 33 units in Building B requiring 45 parking spaces. With the completion of construction of Building B, 85 common area parking spaces are available.

The applicant has submitted additional traffic and parking information with the application.

- C. Section 11.020(B.1) states that *“the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan.”*
1. CP.200, Economic Development Goal 1, states *“The City of Astoria will strengthen improve, and diversify the area's economy to increase local employment opportunities.”*
- CP.200, Economic Development Goal 1 Policies, states:
4. *“Encourage private development such as retail, restaurants, commercial services, transient lodging.*
 5. *Provide a supportive environment for new business.*
 6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base.*
 7. *Encourage and support local industrial development in order to diversify beyond the City's predominant industrial sectors, while maintaining strong support for these sectors.”*

Finding: The proposed retail sales establishment is a new business to Astoria. The existing industrial/commercial spaces in the two condominium buildings have availability for commercial tenants. They were constructed as small condominium units that are not conducive to heavy industrial operations. As such, the site was rezoned from General Industrial to the current S-2A to allow for more flexibility of uses. The proposed business helps diversify the commercial site, and strengthens the City's economic base.

Finding: The proposed use complies with the Comprehensive Plan.

D. Section 11.030(A) requires that *"before a conditional use is approved, findings will be made that the use will comply with the following standards:"*

1. Section 11.030(A)(1) requires that *"the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: The proposed use is an appropriate use of an existing building. Customers can easily access the site as pedestrians coming off of the Riverwalk, or automobiles utilizing existing available parking.

The property is accessed from 39th Street, north of Lief Erikson Drive. There is an existing parking lot at the site with sufficient area for vehicle maneuvering. The nature of the applicant's business is similar to a professional services office with customers physically coming to and from the site for short periods of time. The applicant indicated that Oregon Health Authority policies restrict the number of customers that can be served at a time which would potentially minimize traffic and accessibility impacts on the site. Other zones which allow this type of use outright may be available. However, the property is available and otherwise appropriate for the use.

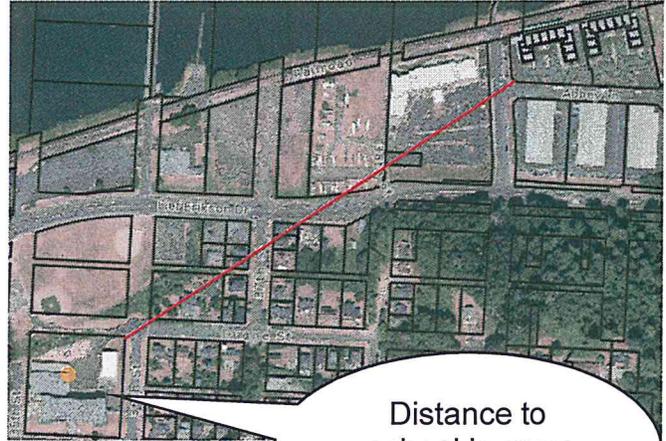
While there is *"availability of other appropriately zoned sites,"* Astoria is already home to five dispensaries, and two additional retail shops in the permitting process, not including this permit. These existing retail operations are located in commercial zones and near the downtown core. See the attached map for the distribution of dispensaries.

Three grow operations have also been permitted in commercial areas. Marijuana grow operations and dispensaries are already located in the downtown core and in commercial areas along the west end of Marine Drive. The location at Abbey Lane would allow for an equal distribution of dispensaries around the City, and avoids a clustering of these operations in any one specific neighborhood.

Unlike other retail sales, marijuana dispensaries do have additional Oregon Revised Statutes which limit the locations where they can locate. Oregon Revised Statutes 475B.110 require retail sale of marijuana items subject to regulation by the Oregon Liquor Control Commission.

This includes:

That the site “may not be located in an area that is zoned exclusively for residential use” and “may not be located within 1,000 feet of a school. The location at Abbey Lane is over 1,000 feet away from a school. See map above.



Distance to school is appx 1,467 feet

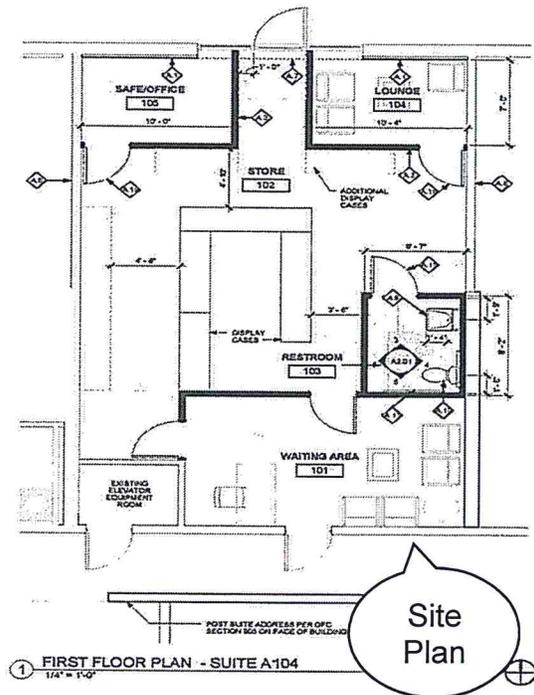
The governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under ORS 475B.070, 475B.090, 475B.100 or 475B.110. At the time of this permit, the City of Astoria has not added adopted additional provisions beyond the ORS regulations.

The applicant has acknowledged their close proximity to residences, and included information about carbon filters they propose installing to mitigate any unwanted odors. See attached specifications.

2. Section 11.030(A)(2) requires that *“an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.”*

Finding: There is ample area available for maneuvering of vehicles on the site. The 39th Street and Abbey Lane rights-of-way are improved to a width of approximately 35', with existing curbs and sidewalks. The site is easily accessible by bike and foot, via the Riverwalk. The site is located within walking distance of the trolley line.

Vehicular traffic on 39th Street is increasing yearly with the development at Pier 39, the occupancy of the Condominium buildings, and the Hampton Inn Hotel. However, the proposed use should not add a larger volume of vehicle trips to the site due to the nature of the number of clients that can be served at a time. The applicant approximates servicing 50 customers per day (12 hours) but has not indicated hours of operation. Emergency vehicles are stationed at 30th St Public Safety Building and are located in close proximity to the subject location.



With the rezone to S-2A Zone (A14-03), a Traffic Impact Study was completed by Lancaster Engineering, dated June 19, 2014, indicating that the proposed zone, which allows professional offices, retail, and other similar uses, would not have a major traffic impact.

3. Section 11.030(A)(3) requires that the use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

Finding: All utilities are at the site and are capable of serving the use. The proposed additional surveillance may in fact increase the security at the site. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but it will not overburden these services. Marijuana dispensaries are a cash only business and therefore are a target for criminal activity. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.

4. Section 11.030(A)(4) requires that *“the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.*

Finding: The site is not within 100' of a known geologic hazard as indicated on the City map. No new construction is proposed.

5. Section 11.030(A)(5) requires that *“the use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.”*

Finding: The site is landscaped and is buffered from other uses. No additional landscaping is required.

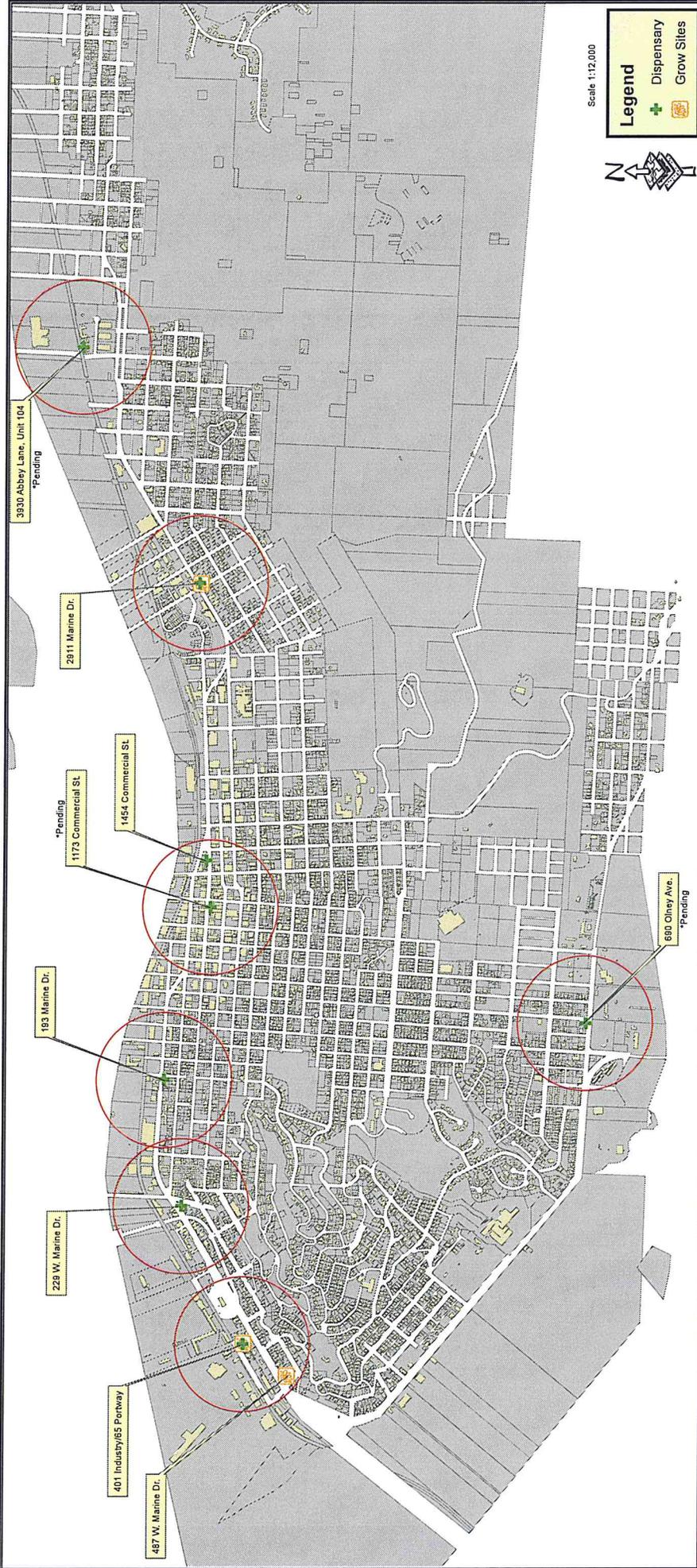
V. CONCLUSIONS AND RECOMMENDATIONS

The request meets all applicable review criteria. Staff recommends approval of the request based on the findings of fact above with the following conditions:

1. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. Any signage shall require a sign permit and site plan per Article 8 requirements, including sandwich boards. Sign permits are required prior to installation of signage.
3. The applicant shall submit all necessary OLCC paperwork and a business license prior to opening.
4. Should odor nuisances arise, the applicant shall install additional air filtration systems or odor abatement techniques.
5. The applicant shall adhere to the condominium bylaws and any additional regulations imposed by the Cannery Loft Condo Association.
6. Should parking issues due to a greater number than 50 customers per day, the applicant shall submit a parking evaluation report after one year of operation to determine if parking is adequate. If more parking is needed, the applicant shall develop a parking demand management strategy with property owner, tenant, and COA and submit to the City.
7. To address public safety concerns, the applicant will need to work with the Police Department on a security plan.
8. The applicant shall work with Recology and the COA for locating garbage and recycling.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of operation.



Scale 1:12,000



Legend

- + Dispensary
- Grow Sites



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
 COMMUNITY DEVELOPMENT

No. CU/16-10

Fee Paid Date 9-21-16 By KC

Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 3930 Abbey Lane, Building A Unit 104, Astoria, Oregon

Lot N/A Block N/A Subdivision ~~Cannery-Loft Astoria~~ ~~Condo Stage 1~~ Business Park
 Map 8009AA Tax Lot ~~80104~~ 90107 Zone S2a

90205
90305
90405

Applicant Name: Daryl Bell

Mailing Address: 2220 SE Ladd Ave, Portland, OR 97214

Phone: 503.867.5023 Business Phone: _____ Email: daryl.bell1@gmail.com

Property Owner's Name: Ted Forcum

Mailing Address: 10139 NW Skyline Heights Drive, Portland, OR 97229

Business Name (if applicable): Nomadic Properties, LLC

Signature of Applicant: [Signature] Date: 9-20-2016

Signature of Property Owner: [Signature] Date: 9-20-2016

Existing Use: Vacant

Proposed Use: Medical/Recreational Dispensary - retail sales establishment (#201)

Square Footage of Building/Site: 950 sq ft

Proposed Off-Street Parking Spaces: reqs 1 space/500# (7.110) for a total of 2.710
3 spaces for building A are available at time of application 2 parking spaces

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:	
Application Complete: <u>9-22-16</u>	Permit Info Into D-Base: <u>9-26-16</u>
Labels Prepared: <u>9/21/16</u>	Tentative APC Meeting Date: <u>10/25/16</u>
120 Days: <u>11/19/16</u>	<u>6:30 PM</u>

City Hall • 1095 Duane Street • Astoria OR 97103 • Phone 503-338-5183 • Fax 503-338-6538
 planning@astoria.or.us • www.astoria.or.us

↓
 Pending addtl retail
 info re: art + glass sales?

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 20th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses;★ availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

The use is appropriate at the proposed location:

- The proposed site is approximately 1 block west of Hwy 101 located at 3930 Abbey Lane. Traffic is relatively light exiting from Hwy 101 (Leif Erikson) resulting in easy fluid access to the proposed location which features two points of egress/ingress, making it very accessible to customers. Traffic studies were performed by Lancaster Engineering to support retail use with the rezoning from GI to S2a.
- There are additional dispensaries in Astoria – all located west of the proposed location. The Pharmacy located at 2911 Marine Drive is the closest in proximity. The proposed site will focus on and cater to residents east of 29th Street and potential customers that enter the city from the north.
- Given the number of dispensaries and respective location there are very few options in other appropriately zoned sites. In addition, there is a dearth of building owners/landlords able to or willing to accommodate cannabis based business. I have dedicated 16 months looking for desirable appropriately zoned locations in Astoria.
- Additional Considerations:
 - o Dispensary will provide discounts to veterans and the elderly
 - o Will act as a canvas for local artisans/artists
 - o Offer community support in an effort to be good stewards of the community
 - o Conduct parking lot sweeps/checks
 - o Be compliant with local and state regulations
 - o Be low profile, understated, rustic
 - o Offer robust surveillance
 - o Outfit proposed site with carbon charcoal filters to mitigate scent of marijuana
 - o Not allow consumption of cannabis products on site

- 11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

Please see site layout and dispensary schematic.

- Proposed location will not adversely impact access points. There are two egress/ingress points.

- Proposed location has two dedicated spaces. There is additional street parking allocated to CLC.
- The complex parking lot has never exceeded 35% of capacity.
- Dispensary will service approximately 50 customers per day (12 hour day) – light traffic designation.
- Dispensary traffic will not impede and/or interrupt refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities.

11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

Dispensary operation will be consistent with traditional retail operation and will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities. Robust surveillance will increase overall efficacy of security on site.

11.030(A)(4) The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

N/A – Proposed location in established commercial corridor

11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

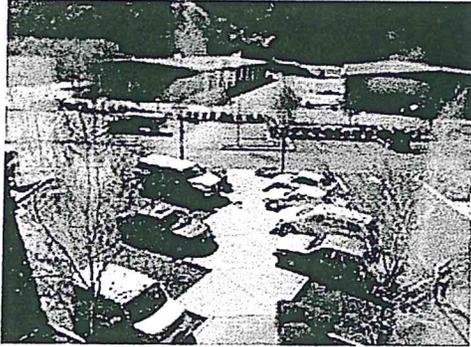
N/A – Proposed location in established commercial corridor

11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.

