



AGENDA

ASTORIA PLANNING COMMISSION

February 23, 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. January 26, 2016
4. PUBLIC HEARINGS
 - a. Conditional Use CU16-01 by Josh Allison to locate light manufacturing (brewery) and taproom in an existing commercial building at 1343 Duane (Map T8N-R9W Section 8CD, Tax Lot(s) 15000; Lot(s) E. 86.29 feet of Lot 2, Block 117, Shively) in the C-4, Central Commercial zone.
5. REPORT OF OFFICERS
6. OLD BUSINESS
 - a. Verizon Appeal Update
7. PUBLIC COMMENTS (Non-Agenda Items)
8. ADJOURNMENT TO WORK SESSION
 - a. Code Amendment Updates
 - Administrative Process
 - Housing

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
January 26, 2016

CALL TO ORDER:

President Pearson called the meeting to order at 6:46 pm.

ROLL CALL:

Commissioners Present: President David Pearson, Vice President McLaren Innes, Kent Easom, Sean Fitzpatrick, Daryl Moore, and Frank Spence. Jan Mitchell arrived at 6:55 pm.

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

ELECTION OF OFFICERS:

In accordance with Sections 1.110 and 1.115 of the Astoria Development Code, the Astoria Planning Commission (APC) needs to elect officers for 2016. The 2015 officers were President Dave Pearson, Vice President McLaren Innes, and Secretary Sherri Williams.

Vice President Innes moved that the Planning Commission re-elect David Pearson as President for 2016, seconded by Commissioner Moore. Motion passed unanimously.

President Pearson moved that the Planning Commission elect Kent Easom as Vice President for 2016, seconded by Vice President Innes. Motion passed unanimously.

President Pearson moved that the Planning Commission re-elect Sherri Williams as Secretary for 2016, seconded by Vice President Innes. Motion passed unanimously.

APPROVAL OF MINUTES:

Vice President Easom noted the following corrections to the minutes of the November 24, 2015 meeting:

- Page 3, first paragraph – Commissioner ~~Easom~~ **Spence** understood a lot of water and electrical conduit was needed for marijuana growing.
- Page 4, seventh paragraph - Commissioner ~~Easom~~ **Spence** asked if the applicant intended to apply for an alcoholic beverage license.
- Page 4, ninth paragraph - Commissioner ~~Easom~~ **Spence** asked how the business would be advertised.
- Page 4, thirteenth paragraph - Commissioner ~~Easom~~ **Spence** asked if a lease had been submitted from the Port of Astoria.

Commissioner Innes moved that the Astoria Planning Commission approve the minutes of November 24, 2015, as corrected; 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 the substantive review criteria were available from Staff.

ITEM 5(a):

CU13-06 Extension Request for Conditional Use CU13-06 by William and Pamela Myers for one year to November 26, 2016 to locate and live in a motor home as a temporary use for up to one year while renovating the adjacent house at 2018 Franklin. The motor home would be parked in the driveway within the 2nd Street right-of-way on the west side of the dwelling in the R-2, Medium 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. Hearing none, he asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report, which included a letter from neighboring property owner, Janice Franklin. Staff recommended approval of the request.

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

Pam Myers, 218 Franklin, Astoria, said she and her husband are only in the motor home when they are working on the property, but they do not live in the motor home; much of the time, they are in Portland. They will come to Astoria for a day just to get the lawn mowed. They love the house and the neighbors seem very nice. However, she has issues with dog droppings and cat litter on the property. Garbage is being thrown on to the property, including tires, cat litter, garbage, bottles, and papers. She and her husband try to be nice and keep the property cleaned up. They take loads of trash to the city dump and to their home for disposal. She had removed five layers of wallpaper within the house. The property has a beautiful view. She and her husband have been visiting Astoria for 60 years and hoped the Commission would grant the extension so the house can be fixed up the way it deserves to be. She explained the difficulties she has had getting contractors to visit the property and staying in contact with contractors that have given quotes. The contractor that agreed to work on the house said he would jack hammer the front room and a bedroom in the duplex. The work was completed in two days, but he is unable to do more work since his mother passed away and the weather has been bad. Mudslides have prevented her from coming to Astoria recently, but she does the best she can. When she and her husband are on the property, they are not noisy. They pick up after their dog and talk to neighbors. She did research over the summer and learned things about the property that the realtor never disclosed. If she is unable to get the work going, her money will eventually run out from paying for so many estimates. Meanwhile, she and her husband are doing everything they can. They are both retired and are unable to do some of the work, but are committed to getting the house fixed up. They do not want to have to sell the house, so they are trying very hard.

President Pearson called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he closed public testimony and called for Commission discussion and deliberation.

Commissioner Mitchell arrived at 6:55 pm. She stated she would abstain from voting because she had not heard the presentation. However, she understood how difficult it was to get work done while living out of town.

Commissioner Moore asked if the Applicants had a project plan or budget.

Ms. Myer explained that she paid cash for the house and immediately spent \$4,000 or \$5,000 on hauling away debris. This left her with a budget of \$20,000 or \$30,000, which has been chipped away. Currently, her maximum budget is \$50,000, so she and her husband are trying to do much of the work themselves. The kitchen cabinets had to be removed in both units and new cabinets are on the premises. The purchase of the house was supposed to include many appliances, but the only appliance was a refrigerator in one of the units that needed to be replaced. They have paint, flooring, lighting, etc. to remodel the bathrooms and kitchens.

William Myer, 218 Franklin, Astoria, said the problem was they could not get contractors to do the work.

President Pearson noted that the correspondence from the LaMear's supported the request.

Commissioner Spence said he drove by the property earlier that day. He had no objections to the motor home on the property because it sits in a driveway on a dead end street. He understood the Applicants had been working on the interior of the home, but suggested cosmetic painting on the exterior since the neighbors all have such beautiful homes.

President Pearson reminded that the Planning Commission was only able to review the Conditional Use Permit.

Ms. Myer invited Commissioner Spence to speak with her or email her about his suggestions not related to this request.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Extension Request for Conditional Use CU13-06 by William and

Pamela Myers; seconded by Commissioner Innes. Motion passed 6 to 0 to 1, with Commissioner Mitchell abstaining.

President Pearson read the rules of appeal into the record.

Director Cronin confirmed the permit is valid for one year from the date the application was submitted.

REPORTS OF OFFICERS/COMMISSIONERS:

Director Cronin updated the Commission on the following projects:

- Heritage Square and Library – City Council recently held a work session and the discussion will continue at the Astoria Development Commission meeting on February 1, 2016.
- Department of State Lands (DSL) town hall meeting to discuss procedures regulating submerged lands and leases -- He did not believe the procedures would create additional burdens or devalue property, but would provide clarity and predictability when applying to lease submerged lands.
- Implementation of the Riverfront Vision Plan – The next section of the Riverfront Vision Plan will be discussed during the work session portion of this meeting.

Commissioner Mitchell noted the DSL procedures related to rivers, streams, lakes, and wetlands, most of which were located in the county.

ADJOURNMENT TO WORK SESSION:

There being no further business, the meeting was adjourned to convene the work session at 7:09 pm.

WORK SESSION: WORK PROGRAM PRIORITIZATION:

Director Cronin asked the Commission to direct Staff on the City's projects. City Council projects are top priority; however, as a quasi-judicial board and governing body, the Planning Commission can help Staff think strategically about all of the different projects the community wants. Feedback from the Commission will allow him to make long-term plans and prioritize appropriately. He updated the Astoria Planning Commission (APC) on current projects as follows:

- Affordable Housing – Draft code amendments to allow smaller lot sizes will be discussed with the APC at a work session in February. The public hearing with the APC will be in March and City Council will review the code amendments in April.
- Community Development Permit Processing – The administrative procedures in the zoning codes are outdated. In order to streamline the permitting process, the APC will review draft code amendments at the work session in February.
- Heritage Square – He would continue to provide updates to and receive feedback from the APC on the Heritage Square project, especially as the site planning exercise begins. Text amendments to the Development Code will be necessary to address Staff's list of housekeeping items.
- Economic Development Strategy – He would resubmit a grant application to the State. A mayor-appointed committee will include representatives from local businesses, the Chamber of Commerce, Clatsop Economic Development Resources (CEDR), and others. The APC will review the strategy and decide if Astoria has an ample supply of commercial or industrial land.

Commissioner Moore suggested Staff conduct a public awareness campaign about sidewalk maintenance. He described issues with sidewalk maintenance around town, noting that many property owners are unaware that they are responsible for the sidewalks in front of their properties. Director Cronin said this issue comes up a lot at the Meet the Mayor events. Staff does not have an easy solution, but code enforcement could be more aggressive. Commissioner Innes suggested Staff prepare a one-sided, brief, and easy to read document that describes which sidewalks should be maintained by property owners and offers recommendations for maintenance.