N/A – Proposed location in established commercial corridor

Parking

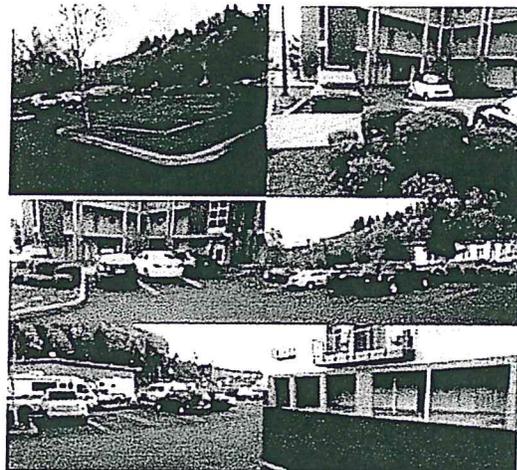
- Photo below is from Wednesday April 9th from building B at 11:00am.
 - 36.5% of building B commercial space is occupied.
 - 97% of building B residences are occupied.
 - 5 vehicles in the 14 commercial spaces, one of which is residential.
 - 10 vehicles in the common 50 spaces surrounding building B, (4 east, 10 courtyard, 36 south, 14 commercial).
 - On this day at standard business hours **only 23.4% of parking is consumed with office space commercial use.**



Parking 7:30pm Friday April 25th, 2014 Wine and Seafood Festival

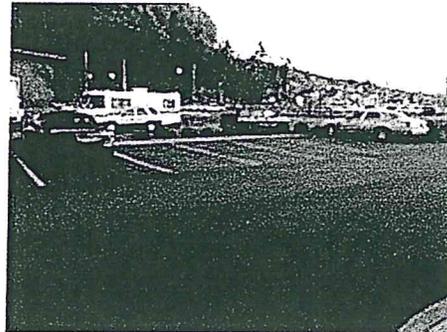
(not part of BOD presentation)

- 42 vehicles / 103 parking lot spaces
- 5 vehicles on Abbey lane
 - 3 walked to Pier 39
 - 2 vehicles allotted to CLC
 - 8 spaces on Abbey Lane allotted for Cannery Lofts.
- On one of the busier weekends only 39.6% of allowable spaces are being used



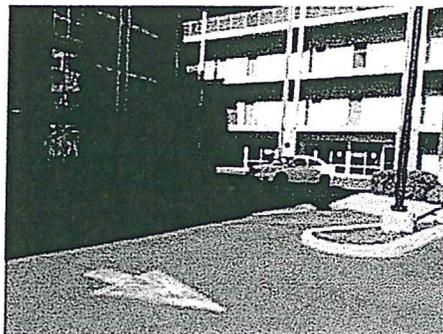
Parking 3:30pm Sunday May 25, 2014 Memorial Weekend

- 38 vehicles in the 103 parking lot spaces.
- 1 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- On one of the busier weekends only 34% of allowable spaces are being used.



Parking 5pm Saturday June 7th, 2016

- 27 vehicles in the 103 parking lot spaces. 0 vehicle on Abbey Lane. 8 spaces on Abbey Lane allotted for Cannery Lofts.
- 111 Total allotted spaces.
- 24% of allowable spaces are being used.



Friday 4/22/16 10:26am

- During Construction
- Building B
 - Greatest amount of commercial occupancy
 - West covered parking was closed off.
 - 40% (26 of 64) building B spaces closed for construction.



Ted Forcum, DC, DACBSP, CES, PES, CSCS

Portland Winterhawks, Team Chiropractor

2015 USATF World Championship Sports Medicine Team

Joint Commission on Sports Medicine and Science, Board Member

07-08 US Olympic Sports Medicine Team Member

NCA Sports Council, Past President 2008-2010

Tomadic Properties, LLC

10139 NW Skyline Heights Drive

Portland, OR 97229

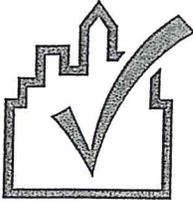
503-816-6581

Black In Motion Chiropractic and Sports Rehab Center

1385 SW Scholls Ferry Road

Seaverton, Oregon 97008

503.524.9040



Generated by COMcheck-Web Software
Envelope Compliance Certificate

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
Project Title: Astoria Dispensary
Project Type: Addition
Envelope Compliance Method: Simplified Trade-Off

Construction Site: 3930 Abbey Lane, Suite A104 Astoria, Oregon	Owner/Agent:	Designer/Contractor: Corey Morris Carleton Hart Architecture
Building Location (for weather data): Climate Zone: Vertical Glazing / Wall Area Pct.:	Astoria, Oregon 4c 7%	

Building Use: Area Type	Floor Area
1-Office : Nonresidential	950

Section 2: Envelope Assemblies and Requirements Checklist

Envelope PASSES: Design 0.1% better than code.

Envelope Assemblies:

Component Name/Description	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Proposed U-Factor	Budget U-Factor(a)
Ext. Wall: Concrete Block, 8in., Solid Grouted, Light Density, Furring: Wood, [Bldg. Use 1 - Office]	450	13.0	0.0	0.074	0.150
Window: , Perf. Specs.: Product ID Existing, SHGC 0.70, [Bldg. Use 1 - Office] (b)	80	---	---	0.350	0.450
Ext. Wall: Steel-Framed, 16in. o.c., [Bldg. Use 1 - Office]	640	13.0	0.0	0.124	0.064
Floor: Unheated Slab-On-Grade, [Bldg. Use 1 - Office]	90	---	---	---	---

(a) Budget U-factors are used for software baseline calculations ONLY, and are not code requirements.

(b) Fenestration product performance must be certified in accordance with NFRC and requires supporting documentation.

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges are met or excepted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Fenestration Product Rating:

1. U-factors of fenestration products (windows, doors and skylights) are determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer or are determined using the commercial size category values listed in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.4 and shall include the effects of the window frame. The temporary label affixed to the fenestration products must not be removed prior to inspection.

Plans reference page/section: _____

2. Solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer or be determined using the Solar Heat Gain Coefficients (SHGC) in Chapter 15 of the 2009 ASHRAE Handbook of Fundamentals, Table No.10. The overall values must consider type of frame material and operator for the SHGC at normal incidence.

Plans reference page/section: _____

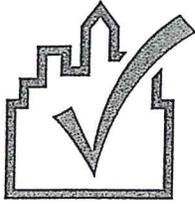
Air Leakage, Insulation, and Component Certification:

3. Sealing of the building envelope. Openings and penetrations in the building envelope are sealed with caulking materials or closed with gasketing systems compatible with the construction materials and location. Joints and seams are sealed in the same manner or taped

Name - Title

Signature

Date



Generated by COMcheck-Web Software
Interior Lighting Compliance Certificate

Section 1: Project Information

Energy Code: 2014 Oregon Energy Efficiency Specialty Code
 Project Title: Astoria Dispensary
 Project Type: Addition
 Envelope Compliance Method: Simplified Trade-Off

Construction Site:
 3930 Abbey Lane, Suite A104
 Astoria, Oregon

Owner/Agent:

Designer/Contractor:
 Corey Morris
 Carleton Hart Architecture

Section 2: Interior Lighting and Power Calculation

A Area Category	B Floor Area (ft2)	C Allowed Watts / ft2	D Allowed Watts (B x C)
Lobby (Common Space Types:Lobby) (Ceiling Height 10 ft.)	193	0.9	174
Safe/Office (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	69	0.99	68
Restroom (Common Space Types:Restrooms) (Ceiling Height 10 ft.)	47	0.82	39
Lounge (Common Space Types:Office - Enclosed) (Ceiling Height 10 ft.)	71	0.99	70
Store (Retail:Sales Area) (Ceiling Height 10 ft.)	514	1.5	771
Total Allowed Watts =			1122

(a) Allowed watts per sq. ft. adjusted for ceiling height.

Section 3: Interior Lighting Fixture Schedule

A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast	B Lamps/ Fixture	C # of Fixtures	D Fixture Watt.	E (C X D)
Lobby (Common Space Types: Lobby, 193 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	2	6	12
Safe/Office (Common Space Types: Office - Enclosed, 69 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Restroom (Common Space Types: Restrooms, 47 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Lounge (Common Space Types: Office - Enclosed, 71 sq.ft.) LED: LED Other Fixture Unit 6.5W:	1	1	6	6
Store (Retail: Sales Area, 514 sq.ft.) LED: LED PAR 7W:	1	5	6	30
Total Proposed Watts =				60

Section 4: Requirements Checklist

In the following requirements, blank checkboxes identify requirements that the applicant has not acknowledged as being met. Checkmarks identify requirements that the applicant acknowledges are met or exempted from compliance. 'Plans reference page/section' identifies where in the plans/specs the requirement can be verified as being satisfied.

Lighting Wattage:

- ✓ 1. Total proposed watts must be less than or equal to total allowed watts.
 Allowed Wattage: 1122 Proposed Wattage: 60
 Complies: YES

Mandatory Requirements:

- ✓ 2. Exit signs. Internally illuminated exit signs shall not exceed 5 watts per side.

Plans reference page/section: _____

- ✓ 3. Daylight zone control. All daylight zones are provided with individual controls that control the lights independent of general area lighting in the non-daylight zone. In all individual daylight zones larger than 350 sq.ft., automatic daylight controls is provided. Automatic daylight sensing controls reduce the light output of the controlled luminaires at least 50 percent, and provide an automatic OFF control, while maintaining a uniform level of illumination. Contiguous daylight zones adjacent to vertical fenestration may be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e., north, east, south, west). Daylight zones under skylights shall be controlled separately from daylight zones adjacent to vertical fenestration.

Plans reference page/section: _____

- ✓ 4. Interior lighting controls. At least one local shutoff lighting control has been provided for every 2,000 square feet of lit floor area and each area enclosed by walls or floor-to-ceiling partitions. The required controls are located within the area served by the controls or are a remote switch that identifies the lights served and indicates their status.

Plans reference page/section: _____

- ✓ 5. Sleeping unit controls. Master switch at entry to hotel/motel guest room.

Plans reference page/section: _____

- ✓ 6. Egress lighting. Egress illumination is controlled by a combination of listed emergency relay and occupancy sensors to shut off during periods that the building space served by the means of egress is unoccupied.

- ✓ **Exception applies:** Building exits as defined in Section 1002 of the Oregon Structural Specialty Code.

Plans reference page/section: _____

- ✓ 7. Additional controls. Each area that is required to have a manual control shall have additional controls that meet the requirements of Sections 505.2.2.1 and 505.2.2.2.

Plans reference page/section: _____

- ✓ 8. Light reduction controls. Each space required to have a manual control also allows for reducing the connected lighting load by at least 50 percent by either 1) controlling (dimming or multi-level switching) all luminaires; or 2) dual switching of alternate rows of luminaires, alternate luminaires, or alternate lamps; or 3) switching the middle lamp luminaires independently of other lamps; or 4) switching each luminaire or each lamp.

- ✓ **Exception applies:** Areas that use less than 0.6 Watts/sq.ft.

Plans reference page/section: _____

- ✓ 9. Buildings larger than 2,000 square feet are equipped with an automatic control device to shut off lighting in those areas. This automatic control device shall function on either: 1) a scheduled basis, using time-of-day, with an independent program schedule that controls the interior lighting in areas that do not exceed 10,000 square feet and are not more than one floor; or 2) an occupant sensor that shall turn lighting off within 30 minutes of an occupant leaving a space; or 3) a signal from another control or alarm system that indicates the area is unoccupied.

Plans reference page/section: _____

- ✓ 10. Occupancy sensors in rooms that include daylight zones are required to have Manual ON activation.

Plans reference page/section: _____

- ✓ 11. An occupant sensor control device is installed that automatically turns lighting off within 30 minutes of all occupants leaving a space.

Plans reference page/section: _____

- ✓ 12. Additional controls. An occupant sensor control device that automatically turns lighting off within 30 minutes of all occupants leaving a space or a locally activated switch that automatically turns lighting off within 30 minutes of being activated is installed in all storage and supply rooms up to 1000 square feet.

Plans reference page/section: _____

- ✓ 13. Occupant override. Automatic lighting shutoff operating on a time-of-day scheduled basis incorporates an override switching device that: 1) is readily accessible, 2) is located so that a person using the device can see the lights or the area controlled by that switch, or so that the area being lit is annunciated, 3) is manually operated, 4) allows the lighting to remain on for no more than 2 hours when an override is initiated, and 5) controls an area not exceeding 2,000 square feet.

Plans reference page/section: _____

- ✓ 14. Holiday scheduling. Automatic lighting shutoff operating on a time-of-day scheduled basis has an automatic holiday scheduling feature that turns off all loads for at least 24 hours, then resumes the normally scheduled operation.

Plans reference page/section: _____

- ✓ 15. Exterior lighting controls. Lighting not designated for dusk-to-dawn operation shall be controlled by either a combination of a photosensor and a time switch, or an astronomical time switch. Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor.

Plans reference page/section: _____

- ✓ 16. Tandem wiring. The following luminaires located within the same area shall be tandem wired: 1. Fluorescent luminaires equipped with one, three or odd-numbered lamp configurations, that are recess-mounted within 10 feet center-to-center of each other. 2. Fluorescent luminaires equipped with one, three or any odd-numbered lamp configuration, that are pendant- or surface-mounted within 1 foot edge-to-edge of each other.

Plans reference page/section: _____

- ✓ 17. Medical task lighting or art/history display lighting claimed to be exempt from compliance has a control device independent of the control of the nonexempt lighting.

Plans reference page/section: _____

- ✓ 18. Each dwelling unit in a building is metered separately.

Plans reference page/section: _____

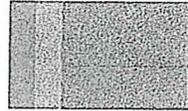
Interior Lighting PASSES. Design 95% better than code

Section 5: Compliance Statement

Compliance Statement: The proposed lighting design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed lighting system has been designed to meet the 2014 Oregon Energy Efficiency Specialty Code requirements in COMcheck-Web and to comply with the mandatory requirements in the Requirements Checklist.

	Architect	9.20.2016
_____ Name - Title	_____ Signature	_____ Date

3990 Abbey Ln #401B
Astoria, Oregon 97103



CITY OF ASTORIA

OCT 6 REC'D

BUILDING CODES

October 3, 2016

Planning Commission
1095 Duane St.
Astoria, Oregon 97103

To whom it may concern,

I have just received a proposed land use application near our property in Astoria, Oregon, being that of Cannery Lofts. The proposal is for conditional use CU16-10 by Daryl Bell to locate a medical-recreational marijuana dispensary and retail sales establishment in an existing commercial space at 3930 Abbey Lane, Bldg A, Unit 104, being that of Cannery Lofts. I am against this request for the following reasons:

1. Cannery Lofts, located at 3930 Abbey Lane and 3990 Abbey Lane is mixed use, where businesses are located on the bottom floor and residences are located on floors 2, 3, and 4. Having a "Marijuana dealer" is not something that I had envisioned when buying my condominium, and I would not have purchased if knowing that we were going to have a legal drug dealer downstairs.
2. Families live in these Condominiums, where there are seniors, young families, and middle aged group people. Having gone through a 2 year mitigation repair to both buildings, and then find out a marijuana dispensary is unacceptable.
3. There is a grade school just down the street from the Cannery Lofts.
4. Marijuana is not something that I wish to be smelling, for I college roommate was always smoking the stuff and it just makes you sick to have to have that smell linger.
5. Values of our condominiums will not be helped, but I am afraid that our condo values will be harmed. As stated above, we have gone through a 2 year mitigation repair on our buildings and Cannery Lofts condominium values have been devastated. Having a marijuana dispensary in our building is going to do nothing but discourage future buyers into our condominium. If

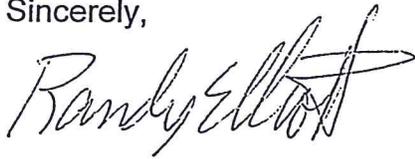


this Conditional Use CU16-10 is allowed, our Cannery Lofts will be perceived as a less than desirable location to purchase a condominium, and will plague condo owners for years.

6. Marijuana is still a federal crime, period. There are two marijuana shops throughout Astoria, and I just cannot imagine there being a need to have a third in a mixed use condominium where families are living on the coast due to what they perceived as a nice and pleasant coastal community and not a bunch of drug attics with a marijuana shop on every two or three blocks.

Please do not let this happen, and vote against the Conditional Use CU16-10 by Daryl Bell to locate a medical-marijuana dispensary.

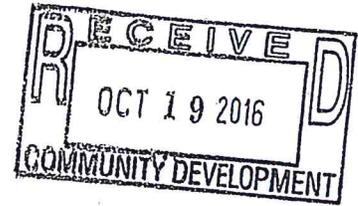
Sincerely,

A handwritten signature in black ink that reads "Randy Elliott". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end of the name.

Randy Elliott



The City of Astoria
Planning Commission
1095 Duane Street
Astoria, OR 97103



Re: Conditional Use CU16-10 Medical-Recreational Marijuana Dispensary Application for
3930 Abbey Lane, Building A, Unit 104

Dear Planning Commission:

I am NOT in favor of a marijuana dispensary in our living community. Here are my reasons:

1. A marijuana dispensary would **bring crime & loitering** to Cannery Lofts necessitating police calls. We already have experienced crime (unit 404B's car was broken into 3 times), and this would invite more.
2. Cannery Lofts is a quiet community of mostly older adults, and a pot shop would bring **traffic and noise after dark** (the other dispensary shops are open in the evening).
3. Cannery Lofts has community regulations that **prohibit smoking** on the premises (inside and outside). Selling some products that are smoked doesn't make sense, and enforcing the community rules would fall to homeowners policing strangers on the property, a recipe for unruly confrontations.
4. The **smell of marijuana smoke is annoying** to some and pollution to others. Police won't be able to assist us with this problem putting the policing, again, upon our small community. (<http://bit.ly/2ehe1sC>)
5. Oregon is already the booziest state in the union (<http://bit.ly/2e2e48G>). Astoria is the 2nd "drunkiest city in the state". (<http://bit.ly/2ddsnIQ>) Do we want to be known as the most "**pot friendly**" too? We have a population of about 9,500 and we have 3 marijuana dispensaries (1 shop for every 3,200 people). Do we really need a shop for **1 in every 2,375 people** (some of whom are children and ineligible)?
6. Cannery Lofts is a **pet-friendly** community. Our pet (14 pound mutt) has already inadvertently ingested marijuana found on a trail and had to be hospitalized at great expense. Fortunately, she lived, but with the potency of new marijuana and people accidentally dropping their butts, the next occurrence could prove fatal.
7. **Children and grandchildren** are welcome in our community and selling something that only adults can consume is exposing our young people to unnecessary risks.

Thank you for not ruling in favor of this ordinance and finding a new home for the 4th dispensary, or better yet, welcoming another kind of business to our fair city.

Sincerely,

A handwritten signature in cursive script that reads "Kristy Schnabel".

Kristy Schnabel
3990 Abbey Lane, #405
Astoria, OR 97103

P.S. As a cancer survivor, I welcome medical marijuana, but one dispensary is enough.

From: Jill Bakke [mailto:jillbakke@astoriacondos.com]

Subject: Re: Proposed West Cannabis Craft at 3930 Abbey Lane

Date: Oct 15, 2016, 10:41:35 AM

To: Katie Murray [mailto:katie@murray.com]

I am in Portland at the moment due to the storm. My only objection to a pot shop below is the parking. I live in Colorado and there is one at the bottom of my hill, which always has a crowded parking lot. It is one of a number of pot shops in the area, so the fact there will be others in Astoria is no guarantee we, who live there, will not be seeking parking for our vehicles.

I have no ability at this time to print and scan in a signed petition and I am not returning to Astoria until late on Monday morning. If this email will suffice for my opinion, feel free to print and utilize as apposition to its placement in our building.

Jill Bakke, Unit 4A

CANNERY LOFT CONDOS

NAME

ADDRESS

SIGNATURE

Kymie Darby
~~Kymie Darby~~

3930 ABBEY LANE #402A
ASTORIA, OR 97103

John Darby
~~John Darby~~

3930 ABBEY LANE #402A
ASTORIA OR 97103

October 14, 2016

Astoria Planning Commission:

This is to express strong objection to Daryl Bell's application for a conditional use permit for the proposed West Cannabis and Craft at the Cannery Loft Condos in Astoria.

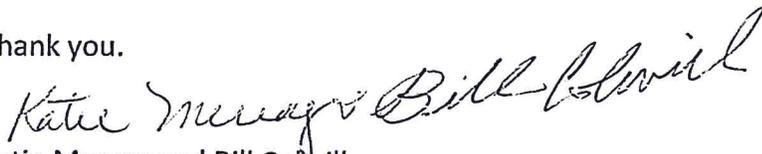
The condos are residential and not an appropriate place for such a business. It would dramatically effect safety, car traffic, cleanliness of the property, the serene atmosphere of the area, and possibly increase crime in our neighborhood. It would also impact appraisal values. We would not have purchased here if a marijuana retail shop was on the ground floor.

We do not object to the legality of recreational marijuana. We just do not think that a retail establishment of this type would make the best neighbor.

Such an establishment is certainly not an appealing one to have adjacent to Astoria's cherished Riverwalk. We as owners and residents value the quiet neighborly atmosphere. This area attracts many visitors and locals who cherish the safe and quiet Riverwalk.

We request that you deny this application.

Thank you.



Katie Murray and Bill Colwill
3930 Abbey Lane, A305
Astoria, OR 97103

BUILDING CODES

OCT 17 RECD

CITY OF ASTORIA

To: City of Astoria Planning Commission
Re: Public Hearing October 25, 2016

16-10

In opposition to Conditional Use CU ~~12510~~ by Daryl Bell re: medical-recreational marijuana dispensary and retail sales establishment

Daryl Bell is applying to locate a medical-recreational marijuana dispensary and retail sales establishment in our mostly residential building. He may not be offering a service suitable for "Our Home." Neither Mr. Bell nor Ted Forcum reside on the premises.

Cannery Lofts:

- * Two four story buildings sharing one address on Abbey Lane and 39th Street in Astoria, Oregon 97103
- * Three floors of thirty plus residential family units in each building.
- * Resident owned and occupied or rentals and occupied.
- * Governed by one HOA following Fair Housing Rules.
- * Retired seniors, professionals with jobs in the city (with the city, with the county) and working families with children live here.
- * The school bus stops at the door.
- * The first floor of the Cannery Lofts is one of commercial units. Existing commercial tenants are professional businesses that are compatible with residents with children.
- * No buffer area exists to avoid direct contact with the proposed retail outlet.
- * Parking spaces are not promised. Parking is at a premium for present home owners, tenants in the commercial units and other businesses on the corner of 39th Street.

Thank you for your consideration,

Donna Calahan

*Donna L. Calahan 10-14-16 3990 Abbey Lane #204B
Astoria, Oregon 97103*

*Russell L. Calahan 10-14-16 3990 Abbey Lane #24B
Russell Calahan Astoria, Oregon 97103*

BUILDING CODES

OCT 17 10

CITY OF ASTORIA

Nancy Ferber

From: Heather Hansen <hah_islands@yahoo.com>
Sent: Monday, October 17, 2016 12:01 PM
To: Nancy Ferber
Subject: CUP-16-10 Cannery Loft Parking Regs
Attachments: Cannery Loft Condo Bylaws.pdf

For the record -- Please see attached copies of Cannery Loft Condo Association general parking regulations and covered parking policy.

I can provide a copy of the complete documents so their context is more clear if that would be helpful.

Thank you!

Heather Hansen
3990 Abbey Ln #208
Astoria, OR 97103

CITY OF ASTORIA
OCT 17 RECD
BUILDING CODES

PARKING⁹

- A. Parking spaces are general common elements assigned to either residential or commercial use.
 - a. Parking in the Cannery Lofts parking lot is, in general, open to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on

⁸ NOISE — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(c): Offensive or unlawful activities.

⁹ PARKING — See also: Bylaws, Article 7, Maintenance and Use of Condo Property; Sec 7.5(g): Parking of Vehicles.

Page 9

a first come, first served basis. However, a limited number of spaces in the covered parking areas are reserved for commercial use only. These spaces are marked with "Reserved" placards on the walls.¹⁰

- b. Commercial owners are requested to instruct their tenants and employees to park in remote areas of the parking lot or on the public street.
- B. Parking is permitted only in marked designated spaces. Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space.¹¹ Any vehicle taking up more than one parking space will be considered in violation.¹² All other areas of the parking lot must be kept open for fire access and safety. Vehicles may not be parked or stopped in any way that blocks traffic flow through the parking lot or access to the buildings.
- C. Backing vehicles into parking spaces is not allowed, as this can cause damage to the landscaping.
- D. Only wheeled motorized vehicles shall be parked or kept in parking spaces. Parking stalls shall not be used for storage of household goods, auto

¹⁰ PARKING Section A.a.: Prior wording replaced with the current text, above, by the Board of Directors, 09/26/15.

¹¹ PARKING Section B: Additional wording "Vehicles must be parked within the marked lines; no vehicle may occupy more than one designated space" adopted by the Board of Directors, 03/05/15. See Minutes of the Board Meeting of the Cannery Lofts Homeowners' Association, March 5, 2015.

¹² PARKING Section B: Additional wording "Any vehicle taking up more than one parking space will be considered in violation." adopted by the Board of Directors, 04/23/15.

Covered Parking Space Board Policy

The Cannery Loft Board of Directors ("Board") held a meeting with the Association's legal counsel, Stuart K. Cohen, of Landye Bennett Blumstein LLP on September 24, 2014. All Board members attended the meeting. The Board was advised that several of the leases for the commercial spaces within the condominium complex have been leased with assigned covered parking spaces. After reviewing the Parking Committee report and with advice from the Association's legal counsel, the Board voted to allow the continued reserved use of seven of the twenty four covered parking spaces consistent with the terms and conditions of the existing leases. The leases will be reviewed and verified by the Association's legal counsel.

After the initial five year lease expires or the lease terminates for any reason, the allocated covered parking spaces will be made available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The leased commercial units with assigned covered parking described above are as follows:

Building A: (3930 Abbey Lane)

Business 1 (Ben's Computer Store, Inc.) – One covered parking space allocated

Business 2 (Prana Wellness Center) – One covered parking space allocated

Building B: (3990 Abbey Lane)

Business 1 (Polly Pope Counselling) – One covered parking space allocated

Business 2 (Coastal Family Health Center) – Four covered parking space allocated

The owner of the commercial units currently leased by the above tenants is Nomadic Properties, LLC. The covered parking spaces previously allocated to all other properties, including Cannery Loft Storage, LLC, will be available to any owner (commercial or residential) on a first come first served basis.

The Commercial tenant or commercial owner shall be solely responsible for the enforcement of the reserved parking space. The Association shall not be responsible for monitoring or enforcement of the seven reserved covered spaces.

The Board further approved the creation of two "Active Loading Zones" by setting aside the parking stall located in front of the rear doors to the trash room in each building. This area will be marked with paint on the concrete surface to indicate this designated use. The Association will monitor parking at this location and address as needed parking outside of its restricted use. The definition of "Active Loading Zone" is that the driver must be present at or very near the vehicle at all times so the vehicle can be moved when another vehicle arrives to remove garbage, recycling items, to make deliveries, etc. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone.

All remaining covered parking spaces will be available to any owner (commercial or residential), residential renter, commercial lessee, commercial customer or any guest on a first come first served basis. The ADA covered parking spaces at Building A shall remain at this time. These are for use by anyone visiting or living at the Cannery Lofts with a valid handicap placard displayed on the windshield of their vehicle. The Board reserves the right to amend or supplement these parking regulations in the future regarding parking at all open or covered parking spaces at the Cannery Lofts.

This policy will become effective on Friday October 3, 2014 at 12:01 AM.

The Board will modify the language in Resolution 4 ("Parking, Section A") once all of the parking regulations are approved by the Directors. As of the effective date of the zone change, this notice will supersede language in the House Rules, "Parking" sub-section "A. a".

Respectfully,

Cannery Loft Board of Directors



Astoria Planning Commissioners and Astoria City Council Members

1095 Duane Street, Astoria, Oregon 97103

October 15, 2016

Please distribute this to each Astoria Planning Commissioner and to each City Council Member in preparation for the Public Hearing to be held October 25, 2016 regarding request #1 (Conditional Use CU16-10 by Daryl Bell). I am opposed to the medical-recreational marijuana dispensary and retail sales establishment, etc. for the following reasons:

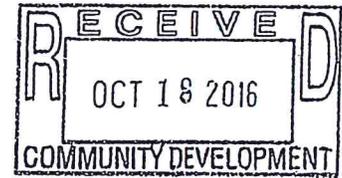
1. see the enclosed items 1-5. and
 2. The Cannery Loft Declarations and By Laws, Article 10.2 states "Commercial Units. Commercial units shall be used for any retail, commercial or professional purposes permitted by applicable zoning regulations; provided, however, that Commercial Units may not be used for sales of pornographic or erotic videos, adult literature, objects or similar merchandise, used as a gym, nightclub, bar, or any other facility providing nighttime entertainment."
- Planning Commission, the proposed establishment would be selling adult literature, objects, and similar merchandise.
3. This establishment would no doubt adversely affect our property values.
 4. Children live in and visit our Cannery Loft Condominiums.

Sincerely,

Connie Spencer

Connie Spencer 3930 Abbey Lane A307, Astoria, Oregon 97103

October 14, 2016



Dear City of Astoria Planning Commissioners:

We, the undersigned residents of the Cannery Loft Condos respectfully request that you deny the proposed conditional use application (CU-16-10) for the following reasons, which are based on the applicable criteria in the City's Development Code:

1. **Article 11-CONDITIONAL USES:** The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
2. **Section 11.010-PURPOSE:** There is no effective way to control the negative impacts of the proposed retail use on the surrounding residential units since it's an existing mixed use building. *"The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled."*
3. **Section 11.030(A)(1):** The use is NOT appropriate at the proposed location. (a) The condo building is U-shaped and there are 30 front doors that directly face the entrance to the proposed retail use; (b) There are already six marijuana dispensaries in the City of Astoria, one as close as 29th Street; (c) Commercial uses currently in the buildings ARE appropriate because they are mainly personal services that have a limited number of customers at any given time.
4. **Section 11.030(A)(2):** There is NOT adequate site layout. (a) There are no dedicated parking spaces for this use because the condominium bylaws do not allow dedicated parking spaces for new commercial uses; (b) The parking lot is regularly close to capacity and residents cannot park near their building or in a sheltered area out of the rain, and as the commercial spaces fill up the problem will only worsen; (c) There are dark corridors and stairwells accessible to the public and a retail use would bring more of the public into these unsecured areas; and we don't want to live in a building that requires security cameras, extra lighting, etc for our safety (this isn't Portland!)
5. **Section 11.030(A)(4):** There is NOT an appropriate amount of buffers or other separation from the residential uses in the building. Since the mixed use building is pre-existing, there are no effective "retrofits" to buffer the proposed retail use from existing single-family residences.

Connie Spencer 3930 Abbey Lane A 307, Astoria, Oregon
97103

CITY OF ASTORIA

OCT 17 REC'D

BUILDING CODES

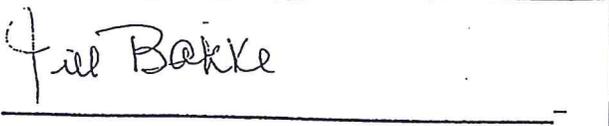
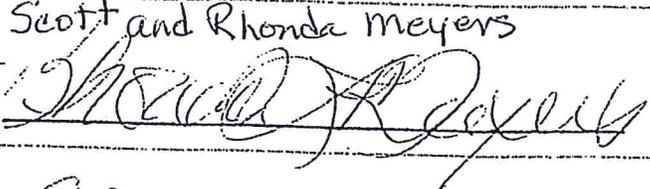
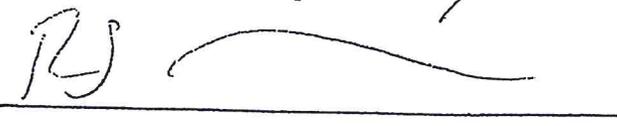
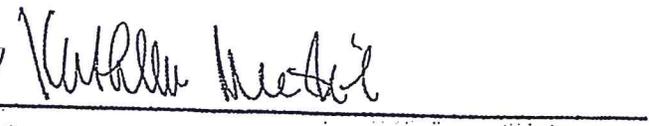
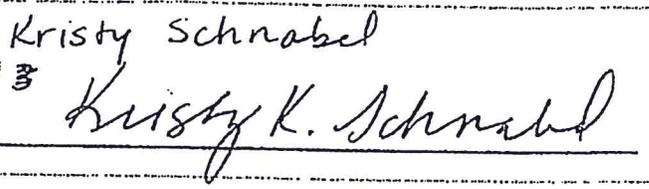
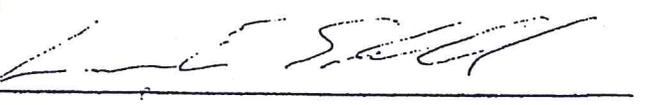
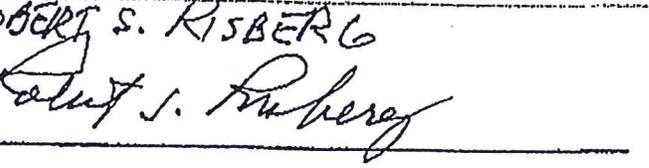
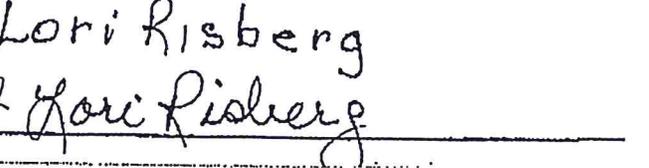
October 14, 2016