Director Cronin asked the Commission to suggest a neighborhood in Astoria that would be willing to host a pilot project. The Commissioners agreed the neighborhoods just outside of downtown would be best. They discussed ideas for a spring sidewalk clean up event and which streets would benefit the most.

Commissioner Mitchell suggested a project to revitalize Duane Street to make it more visually consistent with Commercial Street. Director Cronin explained that elements of the Heritage Square project include Duane Street and the library. A brewery is considering relocating to Duane Street. Staff is also trying to move forward on the Merwyn building, but decisions about the library need to be made first.

Commissioner Innes asked why Heritage Square did not include affordable housing. Director Cronin said he is addressing the affordable housing issue through text amendments to the zoning codes. The City also has funding tools that will help produce more affordable housing. He did not have any information about the upcoming Housing Authority meeting.

Commissioner Spence asked if Walker Macy was still under contract with the City. Director Cronin explained that the contract had expired at the discretion of City Council. Another contract will be necessary to do a comparable analysis of the existing library site and Heritage Square. The City could sign another contract with Walker Macy or with a new contractor.

Commissioner Mitchell believed the current Council expects Planning Commissioners to take a larger view of their roles and do more than just confirm Staff's position. Staff and the Commissioners discussed the proposed rezoning of Clatsop Community College (CCC) property and City Council's decision to overturn the APC's decision. Director Cronin explained the APC's rights and responsibilities when considering Staff's recommendations and encouraged Commissioners to be as critical and specific as they deemed necessary. Staff's job is to provide the best possible findings no matter what. Commissioner Mitchell believed she had misunderstood the proposed rezone and was glad City Council overturned the APC's decision.

Commissioner Moore noted he is not an expert and relies on Staff for recommendations. When reviewing the requests for the wireless communications facility, he did not consider the Code beyond what was shown to him. Yet, the City Council addressed every piece of Code. He asked Staff for feedback about how critical the APC should be when considering Staff's findings. Director Cronin encouraged Commissioners to be as specific as they want to be. Staff appreciates questions and comments from Commissioners prior to the hearings, but issues can always be raised during the hearings. Hearings can be continued if Staff needs time to revise findings for the Commission. He also offered to schedule work sessions to review portions of the Code and answer any Commissioner's questions.

Commissioner Fitzpatrick believed the Commissioners might have wanted to vote against CCC's rezone request, but did not know how because they were presented with findings that supported the request. He asked how the Commission should proceed in situations like that. Director Cronin explained how difficult it was for Staff to revise the findings when City Council overturned the APC's decision. City Council wanted to use livability criteria that does not exist in the zoning code and is not a development criterion. The college could have appealed City Council's decision to the Land Use Board of Appeals (LUBA). The zone change proposal was straightforward because of the property's history as a commercial use in a residential zone, Staff's quantitative analysis of Astoria's commercial and residential lands and the nature of the neighborhood. However, it was Council's concerns about vacation rentals that led them to overturn the Commission's decisions. Decisions should be based on criteria, not vacation rentals. Commissioners can tell Staff that they believe criteria have not been met and direct Staff to draft Findings of Fact that support the APC's position.

Vice President Easom believed the information presented to the APC about the wireless communication facility was incomplete. He was sorry that City Council overturned the APC's decision on that request instead of remanding the decision back to the Commission.

The Commissioners discussed how their decisions were affected by the lack of public comments about that request. The APC had received a letter from Ron Zilli, but no other public comments were made during the hearings. They discussed the public comments made and new information presented during the appeal.

ADJOURNMENT:

There being no further business, the work session was adjourned at 7:41 pm.

APPROVED:

Community Development Director

STAFF REPORT AND FINDINGS OF FACT

February 17, 2016

TO: Astoria Planning Commission

FROM: Nancy Ferber, Planner

SUBJECT: Conditional Use Request (CU16-01) by Josh Allison, Reach Break LLC to locate brewery (light manufacturing) and taproom within an existing building at 1343 Duane St.