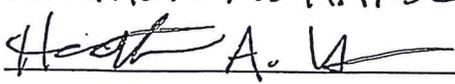
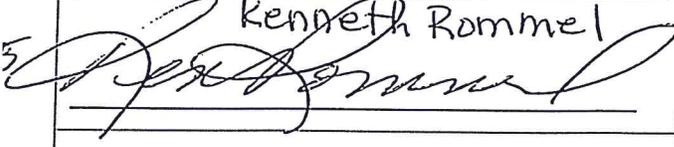
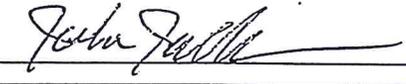
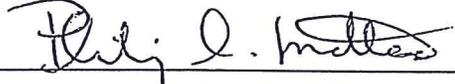
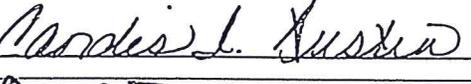
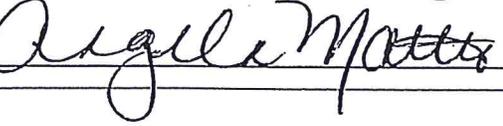
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1. **Article 11-CONDITIONAL USES**: The Conditional Use Standards do not address mixed use buildings. The standards address "Residential" and "Non-Residential," not mixed use development. This factor should be taken into account since there are 63 front doors to single-family residences that will be directly or indirectly impacted by the outcome of your decision. We are a mix of retirees, local workforce, families with children, couples, singles, renters, owners, full-time and part-time residents.
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	<u>NAME</u> <u>SIGNATURE</u>	<u>ADDRESS</u>
1.	Shelley von Colditz Shelley von Colditz	3930 Abbey Ln #303A Astoria, OR. 97103
2.	Eleanor Green Eleanor Green	3930 Abbey Ln #306A Astoria OR 97103
3.	Donald H. Venzel	3930 ABBEY LN # 401 ASTORIA OR 97103
4.	Sandra Sandel	3930 Abbey Ln #401 Astoria OR 97103
5.	Margaret M. Dunn	3930 Abbey Lane #205 Astoria, OR 97103
6.	Lampfullman	3930 Abbey Lane #304 Astoria OR 97103
7.	Catherine Murray	3930 Abbey Lane #305 A
8.	William C. Church	3930 Abbey Lane #305 Astoria OR 97103
9.	Margaret A. Brom	3930 Abbey Ln #304A Astoria OR 97103
10	Garon Sasaki Garon Sasaki	3930 Abbey Ln #309A
11	Cheryl N. Dahn	3930 Abbey Lane Unit 405A Astoria OR 97103
12	Don Evin	3930 Abbey Lane Unit 204A Astoria OR 97103

	<u>NAME</u> <u>SIGNATURE</u>	<u>ADDRESS</u>
13	Shirley A. Dalston 	3990 Abbey Ln (403B) Astoria, OR, 97103
14	Fred Bakke 	3930 Abbey Lane Unit 406A Cannery Loft Condos Astoria, OR 97103
15	Scott and Rhonda Meyers 	3930 Abbey Ln #202A Astoria, Oregon
16		3930 Abbey Ln #202A Astoria Oregon
17	William Meitzel 	3930 Abbey Lane #407A Astoria, OR 97103
	Henry Mieske 	3930 Abbey Lane #407A Astoria, OR 97103
	Kristy Schnabel 	3990 Abbey Lane #405 Astoria OR 97103
		3990 Abbey Lane #405 Astoria, OR 97103
	ROBERT S. RISBERG 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103
	Lori Risberg 	3930 ABBEY LANE #203 ASTORIA, OREGON 97103

	<u>NAME</u> <u>SIGNATURE</u>	<u>ADDRESS</u>
23	HEATHER A. HANSEN 	3990 Abbey Ln #208 Astoria 97103
24	Linh Depledge 	3990 Abbey Ln 202B Astoria 97103
25	Kenneth Rommel 	3990 Abbey Lane B# 201 Astoria 97103
26	Barbara Jankla 	3990 Abbey Ln 302B Astoria 97103
27	Johanna Jankla 	3990 Abbey Ln 302B Astoria, OR 97103
28	PHILIP A. MATTEO 	3990 ABBEY LN 210 B ASTORIA, OR 97103
29	CANDIS I. AUSTIN 	3990 Abbey Lane 211B Astoria, OR 97103
	ANGELA MATTEO 	3990 Abbey Lane Astoria OR 97103

NAME	ADDRESS
SIGNATURE	ADDRESS
J: <i>Lisa Ackerman</i>	3930 Abbey Ln # 210A Astoria, OR 97103
Lisa Ackerman	

1
 Cannery Loft. Astoria
 # 301 A

2.
 Signature: *Anne M. Hulme*
 10/16/16



NAME

SIGNATURE

ADDRESS

Jim and Trece Gurrad
Jim and Trece Gurrad

3930 Abbey Lane #403, Astoria Oregon 97103

To: Astoria Planning Commission; Kevin Cronin, Community Development Director

From: Jack Osterberg

Subject: Comment related to Accessory Dwelling Units and Tiny Houses, to be added to the public record for Amendment A16-02

Date: October 11, 2016

I support infill development in residential areas, including historic districts. However, the City needs to make sure that such development will be compatible with the character of the City.

Public Need for Affordable Housing

While I support the City providing adequate affordable housing for low income citizens, it is not clear that the proposal to change the Development Code to encourage more ADT's and to add tiny houses would accomplish the goal. I believe it is unknown what number of affordable housing units is needed in the City or the income levels of citizens that the City is trying to accommodate. It is possible that the proposed Code changes would be helpful in achieving the City's housing goals, but without adequate data, I don't know what Code changes are needed. A housing analysis of the City is necessary to determine the scope of the problem and then recommend solutions to address it. When I hear that there are college students, low income workers and employers who are all in search of affordable housing, I am concerned about the City's viability as a desirable place to live and work. That is why the City should undertake a thorough housing analysis to identify existing conditions, problems and strategies toward reaching solutions.

Cost of ADT's and Tiny Houses

At the hearing, there was discussion and some agreement that ADT's and tiny houses would probably not provide low cost rents. These housing types are expected to be fairly expensive and rental rates set by the property owner will need to recoup the costs of building, permits and site improvements. Staff suggested that owners could use the rent for any purpose whether it be investing the money in home repairs or using it for their own enjoyment. I don't disagree with staff's observation on this, but it won't help much if new housing units are likely to be expensive. Owners must recoup their costs and there is no reason to believe that rental costs will be below market rates.

Size and location of Tiny Houses and ADT's

There are no size limitations on houses, except for related Development Code setbacks and as the requirements of the Building Code dictate. I don't believe there should be specific size restrictions for any home, whether they be 'tiny homes' or 'McMansions'. Residential development in Astoria appears to have a wide variation in the sizes and styles of homes, especially in the historic districts where homebuilding is characterized by the efforts of small-scale individual builders in contrast to large subdivision tracts that feature similar houses. Even so, tiny houses could be dramatically small, such as 800 sq. ft, and probably would 'stand out' in most historic district locations.

In my testimony at the hearing, I had stated that tiny houses could be located so they would not be easily seen from the street. In later remarks by one of the Commissioners, he stated disagreement with my comment; in that if a tiny house was incompatible as viewed from the street, then it would likely also be incompatible as viewed by any neighbor. After consideration, I now agree with the Commissioner and his opinion. My original opinion was not well thought-out.

My main concern over tiny houses is whether their size and likely location in historic districts will be inherently incompatible with those neighborhoods. If the historic districts function merely as a collection of preserved historic structures in close proximity, then a case for tiny house compatibility could be made, as each structure would be subject to review by the historic landmarks ordinance. However, if historic districts function to create a unique character and preserve a cohesive historic neighborhood, then tiny houses, by the fact of their very unusual size, would tend to not be compatible.

As for other ADT's, I find them generally to be smaller additions and/or garage conversions. Without knowing any details of the building styles, but relying on other ADT's I have seen elsewhere, I believe ADT's are more likely than tiny houses to be compatible with their surroundings and in historic districts.

Vacant houses and absent owners

There was testimony at the hearing about the surprising number of houses that appear to be vacant. I agree that this problem exists in Astoria and that it leads to problems. The City has an ordinance that can address, through a long process, houses that are substantially dilapidated. Hopefully the City will be active in pursuing this issue. Some houses are simply vacant or rarely occupied by out of town owners. With respect to testimony about absent owners who leave houses vacant for rental purposes, I don't believe the City can do much about this. I don't think there is any feasible way in which to limit the rights of ownership and to require owner-occupancy for any dwelling unit. Even if these problems went away I doubt that it would do much to provide affordable housing.

Parking

From testimony, it appears that many are not satisfied with the parking conditions found on city streets. Generally, some residential areas are experiencing a problem with excessive numbers of vehicles. Many streets have homes with no garage or only a one-car garage and many homeowners have multiple vehicles and/or simply opt to park their cars on the street in order to use their garage for household storage. In either case, I don't believe those issues can be feasibly addressed by the City. I doubt that the city wants to venture into residential parking permits and establishing parking rights.

People are concerned that more dwelling units will simply add to the parking problem. Some suggest that a cap on the number of residents or vehicles can be established per dwelling unit. I feel that such solutions are inappropriate for government regulation and would also be difficult to monitor and enforce. The desire for increased residential density might lead the Commission to consider deleting the requirement for off-street parking spaces. However, a reasonable compromise might be to simply follow the existing Code provisions for off-street parking.

Other alternatives to increase housing units

Without a housing analysis that focuses on the matters of affordability and the housing market, I'm left to offering a couple of basic suggestions.

(1) The City could encourage housing development on vacant lands that permit residential uses. The City could create a data-base of these properties that would list important development factors such as lot size and zoning, plus development constraints such as wetlands, tsunami inundation zones, slopes, lands determined to be active landslide areas or abutting such areas, or any site where a geotechnical study is likely to be required. Park properties or designated open space areas would not be included on the list. Then, this vacant residential lands list could be provided to area homebuilders to encourage new construction. However, such new construction is likely to be expensive. There may be limited opportunity to achieve economies of scale such as where a developer/builder would construct a new subdivision. Individual lot, custom-built detached homes may provide few affordable housing units, but small scale multi-family developments might provide more.

(2) Has the City considered annexing rural or low density residential lands for the purpose of creating sites for housing development? Perhaps there are sites to the east and south that would be suitable. Rezoning lower density annexed lands could help create the conditions that would encourage affordable multi-family housing development. Depending on the type of urban service and planning area agreements that the City has with the County, the annexation planning process could be worth the effort. Hopefully, new housing would include a mix of housing types, with an affordable multi-family component and would be part of a planned unit development that included a small scale commercial node.

Jack Osterberg
1711 Grand Avenue
Astoria, OR 97103

CAN FILTER 150

CUBIC FOOTAGE / THREE = CFM NEEDED TO EFFICIENTLY CONTROL ODOR

Max **Recirculating (Scrubbing)** CFM: 2520 cfm / 4200 m³/h

Max **Exhaust** CFM: 1260 cfm / 2100 m³/h

@ 0.1 sec contact time

Recommended Min Airflow: 630 cfm / 1056 m³/h

Pre-filter: Yes

Flange: 10", 12", 14"

Dimensions: (with pre-filter)

·Outside Diameter: **42cm / 16.5"**

·Height: **150cm / 60"**

·Total Weight: **71kg / 156lbs**

·Carbon Weight: **56kg / 123lbs**

·Carbon Bed Depth: **6.5cm / 2.56"**

Max Operating Temp: 80°C

Pressure drop at max cfm: 180pa / .75"wg

CITY OF ASTORIA

OCT 18 REC'D

BUILDING CODES

ODOR FREE 700 OZONE GENERATOR

- Coverage: Up to 2,000 Square Feet or 20,000 Cubic Feet
- Timer: Up to 60 Minutes or Continuous On
- Fan: 100 CFM
- Volts/Watts: 110/32
- Amps/Hertz: .35/60
- Variable Output: 100 to 900 mg/h
- Ozone Plates: 2
- Size: 7.5"H 9"W 12.5"D
- Weight: 9.75 lbs

Outdoors, nature eliminates odors and microorganisms using both UV light and O₃. Indoors, most places that generate odors receive very little UV light or O₃. The Odor-Free purifier creates O₃, or ozone, in a special process that utilizes an electrical current. Ozone sanitizes by breaking down odors, microorganisms and other pollutants at their source.

Nature creates O₃ as a natural cleaner during thunderstorms, and also from sunlight striking the earth's atmosphere. As an example, we've all taken a walk after a thunderstorm and experienced the clean, fresh smell in the air. That's O₃, or ozone, at work.

Normal oxygen (O₂) is converted to O₃, which is commonly called

ozone. It reverts back to O₂ in about an hour if the O₃ is unused. This leaves the air fresh and clean because the source of the odor has been permanently removed. And there are no artificial odors so the space becomes free of odors, as nature intended.



**City of Astoria
Community Development Department
1095 Duane Street
Astoria OR 97103**

October 25, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: KEVIN CRONIN, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT: FIRST AMENDMENT TO ASTOR-WEST URBAN RENEWAL PLAN –
ADDITION OF PROPERTY AND PROJECTS**

DISCUSSION / ANALYSIS

The Astoria Planning Commission is being asked to make a recommendation to the City Council regarding the Council's adoption of an amendment to the Astor-West Urban Renewal Plan (First Amendment). This action does not require a formal public hearing, and the Planning Commission is not being asked to approve the action, but rather make a recommendation. If the public wishes to testify, it is advised to allow for testimony.

The First Amendment (Attachment 3) includes the addition of projects and property, commonly referred to as the Bond Street area, into the urban renewal area, including the properties on either side of the street as depicted in Figures 1 and 2 in the attached Report on the First Amendment to the Astor-West Urban Renewal Plan (Attachment 4).

This change to the Astor-West Urban Renewal Plan is considered a substantial amendment because it involves the addition of property in excess of 1% of the original acreage of the Plan. Therefore, the amendment must be approved in the same manner as the original adoption of the Plan, including presentation to the Planning Commission.

ORS 457.085(4), the Oregon Revised Statute which governs the requirement for Planning Commission review, is not specific about the role of the Planning Commission in review of an urban renewal plan. ORS 457.085(4) states: "An urban renewal plan and accompanying report shall be forwarded to the planning commission of the municipality for recommendations prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095."

The general understanding is that the Planning Commission reviews the urban renewal plan amendment for conformance with the comprehensive plan. The staff report has identified the comprehensive plan sections as they relate to amendment and has summarized the basic findings of fact. The staff report includes a recommendation for approval.

CONFORMANCE WITH ASTORIA COMPREHENSIVE PLAN

The specific Astoria Comprehensive Plan (Comprehensive Plan) goals which are addressed by the inclusion of the new property and projects are listed in the attached First Amendment. The *italics* reflect direct quotes from the Comprehensive Plan. The numbering reflects numbering within the Comprehensive Plan. The Amendment conforms to the Economic, Housing, Parks and Recreation and Open Space and Transportation Goals.

Economic Goals

Goal 1:

The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities.

Policies:

- 1. Encourage, support, and assist existing businesses.*
- 2. Provide support to local start-up businesses.*
- 4. Encourage private development such as retail, restaurants, commercial services, transient lodging.*
- 5. Provide a supportive environment for new business.*
- 6. Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base.*
- 7. Encourage and support local industrial development in order to diversify beyond the City's predominant industrial sectors, while maintaining strong support for these sectors.*
- 8. Broaden the economy to help balance the seasonal nature of existing industries and employment.*
- 9. Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries.*

Goal 5:

Encourage the preservation of Astoria's historic buildings, neighborhoods and sites unique waterfront location in order to attract visitors and new industry.

Policies:

- 4. Protect historic resources such as downtown buildings to maintain local character and attract visitors.*

Goal 6:

Maintain a system of public facilities and services capable of supporting existing and future

industry, and commercial development.

The Plan conforms with the Economic Element goals because there are projects to provide storefront grants and loans, launching the Storefront Improvement Program for West Marine Drive. There are also projects to repair Bond Street, build a retaining wall on Bond Street, renovate and preserve affordable housing. The business assistance program, transportation and housing related projects will all have a positive impact on the Economy.

Housing Goals

Goal 1:

Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.

Goal 2:

Maintain and rehabilitate the community's existing house stock.

Policies:

- 1. Maintain attractive and livable residential neighborhoods, for all types of housing.*
- 2. Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living.*
- 5. Encourage low and moderate income housing throughout the city, not concentrated in one area.*
- 12. Encourage the development of the elderly and handicapped housing in the Downtown area, where the terrain is level and services are available within walking distance. Encourage renovation of the second floors of commercial buildings in the Downtown.*
- 19. Encourage the use of sustainable development and building materials including use of energy efficient materials and design principles*
- 20. Allow for, encourage, and support the development of housing units in conjunction with commercial development (e.g. housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.*

The Plan conforms with the Housing goals because there are projects to renovate and preserve affordable housing within the Area.

Transportation Goals

Goal 1:

The maintenance of a safe and efficient transportation system

Goal 2:

The provision of several types of transportation, including public transit, bicycle and pedestrian systems.

Goal 4:

The reduction of traffic congestion on marine drive and in the downtown area.

Goal 8:

The support of economic development activities through the improvement of the transportation system.

The Plan conforms with the Transportation goals because there is a project that repairs Bond Street for two-way traffic, and builds a retaining wall on Bond Street.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find the First Amendment to the Astor-West Urban Renewal Plan conforms with the Astoria Comprehensive Plan and forward the First Amendment to the City Council for their approval.

PLANNING COMMISSION MOTION AND VOTE

Recommendation/Suggested Motion(s):

Option 1:

"I move that the Astoria Planning Commission find that the First Amendment to the Astor-West Urban Renewal Plan conforms with the Astoria Comprehensive Plan."

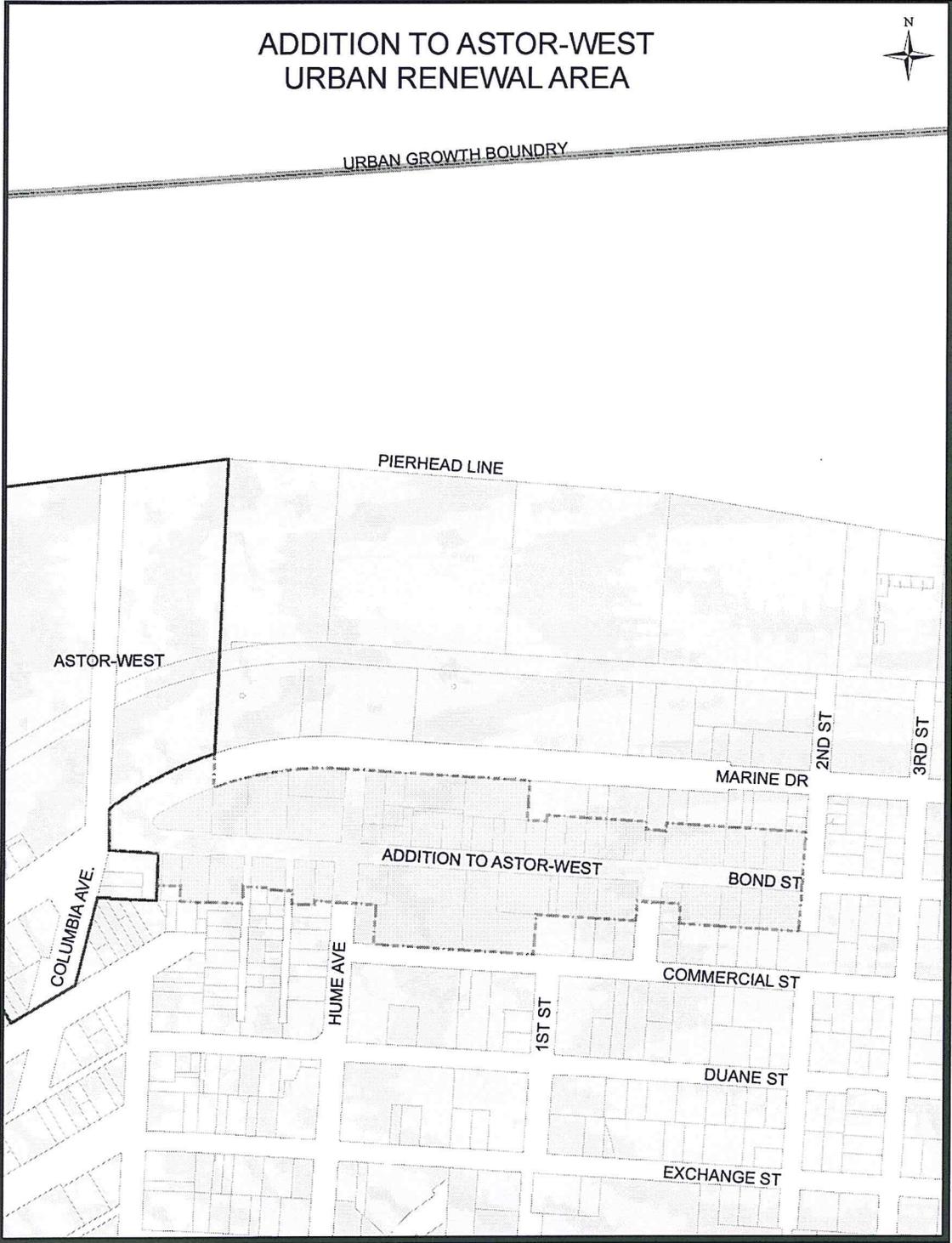
Option 2:

"I move that the Astoria Planning Commission find that the First Amendment to the Astor-West Urban Renewal Plan conforms with the Astoria Comprehensive Plan, and further recommend that the Astoria City Council adopt the proposed First Amendment to the Astor-West Urban Renewal Plan."

Attachments:

1. Map: Amendment Area
2. Map: Astor-West Urban Renewal Area after Amendment
3. Astor-West Urban Renewal Area Plan First Amendment
4. Report on the Astor-West Urban Renewal Plan First Amendment

Attachment 1: Area to Be Added



Attachment 2. Astor-West Urban Renewal Plan Boundary after Amendment

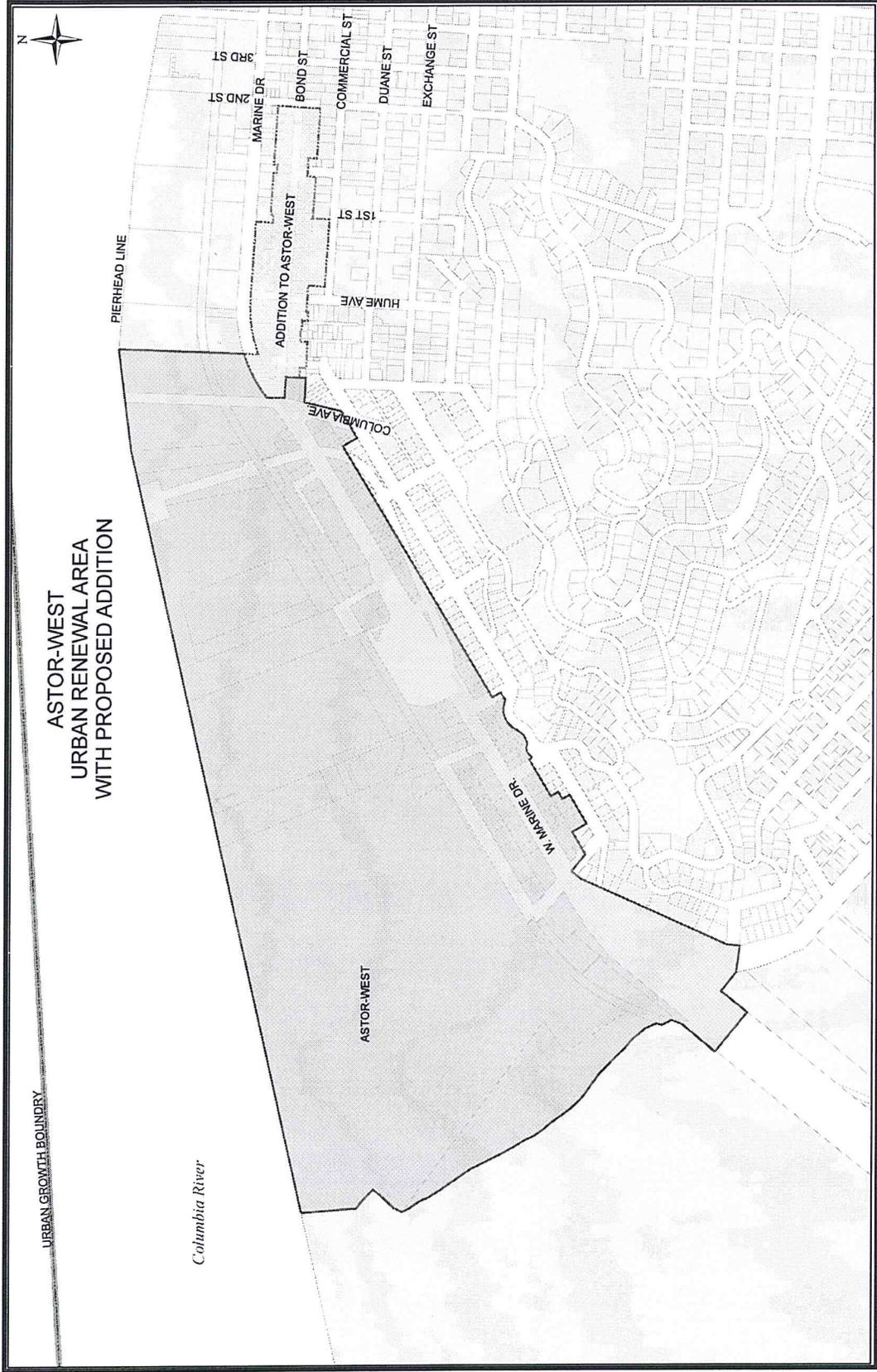


Exhibit A Astor-West Urban Renewal Plan First Amendment

The following changes are made in the Astor West Urban Renewal Plan. Added language is shown in italics. Deleted language is shown by ~~cross-out~~.

SECTION 100 - INTRODUCTION

The first amendment was approved by the City Council in December, 2016, by Ordinance No. 2016-___. The first amendment added projects and expanded the boundary and made other changes to the plan to update it to current needs.

SECTION 200 - DEFINITIONS

No changes.

SECTION 300 - DESCRIPTION OF URBAN RENEWAL PROJECT AREA BOUNDARY

The First Amendment to the urban renewal plan added properties and right of way to the boundary. Therefore, the Project Area Boundary Map (Exhibit 1) and the legal description (Exhibit 2) are updated.

SECTION 400 - OBJECTIVES

A. Public Facilities

Goal: Maintain, remodel, and construct public facilities, including but not limited to buildings, parks, trails, and docks, to enhance and increase public utilization of the renewal area.

Objectives:

- 1. Provide new public facilities. ~~with emphasis on construction of a Conference Center, in the renewal area.~~*

B. Promote Private Development

Goal: Promote private development, redevelopment, and rehabilitation within the urban renewal area to help create jobs, tax revenue, and vibrant commercial and industrial districts *and housing opportunities.*

Objectives:

- 2. Assist property owners in rehabilitating buildings so they can accommodate more intensive and dynamic commercial, residential, and industrial activity.*

- 4. Act as a catalyst in bringing together developers and redevelopers with public and private owners of lands which are underutilized or vacant, to achieve new*

uses and economically sound enterprises which are consistent with the City's Comprehensive Plan and the Port of Astoria's Central Waterfront Master Plan, which provide a service to the community, and which establish a diversification of needed, year-round employment opportunities *and residential uses*.

C. Improvements to Streets, Streetscapes, Trolley Tracks and Open Spaces

Objectives:

3. Construct new streets *and improve existing streets* to provide connectivity and encourage private investment.

E. Rehabilitate Building Stock

Goal: Upgrade the stock of existing structures in the renewal area in a manner which contributes to the historic and working-waterfront *and residential character* of the area.

Objectives:

3. *Promote the development and rehabilitation of residential uses to support the economic development of Astoria.*

SECTION 405 - RELATIONSHIP TO LOCAL OBJECTIVES

*The areas where the Astor-West Urban Renewal Plan First Amendment conforms to the goals of the Astoria Comprehensive Plan are as follows. The numbering reflects the numbering in the comprehensive plan document. Information from the existing comprehensive plan is in italics, how the Plan conforms to the comprehensive plan is in **bold italics**. This does not represent an exclusive list of goals and policies from the comprehensive plan, but shows that the urban renewal plan conforms to many of the goals and policies.*

Economic Goals

Goal 1:

The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities.

Policies:

- 1. Encourage, support, and assist existing businesses.*
- 2. Provide support to local start-up businesses.*
- 4. Encourage private development such as retail, restaurants, commercial services, transient lodging.*
- 5. Provide a supportive environment for new business.*
- 6. Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base.*

7. *Encourage and support local industrial development in order to diversify beyond the City's predominant industrial sectors, while maintaining strong support for these sectors.*
8. *Broaden the economy to help balance the seasonal nature of existing industries and employment.*
9. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries.*

Goal 5:

Encourage the preservation of Astoria's historic buildings, neighborhoods and sites, and unique waterfront location in order to attract visitors and new industry.

Policies:

4. *Protect historic resources such as Uniontown buildings to maintain local character and attract visitors.*

Goal 6:

Maintain a system of public facilities and services capable of supporting existing and future industry, and commercial development.

The Plan conforms with the Economic Element goals because there are projects to provide storefront grants and loans, launching the Storefront Improvement Program for West Marine Drive. There are also projects to repair Bond Street, build a retaining wall on Bond Street, renovate and preserve affordable housing. The business assistance program, transportation and housing related projects will all have a positive impact on the Economy.

Housing Goals

Goal 1:

Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.

Goal 2:

Maintain and rehabilitate the community's existing house stock.

Policies:

1. *Maintain attractive and livable residential neighborhoods, for all types of housing.*
2. *Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living.*

5. *Encourage low and moderate income housing throughout the city, not concentrated in one area.*
12. *Encourage the development of the elderly and handicapped housing in the Downtown area, where the terrain is level and services are available within walking distance. Encourage renovation of the second floors of commercial buildings in the Downtown.*
19. *Encourage the use of sustainable development and building materials including use of energy efficient materials and design principles*
20. *Allow for, encourage, and support the development of housing units in conjunction with commercial development (e.g. housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.*

The Plan conforms with the Housing goals because there are projects to renovate and preserve affordable housing within the Area.

Transportation Goals

Goal 1:

The maintenance of a safe and efficient transportation system

Goal 2:

The provision of several types of transportation, including public transit, bicycle and pedestrian systems.

Goal 4:

The reduction of traffic congestion on marine drive and in the downtown area.

Goal 8:

The support of economic development activities through the improvement of the transportation system.

The Plan conforms with the Transportation goals because there is a project that repairs Bond Street for two-way traffic, and builds a retaining wall on Bond Street.

SECTION 500 - LAND USE AND DEVELOPMENT CONTROLS

No changes.

SECTION 510 - TRAFFIC CIRCULATION

No changes.

SECTION 520 - DEVELOPMENT CONTROLS

No changes.

~~Agency participation in construction of a public conference center will be of significant benefit to the renewal project area. The conference center is expected to be the catalyst for investment in new lodging facilities in the renewal area. The lodging facility investment, in turn, is anticipated to be the primary source of tax increment revenue in the early stages of the renewal project. Tax increment revenue from the early investment will, in turn be used to help carry Conference Center debt, and to fund the infrastructure improvements needed to make the renewal area ready for further investment. The level of Agency participation in the Conference Center building will be determined as design and construction plans are further developed. It is anticipated that room tax revenue, and funds from the Oregon Economic and Community Development Department will also be utilized in construction of the Conference Center.~~

B. Street, Curb, Sidewalk and Trolley Track Improvements.

Improvements within the renewal area will require the construction of new and the reconstruction of existing streets, curb, and sidewalks. Street construction and improvements may include Marine Drive, construction of a new Bay Street/Hamburg Street couplet, and improvements to Bay and Basin Streets *and Bond Street*. In addition, the Agency may participate in funding upgrades to waterfront trolley tracks and associated facilities. The Renewal Agency may participate in funding these improvements including, but not limited to, design, redesign, construction, resurfacing, repair and acquisition of right-of way for curbs, streets, *retaining walls*, and sidewalks, and pedestrian and bicycle paths.

D. Development and Redevelopment.

The Renewal Agency is authorized to provide loans or other forms of financial assistance to property owners wishing to develop or redevelop land or buildings within the renewal area, or to persons desiring to acquire or lease buildings or land from the Agency. The Agency may make this assistance available, as it deems necessary, to achieve the objectives of this Plan. *This assistance includes assistance for housing retention and development.*

SECTION 700 - FINANCING METHODS – *this section deleted in its entirety and replaced with the following language*

Tax increment financing consists of using annual tax increment revenues to make payments on loans, usually in the form of tax increment bonds. The proceeds of the bonds are used to finance the urban renewal projects authorized in the Plan. Bonds may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative increase in assessed value within an urban renewal area over the total assessed value at the time an urban renewal plan is adopted. (Under current law, the

property taxes for general obligation (GO) bonds and local option levies approved after October 6, 2001 are not part of the tax increment revenues.)

A. General description of the proposed financing methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;*
- Advances, loans, grants, and any other form of financial assistance from the federal, state, or local governments, or other public bodies;*
- Loans, grants, dedications, or other contributions from private developers and property owners, including, but not limited to, assessment districts; and*
- Any other public or private source.*

Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan.

B. Tax increment financing and maximum indebtedness

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency, as provided in ORS Chapter 457. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion is \$9,250,000 (nine million two hundred and fifty thousand dollars). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness or interest earned on bond proceeds. It does include initial bond financing fees and interest earned on tax increment proceeds, separate from interest on bond proceeds.

C. Prior Indebtedness –

Any indebtedness permitted by law and incurred by the Urban Renewal Agency or the City in connection with preplanning for this Urban Renewal Plan shall be repaid from tax increment proceeds generated pursuant to this section.

SECTION 800 - ACTIONS BY THE CITY

No changes.

SECTION 900 - NON-DISCRIMINATION

No changes.