I. SUMMARY

- A. Applicant: Josh Allison
Reach Break, LLC
1343 Duane Street
Astoria OR 97103
- B. Owner: Astoria Station, LLC (Tax Lot 15000)
Warren Williams
PO Box 476
Astoria OR 97103
- C. Location: 1343 Duane Street; Map T8N R9W Section 8CD, Tax Lot 15000; Lots 3, Block 117, Shively.
- D. Zone: C-4, Central Commercial
- E. Lot Size: approximately 84 x 125 (10,500 square feet)
- F. Proposal: To locate brewery (light manufacturing) and taproom in an existing commercial structure
- G. Previous Applications: Previous applications have included business permits for food carts, farmers markets, and interior building improvements. At its May 27, 2008 meeting, the APC approved a conditional use for this building to allow mini-storage in the basement and warehousing/distribution in the basement and ground floor.



II. BACKGROUND INFORMATION

A. Site:

Currently, the building (1951) is occupied by Astoria Indoor Garden Supply, a retail sales establishment. The building was previously occupied by an automotive sales business. The basement level of the building was originally built and used as an automotive repair facility. Some recent tenants included a small bicycle repair shop and retail sales. The building consists of automotive bays and ramp to the lower level. The upper bays on the north side have previously been leased for use as a bicycle shop which is an outright use as retail sales. The basement has only one access and therefore is not permitted for any use.

The property is located between 13th and 14th Streets and Duane and Exchange Streets in a developed area. The site is sloped up from the west to east, with frontage on the west side toward 13th street. There is a parking lot on the west side of the building off 13th Street that is used by the current tenant for their retail parking and a farmers market that operates on Thursdays during portions of the year.



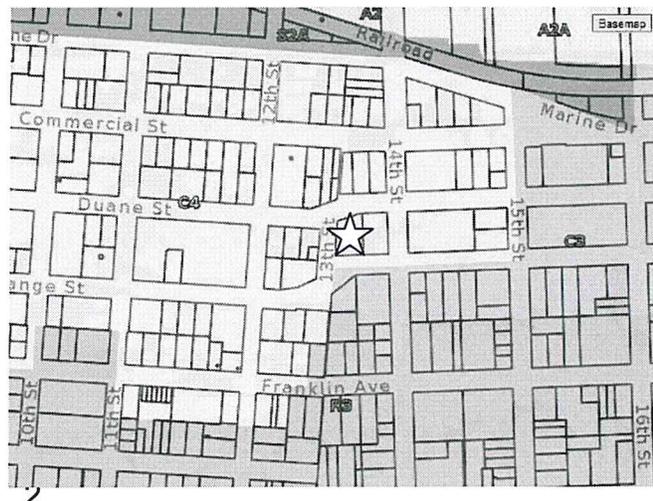
13th & Exchange corner



13th and Duane

B. Neighborhood:

The property is located in the Downtown Historic District and is bounded on the north by the C-4 Zone with JCPenny and retail along 13th, to the east is the Norblad hotel/hostel, Fernhill Glass, and Fort George Brewery. On the south across Exchange St. is the Astoria Co-Op Grocery, and



Providence medical offices. To the west are Pilot House Distilling and the Columbia Travel offices.

City streets border the site on the north, west, and south sides. Duane Street is a two-lane, one-way street going west that runs parallel with the north property line of the site. 13th Street is a two-lane, two-way street that runs parallel with the west property line of the site. This is the only stretch of 13th St in Astoria. Exchange Street is a two-lane, one-way street going east that runs parallel with the south property line of the site. On-street parking is allowed on the both sides of each of the abutting streets.

C. Proposal:

The applicant is proposing to locate their brewery operation (appx 1,500 square feet) into the south end of the building that is currently occupied by Astoria Indoor Garden Supply. The taproom (appx 900 square feet) would be on the northern section. Food carts are proposed for the parking lot area to maintain a pedestrian friendly feel of the neighborhood and offer food service without investing in a commercial kitchen.

The site is currently zoned C-4(Central Commercial) – an eating and drinking establishment is an outright permitted use. Incorporating the brewery, which is considered light manufacturing, would be in conjunction with the outright use of retail sales.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on February 1, 2016. A notice of public hearing was published in the *Daily Astorian* on February 16, 2016. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.435(3) concerning Conditional Uses permitted in the C-4 Zone allows light manufacturing as a Conditional Use.

Finding: The applicant intends to locate a brewery and taproom in the Astoria Station Building. The proposed brewery would require review for a conditional use as light manufacturing; the taproom is an outright permitted as an eating and drinking establishment.

- B. Section 2.445(6) for the C-4 Zone requires that all uses with access, parking, or loading areas will comply with standards in Article 7.