SECTION 1000 - AMENDMENTS

B. City Council - Approved Amendments / Major Amendments not Requiring Special Notice per ORS 457.120.

Such amendments to the Plan shall require approval by the Renewal Agency per ORS 457.095 and approval by the City Council by Ordinance. Such amendments are defined as:

1. Adding a project, activity, or program that differs substantially from a project, program, or activity in the Plan, and is estimated to cost in excess of the equivalent of \$250,000 in first quarter year 2002~~16~~ dollars over the duration of the Plan. The \$250,000 threshold shall be adjusted annually at a rate equal to the Construction Cost Index (CCI), also referred to as the ENR Index for Construction published quarterly by the Engineering News Record (ENR).

SECTION 1200 - SEVERABILITY

No changes.

SECTION 1300 - MAXIMUM INDEBTEDNESS

No changes.

SECTION 1400 - CITIZEN PARTICIPATION

The First Amendment included several opportunities for citizen participation. There was an open house on July 28, 2016. There was also opportunity for input at the Astoria Development Commission meeting, the Planning Commission meeting and the City Council hearing.

Exhibit 1, Project Area Boundary will be replaced in its entirety.

Exhibit 2, Legal Description will be replaced in its entirety.

Exhibit 3, Renewal Area Boundary and Zoning Map will be replaced in its entirety

Exhibit 1 – Project Area Boundary

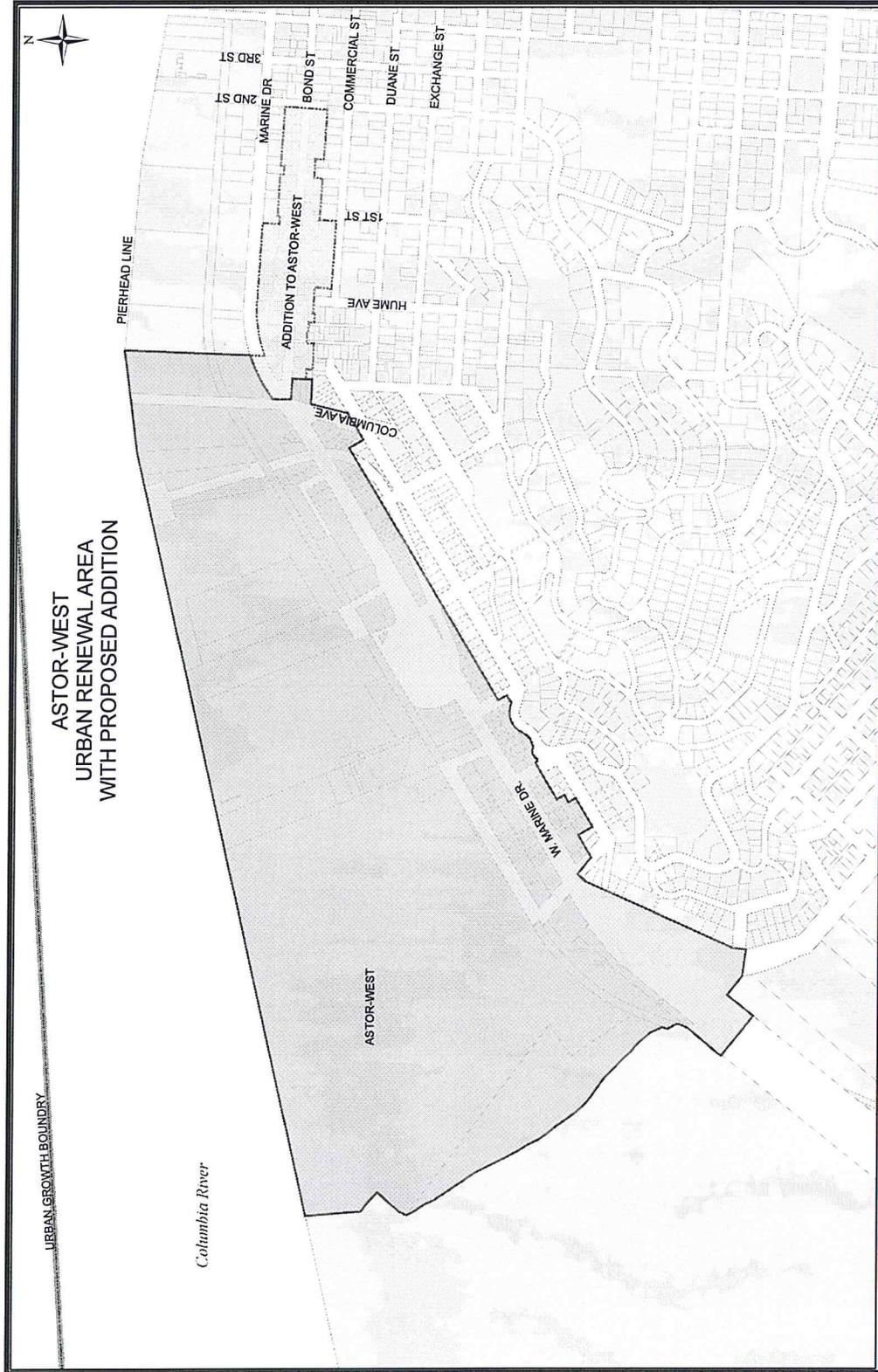
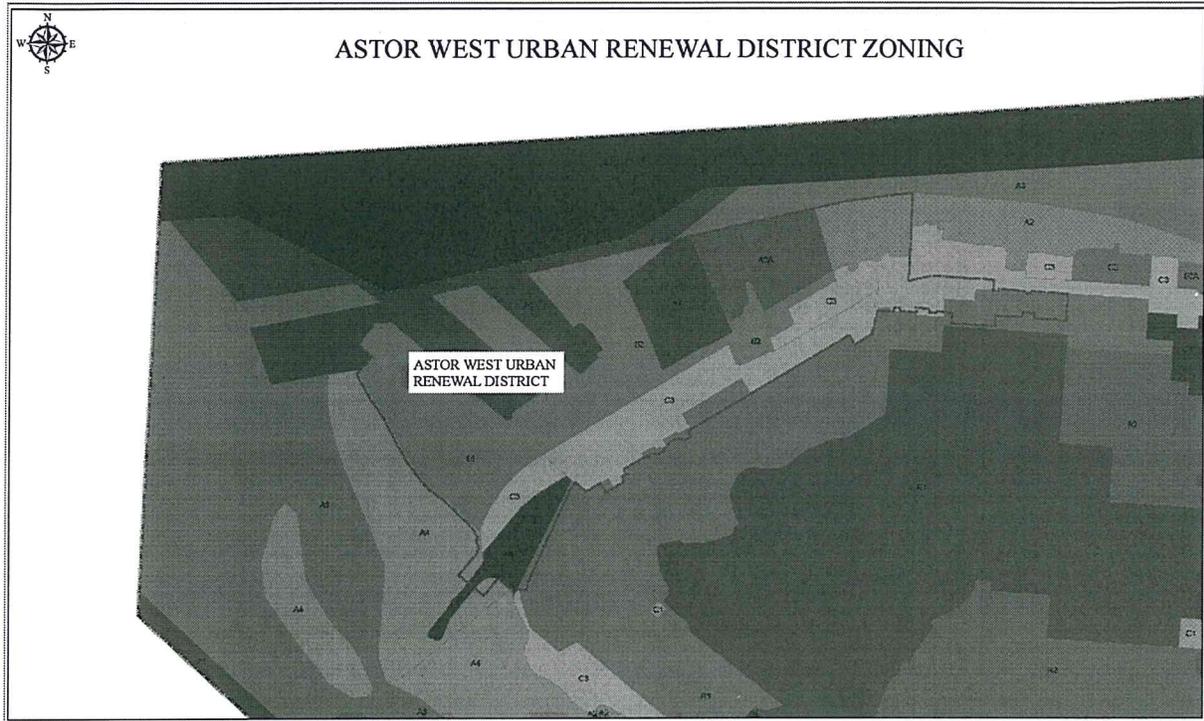


Exhibit 2 – Astor-West Legal Description

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Exhibit 3 – Renewal Area Boundary and Zoning Map



DRAFT

REPORT ACCOMPANYING THE FIRST AMENDMENT TO THE ASTOR-WEST URBAN RENEWAL PLAN

City of Astoria

November 2016--This draft dated October 4, 2016

Prepared by

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Kate MacFarlane

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REPORT ON FIRST AMENDMENT TO THE ASTOR-WEST URBAN RENEWAL PLAN

I. INTRODUCTION

The Astor-West Urban Renewal Report (Report) contains background information and project details for the First Amendment to the Astor-West Urban Renewal Plan (Plan). The Report is not a legal part of the Plan, but is intended to provide the public information and a basis for the findings made by the City Council as part of its approval of the Plan.

The Report provides the information required in ORS 457.085(3). The format of the Report is based on this statute.

The First Amendment adds 12.05 total acres, 7.74 acres in 43 tax lots and 4.31 acres in right of way, to the Astor-West Urban Renewal Area (Area). The property to be included into the Astor-West Urban Renewal Area is shown in Figure 1. The new boundary is shown in Figure 2; it includes the entire Area, outlined and shaded.

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REPORT ON FIRST AMENDMENT TO THE ASTOR-WEST URBAN RENEWAL PLAN

Figure 1. Amendment Area

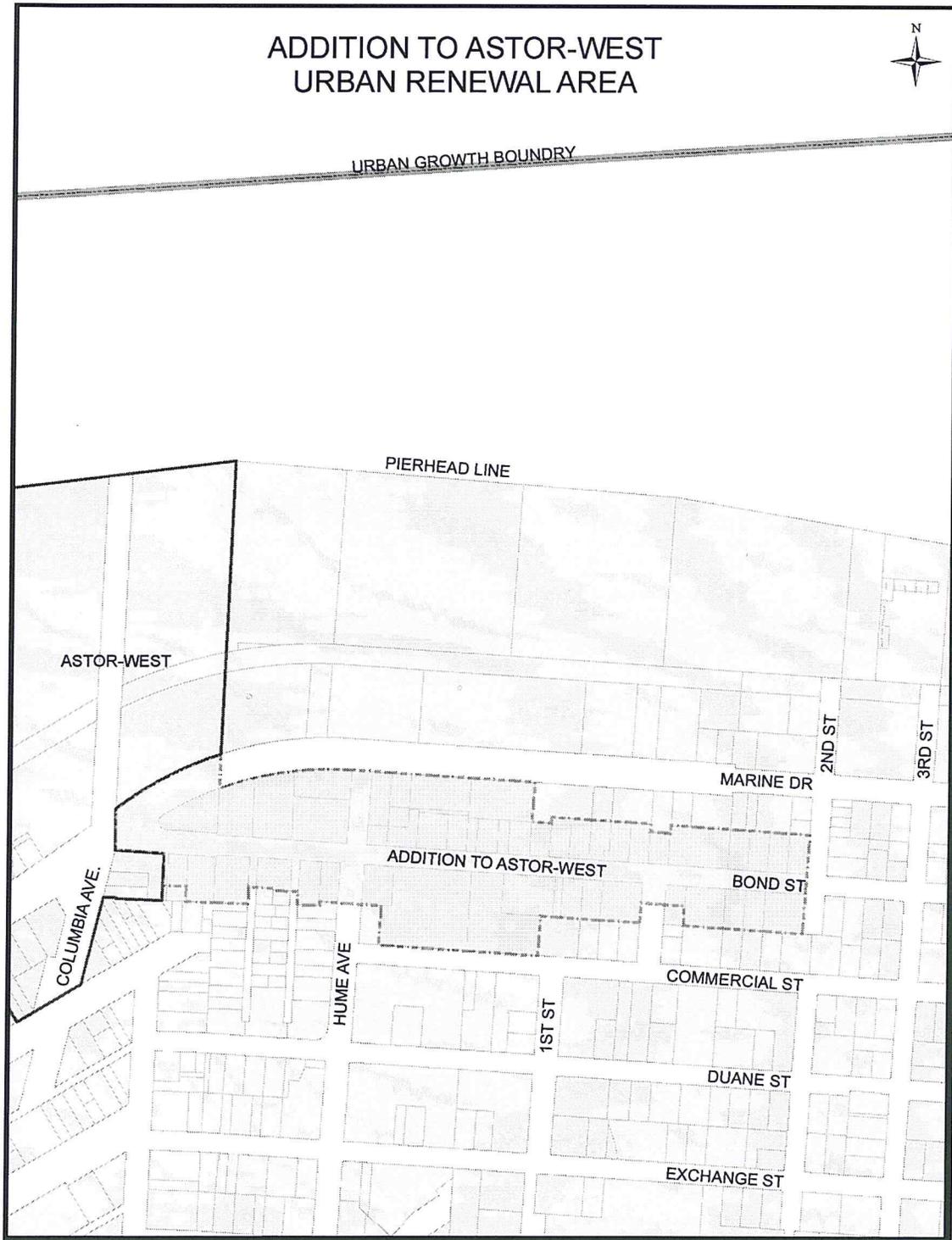
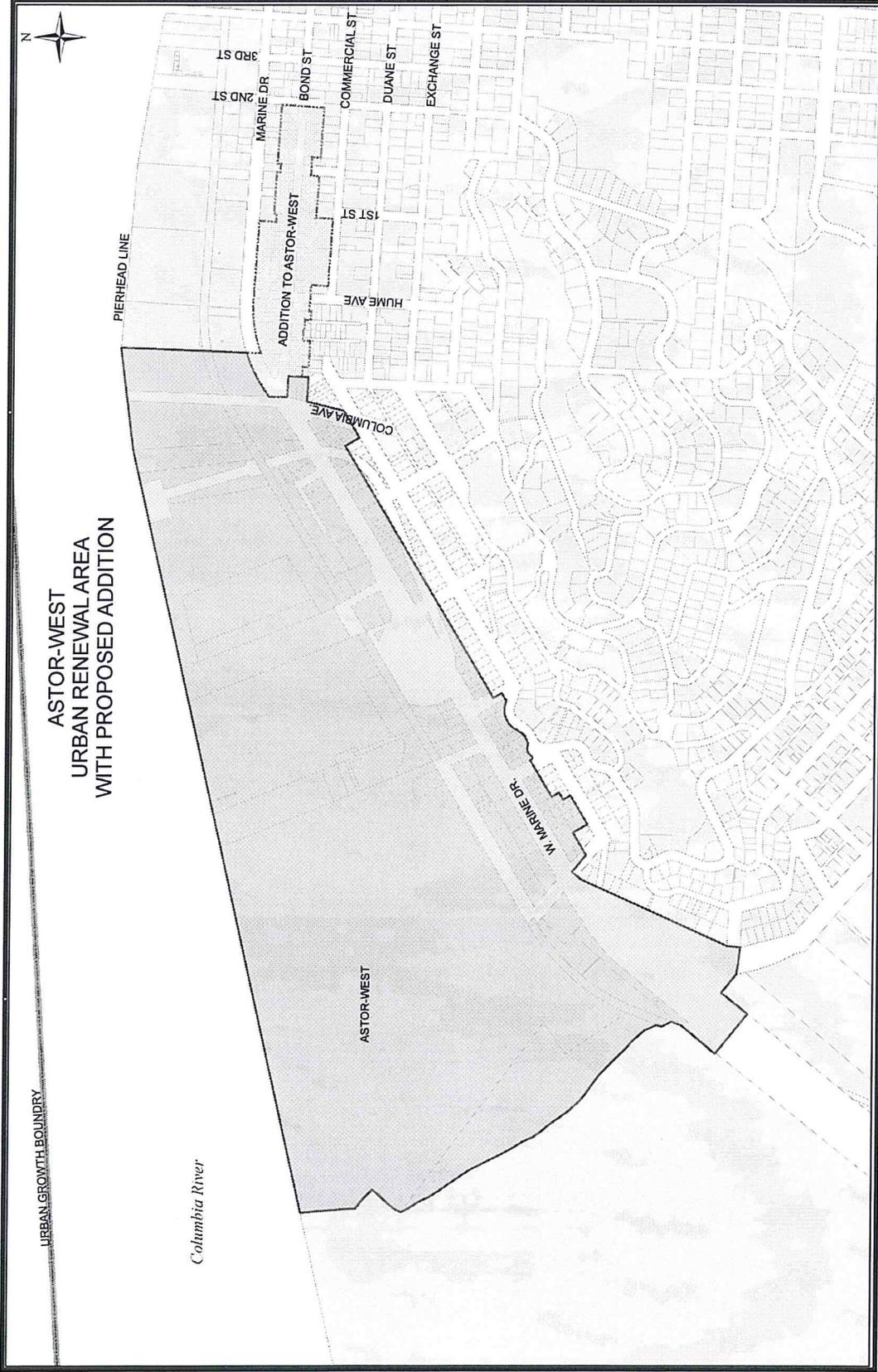


Figure 2. Astor-West Urban Renewal Area after Amendment



II. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND THEIR IMPACT ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the Area property, including area being added in this First Amendment (Amendment Area), documenting the occurrence of “blighted areas,” as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Amendment Area, shown in Figure 1 above, contains approximately 43 tax lots consisting of 7.74 acres in tax lots and 4.31 acres of right of way, for a total of 12.05 acres. The right of way is Bond Street, Hume Avenue, 1st Avenue and Marine Drive.