Section 7.062 (C), Downtown Area, states that “ *Uses in the C-4 Zone and uses between 7th and 14th streets in the A-2 and S-2A zones are not required to provide off-street parking.*”

Section 7.090 (C) of the Development Code states, “*Uses in the C-4 Zone and uses between 7th and 14th streets in the A-2 and S-2A zones are not required to provide off-street loading*”.

Finding: Off-street parking or loading is not required for commercial uses in the C-4 Zone. The parking impact of the light manufacturing in conjunction with other outright uses such as eating and drinking would be minimal and similar to other approved outright uses. In fact, light manufacturing generally utilizes more building area with fewer employees. The applicant proposes using the existing driveway access to the ramp on the lower level. The applicant is proposing using the existing parking lot area for food carts.

- C. Section 2.445(8) requires that signs will comply with requirements in Article 8.

Finding: No signs are proposed as part of this request. Any future sign installation shall comply with the requirements of Article 8, specifically regulations pertaining to C-4 Zone as appropriate.

- D. Section 11.110(A) concerning Light Manufacturing, Nuisances states that “*No use shall generate odor, dust, gas, fumes, glare or vibration beyond the property line or site boundary.*”

Finding: The brewery would generate some odor common to the brewing process. This is generally not considered as extensive or an amount that would be considered a nuisance. Any use that would potentially exceed that which is anticipated in this request would be referred to the APC for additional review and consideration. Light manufacturing operations would be a low impact operation with minimal odor, dust, etc.

- E. Section 11.110(B) concerning Light Manufacturing, Storage states that “*Storage of materials and equipment shall be screened from adjacent properties or public streets by sight-obscuring fencing, landscaping or both. Clear vision areas shall not be obscured.*”

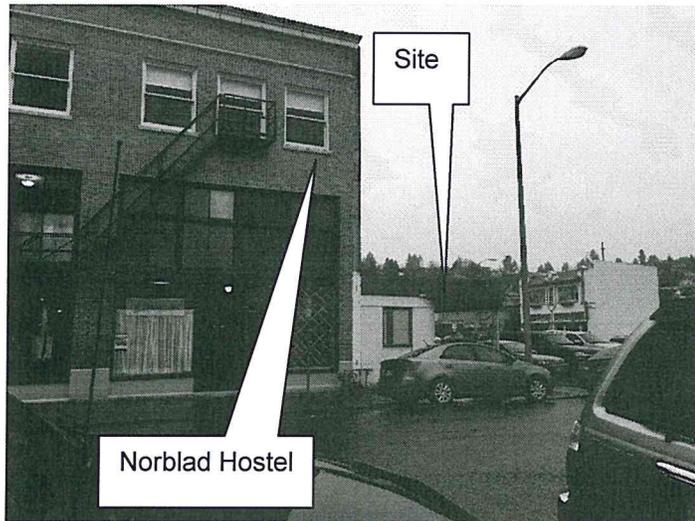
Finding: All materials and equipment would be stored in the building and/or screened from view. The applicant is proposing a solid waste/recycling enclosure by the parking garage ramp. No landscaping changes have been proposed because the applicant is intending to use the parking lot area for food carts. If additional alterations or new construction features are proposed, they may require Historic Design review, as the building is adjacent to a historic property (condition 4)

- F. Section 11.110(C) concerning Light Manufacturing, Buffer states that *“Where a use abuts a residential zone or other sensitive use (regardless of the presence of a street) a buffer of at least 10 feet shall be established. Such buffer may include plantings, berms, walls, and fencing adequate to provide a separation of the use from the residential area.”*

Finding: The property is not adjacent to a residential zone or sensitive use. The proposed manufacturing would have a minimal impact to adjacent properties due to the limited nature of the items being manufactured. No buffering is required. There are no windows on the west side of the neighboring Norblad Hostel/Hotel which is adjacent to this site. There is residential use in the upper floors of this adjacent building and in other buildings within the neighborhood. The proposed manufacturing would have a minimal impact due to the small nature of the items being manufactured. The approval would be for light manufacturing for a brewery operation and not a “blanket” approval for any light manufacturing as the impacts could be different with each product requiring unique methods of construction. (Condition 1)

- G. Section 11.110(D) concerning Light Manufacturing, Lighting states that *“Exterior lighting shall be shielded so as to direct it away from adjacent property.”*

Finding: No exterior lighting is proposed. Any future lighting shall be reviewed by the Planner for compliance with this standard.