An analysis of property classification data from Clatsop County FY 2015/16 Assessment and Taxation database was used to determine the land use designation of tax lots in the Amendment Area and Existing Area.

The land uses in the Area before and after the amendment are shown in Table 1. The Amendment Area adds 14 residential tax lots and 3.57 acres to the area, totaling 18 residential tax lots and 4 acres in the Area. The Amendment Area also adds 11 exempt properties and 1.39 acres. There are a total of 193 tax lots and 181.16 acres in tax lots in the Area after the amendment.

Table 1. Land Use of Area

Existing Land Use	Existing Tax Lots	Existing Acres	Amendment Tax Lots	Amendment Acres	Total Tax Lots	Total Acres	Percent of Acres
Exempt	19	132.60	11	1.39	30	133.99	73.96%
Commercial	84	32.64	10	1.81	94	34.45	19.02%
Manufactured	7	0.67	4	0.31	11	0.98	0.54%
Residential	4	0.43	14	3.57	18	4	2.21%
Industrial	11	2.74	0	0	11	2.74	1.51%
Vacant	25	4.34	4	0.66	29	5.00	2.76%
Total	150	173.42	43	7.74	193	181.16	100.00%

Source: Clatsop County Assessor

REPORT ON FIRST AMENDMENT TO THE ASTOR-WEST URBAN RENEWAL PLAN

2. Zoning

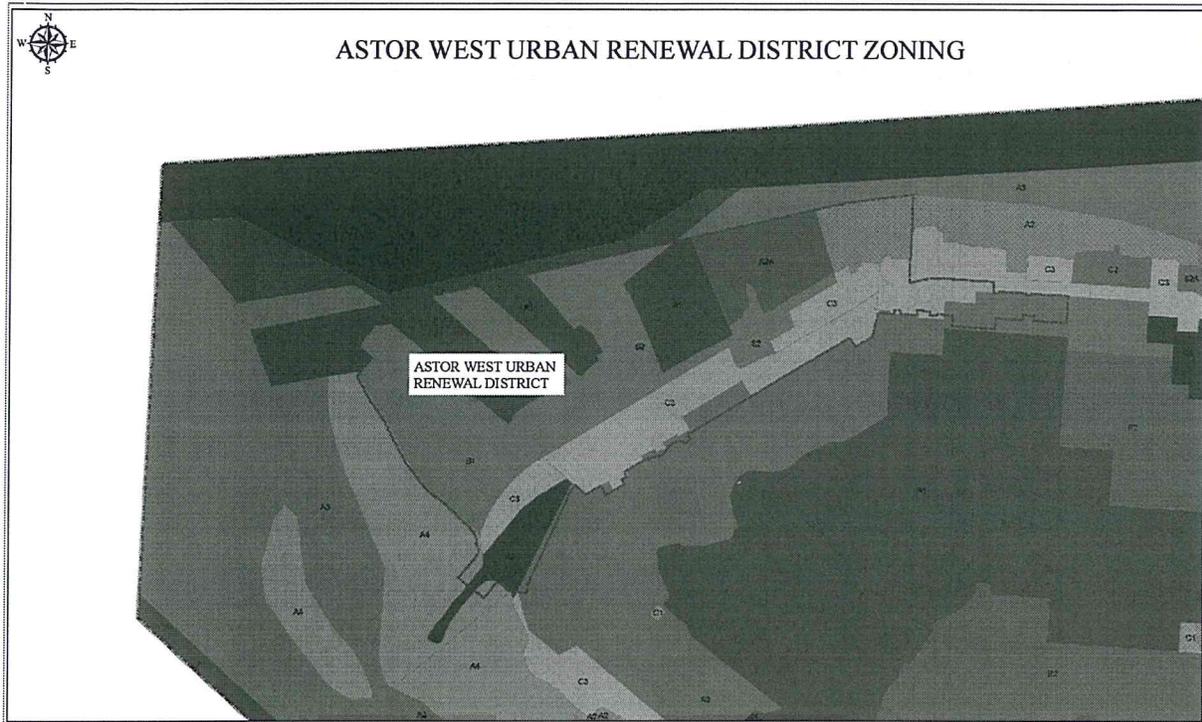
As illustrated in Table 2 and Figure 3, the Amendment Area contains 30 High Density Residential Zone tax lots comprising 5.39 acres. When combined with the existing area, there are 41 High Density Residential Zone tax lots for 6.62 acres. The Amendment also contains 13 General Commercial Zone tax lots comprising 2.35 acres. When combined with the existing area, there are 112 General Commercial Zone tax lots for 22.99 acres.

Table 2. Existing Zoning of Area

Zoning	Existing Tax Lots	Existing Acres	Amendment Tax Lots	Amendment Acres	Total Tax Lots	Total Acres	% Total Acres
Aquatic One Development Zone	12	99.25	0	0	12	99.25	54.79%
Aquatic Two-a Development Zone	5	22.31	0	0	5	22.31	12.32%
General Commercial Zone	99	20.64	13	2.35	112	22.99	12.69%
General Development Shorelands Zone	19	11.04	0	0	19	11.04	6.09%
Marine Industrial Shorelands	1	10.44	0	0	1	10.44	5.76%
Aquatic Two Development Zone	3	8.51	0	0	3	8.51	4.70%
High Density Residential Zone	11	1.23	30	5.39	41	6.62	3.65%
Total	150	173.42	43	7.74	193	181.16	100.00%

Source: City of Astoria

Figure 3. Astor-West Zoning Designations



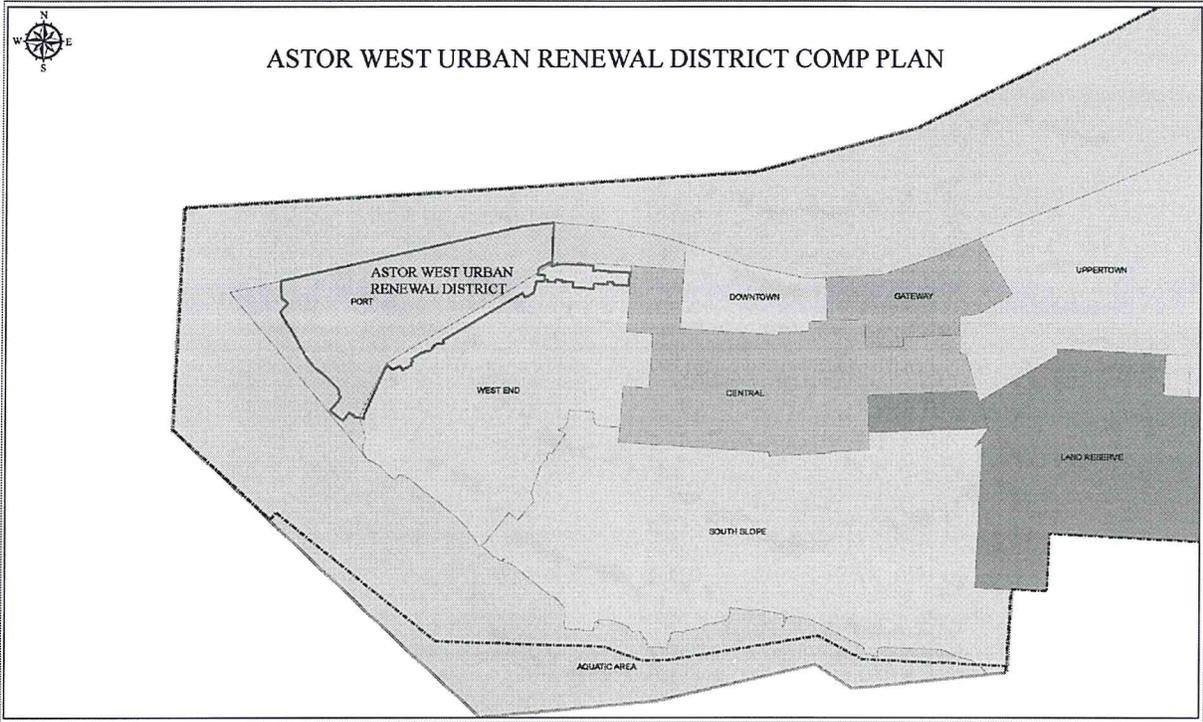
There are 43 tax lots in the Amendment Area all designated West End in the Astoria Comprehensive Plan, comprising 7.74 acres for a total of 108 West End tax lots making up 14.57 acres in the Area. The remainder of the property is designated as Port in the Astoria Comprehensive Plan.

Table 3. Comprehensive Plan Designations of Area

Comprehensive Plan Designation	Existing Tax Lots	Existing Acres	Amendment Tax Lots	Amendment Acres	Total Tax Lots	Total Acres	% Total Acres
Port	85	166.60	0	0	85	166.6	91.96%
West End	65	6.83	43	7.74	108	14.57	8.04%
Total	150	173.43	43	7.74	193	181.17	100.00%

Source: City of Astoria

Figure 4. Astor-West Comprehensive Plan Designations



OK

B. Infrastructure

1. Streets

As a result of a landslide in 2007, Bond Street has been closed to two-way traffic. Only one westbound lane of traffic is allowed limiting east west traffic to Marine Drive. In addition, water and sewer lines have been rerouted above the street. The Public Works Department commissioned a geotechnical analysis completed in August 2015 to study the feasibility of adding a retaining wall. The results of the study concluded that is indeed feasible. Based on the results, the Public Works Department prepared an “order of magnitude” cost estimate of \$395,000 to construct a retaining wall, repair Bond Street for two-way traffic, and include low cost traffic calming measures to mitigate potential speeding along a narrow street in a dense neighborhood of residential buildings.

Below are other projects that are listed in the Astoria Transportation Systems Plan¹ in the Area that indicate blighting conditions in the Area as defined by ORS 457.010.

Table 4. TSP Projects in the Area

Project #	Project Description	Project Extent	Project Elements	Priority	Estimated Cost
D2	US 101-US 30 Coordinated Signal Timing Plans	US 101-US 30 from Portway Street to Columbia Avenue-Bond Street	Optimize the existing traffic signals by implementing coordinated signal timing plans, upgrading traffic signal controllers or communication infrastructure or cabinets.	Medium-term Likely Funded Plan	\$75,000
D19	US 101/Hamburg Avenue Capacity Enhancement	US 101/Hamburg Avenue	Restrict access to left-in, right-in, right-out only or install a traffic signal and allow full access	Long-Term Phase 3 Aspirational Plan	\$26,000
D21	Marine Drive-Columbia to 9th Circulation Option	Marine Drive from Columbia Avenue to 9th Street	Reconfigure Marine Drive to three lanes. Relocate the traffic signal from commercial/9th Street to Commercial/10th Street	Short-Term Likely Funded Plan	\$446,000

¹ City of Astoria Transportation Systems Plan, Adopted April 21st 2014

REPORT ON FIRST AMENDMENT TO THE ASTOR-WEST URBAN RENEWAL PLAN

Project #	Project Description	Project Extent	Project Elements	Priority	Estimated Cost
D23	Bond Street Two-Way	Hume Avenue to 7th Street	Re-open Bond Street to two-way travel and implement traffic calming	Long-Term Phase 1 Likely Funded Plan	\$702,000
D24	Industry Street Extension	Basin Street to Bay Street Extension	Extend Industry Street from Basin Street to the bay Street extension as a Mixed-use local street	Long-Term Phase 1 Likely Funded Plan	\$1,057,000
D25	Bay Street Extension	North of US 30 to Industry Street Extensions	Extend Bay Street to the Industry Street extension as a Mixed-use local street	Long-Term Phase 1 Likely Funded Plan	\$293,000
D34	Portway Street Capacity Enhancement	Portway Street from US 101 to Industry Street	Improve to a Commercial/Industrial collector street cross-section. Move Portway Street centerline to the west to accommodate trucks making westbound right turns; requires right-of-way acquisition from parcel at northwest corner of intersection. Modify the approach to us 101 to include separate left and right turn lanes.	Long-Term Phase 3 Aspirational Plan	\$424,000
D35	Bay Street Upgrade	US 30 to northern terminus	Improve to a Mixed-use local street cross-section	Long-Term Phase 3 Aspirational Plan	\$68,000

REPORT ON FIRST AMENDMENT TO THE ASTOR-WEST URBAN RENEWAL PLAN

Project #	Project Description	Project Extent	Project Elements	Priority	Estimated Cost
P6	Alameda Avenue Community Based Solution	West of Melbourne Avenue to Grand Avenue	Develop a Community Based Solution	Long-Term Phase 4 Aspirational Plan	\$23,000
B14	Alameda Avenue (North) Shared Roadway Enhancements	W Marine drive to Oregon Street	Add wayfinding and shared lane markings.	Short-Term Likely Funded Plan	\$33,000
B52	West Marine Drive Bike Lanes	Roundabout to Hamburg Avenue	Re-stripe roadways to include bike lanes	Short-Term Likely Funded Plan	\$8,000
B55	Taylor Avenue Shared Roadway Enhancements	Hamburg Avenue to Florence Avenue	Add wayfinding and shared lane markings.	Short-Term Likely Funded Plan	\$5,000
CR01	US 30 and Bay Street Crossing Enhancements	US 30 and Bay Street	Upgrade existing crossing to the highest level pedestrian actuated beacon approved by ODOT. Consider restricting parking near crossing to improve visibility	Long-Term Phase 1 Likely Funded Plan	\$26,000
CR17	Roundabout Enhancements	Roundabout enhancements	Provide additional signage at roundabout to clarify expected behavior for bicyclists or consider alternate route using Taylor Avenue	Long-Term Phase 1 Likely Funded Plan	\$1,200

2. Water

As identified in an email dated July 27, 2016 from the City of Astoria, the City of Astoria Water Distribution Master Plan identifies one specific project in the Area in Table 4-1, p11. The recommended improvements are intended to provide for future development at the Port of Astoria and improve fire flow in the area.

In general, water infrastructure in the subject area is nearing or well past its design life. Many of the pipes and services were installed close to a century ago. In addition, the system layout does not have the redundancy associated with modern design practice.

The water infrastructure at the Port of Astoria is in need of significant improvements to facilitate proper maintenance activity and accommodate future development. The City does not maintain their system, but understands it is in need of significant upgrades and maintenance.

3. Storm Drainage

As identified in an email dated July 27, 2016 from the City of Astoria, there are several potential projects associated with the City's Combined Sewer Overflow program that will need to be implemented in the Area. These projects are intended to control sanitary sewer overflow from Portway Avenue to 2nd Street and are planned for construction in Phase 5.

Generally, storm drainage infrastructure in the subject area is nearing or well past its design life. Many of the storm drain outfalls to the Columbia River need significant improvements to properly accommodate adjacent development and the changing outlet area conditions. Coordinating maintenance needs of aging State drainage infrastructure in this area has also proved challenging.

4. Sanitary Sewer

As identified in an email dated July 27, 2016 from the City of Astoria, the City's sanitary sewer interceptor and associated lift station in the Area was installed in the mid-1970s and is quickly nearing the end of its design life. Significant maintenance efforts will be needed to promote continued use of the existing infrastructure associated with the interceptor.

In general, sanitary sewer infrastructure in this area in passed its design life and need of rehabilitation or replacement.

C. Social Conditions

There are underinvested residential properties that potentially need assistance (i.e., grants/ loans/technical assistance) to renovate and preserve as affordable housing, which is a FY 15-16 Astoria City Council Goal. Astoria staff has met with the Community Action Team about a targeted pilot program that would offer some form of assistance to qualified property owners to renovate multi-family buildings while still meeting Astoria Development Code design requirements.

The following tables indicate the social conditions as identified in the US Census. Due to the difference in population between applicable census blocks and block groups, age and race are reported at the census block level, and the rest of the variables at the census block group level.

Of the people in the census block 78% are white alone and another 12% are some other race alone.

Table 5. Race in the Area

Race	Number	Percent
White Alone	234	78%
Black or African American Alone	1	0%
American Indian and Alaska Native Alone	7	2%
Asian Alone	8	3%
Native Hawaiian and Other Pacific Islander Alone	2	1%
Some Other Race Alone	36	12%
Two or More races	13	4%
Total	301	100%

Source: American Factfinder, United States Decennial Census, Table P3, 2010

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Of the people in the census block 56, or 19%, are 25 to 34 years of age.

Table 6. Age in the Area

Age	Number	Percent
Under 5 Years	20	7%
5 to 9 Years	18	6%
10 to 14 Years	7	2%
15 to 17 Years	10	3%
18 to 24 Years	40	13%
25 to 34 Years	56	19%
35 to 44 Years	35	12%
45 to 54 Years	48	16%
55 to 64 Years	36	12%
65 to 74 Years	24	8%
75 to 84 Years	6	2%
85 Years and over	1	0%
Total	301	100%

Source: United States Decennial Census, Table P12, 2010

Within the block group, 60 people have completed college, comprising 9% of the population, while another 45% of the population has completed some college without earning a degree.

Table 7. Educational Attainment in the Area

Educational Attainment	Number	Percent
Less Than High School	138	21%
High School Graduate (includes equivalency)	159	24%
Some college	292	45%
Bachelor's degree	32	5%
Master's degree	28	4%
Professional school degree	0	0%
Doctorate degree	0	0%
Total	649	100%

Source: Social Explorer, American Community Survey 2010-2014 5-Year Estimates

Of the people in the block group, 51%, traveled less than 10 minutes to work, with another 23%, traveled 10-19 minutes to work.

Table 8. Travel Time to Work in the Area

Travel Time to Work	Number	Percent
Less than 10 minutes	154	51%
10 to 19 minutes	69	23%
20 to 29 minutes	39	13%
30 to 39 minutes	14	5%
40 to 59 minutes	0	0%
60 to 89 minutes	0	0%
90 or More minutes	18	6%
Worked at home	7	2%
Total	301	100%

Source: Social Explorer, American Community Survey 2010-2014 5-Year Estimates

Of the people within the block group 80%, drove alone to work.

Table 9. Mode of Transportation to Work in the Area

Means of Transportation to Work	Number	Percent
Drove Alone	240	80%
Carpooled	32	11%
Public transportation (Includes Taxicab)	8	3%
Motorcycle	0	0%
Bicycle	0	0%
Walked	6	2%
Other means	8	3%
Worked at home	7	2%
Total	301	100%

Source: Social Explorer, American Community Survey 2010-2014 5-Year Estimates

D. Economic Conditions

1. Taxable Value of Property within the Amendment Area

The estimated FY 2015/16 total assessed value of the Amendment Area including all real property in the Amendment Area is \$5,209,892. Personal, manufactured, and utility properties, adds another \$202,494, for a total assessed value of \$5,412,386. The total assessed value of the City of Astoria is \$769,253,227.

2. Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Ratio," or "I:L." The values used are real market values. In urban renewal areas, the I:L may be used to measure the intensity of development or the extent to which an area has achieved its short- and long-term development objectives. A healthy condition of real estate investment in the Astor-West Area would be 2:1 or more. There is one tax lot, which is owned by the Port of Astoria, in the Astor-West Area that is exempt. It comprises 82 acres. This one tax lot skews the data in the I:L table, and as such a new column has been made in the table which excludes the exempt properties from the calculation to give a better picture of the I:L of the properties in the Area. Of these properties 62% fall below the targeted 2:1 ratio.

Table 10. Improvement to Land Value

Improvement/Land Ratio	Total Tax Lots	Total Acres	% Total Acres	% Total Acres Without Exempt
Exempt	30	135.31	74.69%	N/A
No Improvement Value	36	11.95	6.60%	26.06%
0.01-0.50	33	7.40	4.08%	16.14%
0.51-1.00	15	3.65	2.01%	7.96%
1.01-1.50	19	3.79	2.09%	8.27%
1.51-2.00	12	1.68	0.93%	3.66%
2.01-2.50	9	1.04	0.57%	2.27%
2.51-3.00	2	0.14	0.08%	0.31%
3.01-4.00	14	5.31	2.93%	11.58%
> 4.00	23	10.89	6.01%	23.75%
Total	193	181.16	100.00%	100.00%

Source: Clatsop County Assessor data

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E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area (affected taxing districts) is described in Section IX of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

Development and redevelopment projects that may be developed on the property will increase the retail, commercial, and residential occupancies within the Area, and will generally result in higher demand for fire, life safety, and public safety services. The projected increase in occupancies within the Area will also raise the demand for water, sewer, and storm drainage services. However, since these properties are all within the urban growth boundary, the city anticipates these increased levels of service.

These impacts will be countered by funding for projects from the Plan, including:

- Improved transportation systems that will benefit the citizens of Astoria.
- Increased investment in the Area helps strengthen the tax base both within the Area and in surrounding areas.
- Improved supply of affordable housing in the Area.
- In addition, developed sites will create employment opportunities for the citizens of Astoria.

These improvements help offset the fiscal impacts from the urban renewal area.

III. REASONS FOR SELECTION OF EACH URBAN RENEWAL AREA IN THE PLAN

There is one urban renewal area in the Plan and it was selected to improve blighted conditions in the Area and prevent the future occurrence of blighted areas as defined in ORS 457.010(1).

IV. THE RELATIONSHIP BETWEEN URBAN RENEWAL PROJECTS AND THE EXISTING CONDITIONS IN THE URBAN RENEWAL AREA

This section identifies only the new projects in the Plan due to the First Amendment.

1. Bond Street Repair – Construction of a retaining wall, repair of Bond Street for two-way traffic, and traffic calming measures to mitigate speeding along a narrow street in a dense neighborhood of residential buildings

Existing conditions: As a result of a landslide in 2007, Bond Street has been closed to two-way traffic. Only one westbound lane of traffic is allowed limiting east west traffic to Marine Drive. In addition, water and sewer lines have been rerouted above the street.

2. Affordable housing – There are underinvested residential properties that potentially need assistance (i.e. grants/loans/technical assistance) to renovate and preserve as affordable housing.

Existing conditions: At this point, there is no funding for affordable housing through city resources, but there is a need as there are underinvested residential properties in the Area.

3. Storefront Improvement Program – To provide assistance to property owners for the improvements to their properties.

Existing conditions: At this point, there is no storefront improvement program, although a program has been designed, but not yet implemented.

V. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

The projects are shown in Table 11, the sources of funds are tax increment revenues.

Table 11. Projects and Costs in Year of Expenditure Dollars

Existing Projects	
Materials and Services	\$398,300
Street improvements - West Marine Drive	\$1,000,000
Street Improvements - Couplet: Bay Street to Hamburg Street	\$1,330,000
Street Improvements - Portway, Hamburg Street, Bay Street, Basin Street	\$870,000
Terminal/Multi-purpose building including public restroom/shower	\$50,000
Proposed Projects	
Bond Street Reconnect (Retaining Wall/Traffic Calming)	\$400,000
Housing Rehabilitation (Bond Street)	\$209,100
Storefront Improvement Program	\$265,400
Redevelopment Assistance	\$2,509,337
Total Expenditures	\$7,032,137

Source: City of Astoria

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VI. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

Projects will be ongoing and accomplished over the life of the Plan. Anticipated completion dates are shown in Table 12.

VII. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 12 shows the beginning fund balance, tax increment revenue collections, other revenues, and the expected expenditures. The Maximum Indebtedness is \$9,119,000, of which \$6,982,137 remained to be issued as of July, 2015. It is projected that the maximum indebtedness of the Area will be reached by FYE 2021. It is projected that all debt will be retired by FYE 2021.

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Table 12. Tax Incremental Revenues and Project Fund (Dollars)

PROJECT FUND	Total				
	2016-17	2017-18	2018-19	2019-20	2020-21
Resources					
Beginning Fund Balance				\$ 39,881	\$ 41,145
Current Year TIF Collections	\$ 3,285,914	\$ 768,069	\$ 725,058	\$ 763,265	\$ 302,686
Prior Year TIF Collections	\$ 100,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Miscellaneous	\$ 50,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Interest Earnings	\$ 18,573	\$ 17,888	\$ 12	\$ 199	\$ 206
Total Resources	\$ 3,454,487	\$ 800,455	\$ 808,981	\$ 833,345	\$ 374,037
Expenditures (nominal \$)					
Materials and Services	\$ (398,300)	\$ (77,300)	\$ (79,600)	\$ (82,000)	\$ (84,400)
Street Improvements - West Marine Drive	\$ (1,000,000)	\$ (1,000,000)			
Street Improvements - Couplet: Bay to Hamburg	\$ (1,330,000)	\$ (1,330,000)			
Street Improvements - Portway, Hamburg, Bay, Basin	\$ (870,000)	\$ (870,000)			
Terminal/Multi-purpose bldg inc. public restroom	\$ (50,000)	\$ (50,000)			
Bond Street Reconnect: Retaining Wall/Traffic Calming	\$ (400,000)	\$ (400,000)			
Housing Rehabilitation (Bond Street)	\$ (209,100)	\$ (51,500)	\$ (53,000)	\$ (54,600)	
Storefront Improvement Program	\$ (265,400)	\$ (51,500)	\$ (53,000)	\$ (54,600)	\$ (56,300)
Redevelopment Assistance	\$ (2,509,337)	\$ (566,500)	\$ (583,500)	\$ (601,000)	\$ (233,337)
Total Expenditures	\$ (7,032,137)	\$ (4,350,000)	\$ (769,100)	\$ (792,200)	\$ (374,037)
Ending Fund Balance		\$ 2,374	\$ 53,655	\$ 39,881	\$ 41,145

Source: Tiberius Solutions, LLC

VIII. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through FYE 2021, as shown on the previous page, are based on projections of the assessed value of development within the Area and taxes on that assessed value.

Table 13 shows the projected incremental assessed value; projected tax rates that would produce tax increment revenues and the annual tax increment revenues (adjusted 5% for under-collection, penalties and interest). These, in turn, provide the basis for the projections in Table 12.

Table 13. Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues (Dollars)

FYE	Assessed Value	Frozen Base	Excess Value	Tax Rate	Gross TIF	Tax Increment Finance Revenue			Cumulative TIF
						Adjustments	Net TIF		
2016	\$62,424,956	\$21,843,363	\$40,581,593	17.7839	\$721,699	(\$36,085)	\$685,614	\$685,614	
2017	\$64,433,607	\$21,843,363	\$42,590,244	17.9640	\$765,091	(\$38,255)	\$726,836	\$1,412,450	
2018	\$72,264,604	\$27,255,749	\$45,008,855	17.9630	\$808,494	(\$40,425)	\$768,069	\$2,180,519	
2019	\$74,666,841	\$27,255,749	\$47,411,092	16.0979	\$763,219	(\$38,161)	\$725,058	\$2,905,577	
2020	\$77,165,167	\$27,255,749	\$49,909,418	16.0979	\$803,437	(\$40,172)	\$763,265	\$3,668,842	
2021	\$79,763,426	\$27,255,749	\$52,507,677	16.0979	\$845,263	(\$42,263)	\$803,000	\$4,471,842	

Source: Tiberius Solutions, LLC

IX. IMPACT OF THE TAX INCREMENT FINANCING, BOTH UNTIL AND AFTER THE INDEBTEDNESS IS REPAID, UPON ALL ENTITIES LEVYING TAXES UPON PROPERTY IN THE URBAN RENEWAL AREA

This section describes the impact of tax increment financing of the Amendment Area, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the urban renewal area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the URA. These projections are for impacts estimated through FYE 2021, and are shown in Table 14. The impacts through FYE 2021 are very small as they represent just the 3% assessed value growth in the Area until FYE 2021. In FYE 2021, the full amount of tax increment revenues are not projected to be taken, showing a positive impact in that year and an overall positive impact due to the dollars collected in FYE 2021.

The Astoria School District, Northwest Regional ESD, and Clatsop Community College are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. All schools in Oregon receive the same per pupil allocations. Under this system, property taxes foregone, due to the use of tax increment financing, are substantially replaced with State School Fund revenues, as determined by a funding formula at the State level. While urban renewal statewide has an impact on the amount of funding in the State School Fund, the legislature has the ability to allocate funds from other sources to fully fund the State School Fund.

General obligation bonds and local option levies are impacted by urban renewal only if they were originally approved by voters in an election prior to October 6, 2001. There are no local option levies approved prior to October 6, 2001 that are in effect in the Astor-West URA. There is, however, one general obligation bond that will be impacted, issued by the Astoria School District. For general obligation bonds, the impact is on the property owner, not on the taxing district. The assessor must assess a slightly higher rate to all properties in the taxing district to account for the division of taxes of the general obligation bond.

The projected impact to the property owner as a result of a general obligation bond issued by the Astoria School District prior to 2001 is very small. As a result of this Amendment, a property tax owner will pay an additional 5 cents per \$100,000 of value for one year, FYE 2018, when the Astoria School District Bond is set to expire. Any bonds issued after October of 2001 are not subject to urban renewal division of taxes.

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Table 14. Projected Impact on Taxing District Permanent Rate Levies During Use of Tax Increment Financing (PV = Present Value)

General Government							
	Clatsop County Perm	Port of Astoria Perm	Clatsop 4H & Extension Perm	Sunset Empire Transportation Perm	Clatsop Care Center Perm	City of Astoria Perm	Subtotal: General Government
2016	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2017	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2018	(\$480)	(\$39)	(\$16)	(\$51)	(\$55)	(\$2,560)	(\$3,201)
2019	(\$815)	(\$67)	(\$28)	(\$87)	(\$94)	(\$4,343)	(\$5,434)
2020	(\$1,163)	(\$95)	(\$41)	(\$123)	(\$134)	(\$6,198)	(\$7,754)
2021	\$2,536	\$207	\$88	\$268	\$291	\$13,514	\$16,904
Total	\$78	\$6	\$3	\$7	\$8	\$413	\$515

Education				
Astoria SD #1 Perm	Northwest Regional ESD Perm	Clatsop Community College Perm	Subtotal: Education	Total
\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0
(\$1,547)	(\$48)	(\$243)	(\$1,838)	(\$5,039)
(\$2,625)	(\$81)	(\$414)	(\$3,120)	(\$8,554)
(\$3,746)	(\$116)	(\$591)	(\$4,453)	(\$12,207)
\$8,169	\$254	\$1,287	\$9,710	\$26,614
\$251	\$9	\$39	\$299	\$814

Source: Tiberius Solutions, LLC

*Table 14 shows an impact on the Astoria Public Schools School and the Educational Service District. However, under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, because of the use of Tax Increment Financing, are replaced as determined by a funding formula at the State level with State School Fund revenues. These projections are for revenues foregone through FY 2021.

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Table 15 shows the increase in permanent rate levy revenues that would occur after termination of the tax increment financing in FYE 2022.

Table 15. Additional Revenues Obtained After Termination of Tax Increment Financing

Taxing District	Tax Rate	From Frozen Base	#REF!		Total
			From Excess Value		
General Government					
Clatsop County	1.5338	\$33,503	\$92,982		\$126,485
Port of Astoria	0.1256	\$2,744	\$7,614		\$10,358
Astoria Road	0.0000	\$0	\$0		\$0
Clatsop 4H & Extension	0.0534	\$1,166	\$3,237		\$4,403
Sunset Empire Transportation	0.1620	\$3,539	\$9,821		\$13,360
Clatsop Care Center	0.1763	\$3,851	\$10,688		\$14,539
Clatsop County Ambulance	0.0000	\$0	\$0		\$0
City of Astoria	8.1738	\$178,543	\$495,514		\$674,057
<i>Subtotal</i>	10.2249	\$223,346	\$619,856		\$843,202
Education					
Astoria SD #1	4.9407	\$107,922	\$299,516		\$407,438
Northwest Regional ESD	0.1538	\$3,360	\$9,324		\$12,684
Clatsop Community College	0.7785	\$17,005	\$47,194		\$64,199
<i>Subtotal</i>	5.8730	\$128,286	\$356,034		\$484,321
Total	16.0979	\$351,633	\$975,890		\$1,327,523

Source: Tiberius Solutions, LLC

X. RELOCATION REPORT

There are no businesses or residents to be relocated under the Plan at the time of this First Amendment.

XI. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AREA

There are two urban renewal areas in Astoria. State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in an urban renewal area at the time of its establishment to 25 percent for municipalities under 50,000 in population. As noted below, the frozen base including all real, personal, manufactured, and utility properties in the two urban renewal areas in Astoria is \$30,875,183, which is 4.35% of the City of Astoria's total assessed value, less the incremental value. The estimate of the frozen base for the Amendment Area includes 3% assessed value increase over the present assessed value, as the assessor will certify a new tax roll before this property is added. The estimated total acreage of the two urban renewal areas is 255.5 acres, including public right of way. Therefore, 3.77% of the acreage in the City would be in urban renewal areas, and 4.35% of the assessed value of the City would be in urban renewal areas. This is well below the statutory limitation of 25 percent in both cases.

Table 16. URA Conformance with AV and Area Limits

Urban Renewal Area	Acres	Frozen Base/Assessed Value
Astor-East URA	50	\$3,289,820
Astor-West URA	205.5	\$21,843,363
Astor-West Addition	12.05	\$5,742,000
Total in Urban Renewal	255.5	\$30,875,183
City of Astoria	6,784	\$769,253,227
City of Astoria Incremental value		\$59,160,571
City of Astoria Less Incremental value		\$710,092,656
Total Amount of City in URAs	3.77%	4.35%

Source: Clatsop County Assessor FY 15/16 tax rolls
 Astor-East Incremental Value \$18,578,978
 Astor-West Incremental Value \$40,581,593