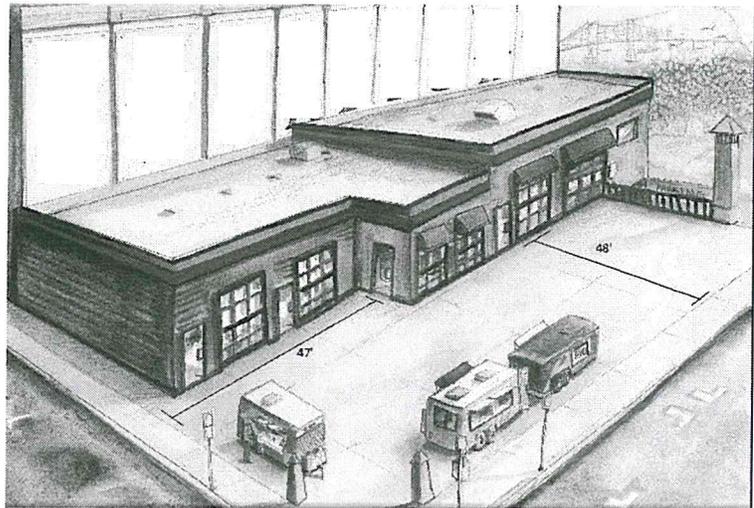
- H. Section 11.110(E) concerning Light Manufacturing, Parking states that *“Uses shall have adequate parking, loading, maneuvering, and vehicle storage areas so as not to impact adjacent public streets or parking facilities. Ingress and egress shall be limited so as to direct parking onto arterial or collector streets.”*

Finding: There is ample maneuvering space on the site for loading and unloading. The building has a parking lot on the west side of appx 48' in depth. The property owner is planning to resurface the lot, in hopes of making it more pedestrian friendly. Food carts, similar to what has been set up in the past, are also proposed in the parking lot. See rendering on the following page.

The building has a garage door that would be used for a loading area eliminating the need for deliveries to use on-street loading and unloading similar to other businesses in the downtown area.



Above: parking lot space in front of the building. **Right:** proposed parking lot use



- I. Section 11.020(B)(1) requires that the use comply with policies of the Comprehensive Plan.
 1. Section CP.055(4) concerning Downtown Area Policies states that *"The City encourages the reuse of existing buildings prior to the expansion of commercial zones."*

CP.055(4) concerning Downtown Area Policies states that *"The City encourages the reuse of existing buildings prior to the expansion of commercial zones."*

Finding: The applicant is proposing to reuse an existing building operating retail services. The nature of the structure, with a large open area onto 13th street, and easy access allows for a good opportunity for adaptive reuse as a proposed brewery with the eating/drinking taproom. The applicant is improving the parking lot to make it more conducive to some other pedestrian friendly uses. The proposed use for light manufacturing and brewery allows a reuse of the building in its current configuration.

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.”

Finding: The proposed light manufacturing would allow for continued compact urban form development of an area currently serviced by City utilities. Furthermore, the increase in breweries and distilleries in the area helps continue the development of downtown into a destination for these facilities and tourist related uses that have the potential to become an important feature of downtown development.

3. CP.205(1) concerning Economic Development Policies states that *“The downtown core of Astoria, generally extending from Sixth to Sixteenth Streets, and from the waterfront to Exchange Street is the retail, service and governmental center of the area. The City, through its zoning actions and support of the Astoria Downtown Development Association, will promote the Downtown.”*

CP.200(2) concerning Economic Development Goals states that *“The City of Astoria will assist in strengthening the City’s Downtown core as the retail center of the area, with the support of the Downtown Association and the Downtown Manager.”*

CP.200(3) concerning Economic Development Goals states that *“The City of Astoria will encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries.”*

CP.205(5) concerning Economic Development Policies states that *“The city and business community should develop a cooperative program for strengthening and upgrading the core commercial area's competitive position.”*

Finding: The existing buildings and businesses in the area are active participants in the downtown core commercial area. They are visually and physically linked to the downtown, and help strengthen the downtown as a central business district.

The possible use of this building for a brewery and eating/drinking establishment would support economic health of the area by adding to the growing cluster of breweries and distilleries, giving Astoria a competitive edge in the craft brewing/distilling field and promoting the City as a destination for tourists.

The proposed uses would strengthen the downtown as well as provide year-round job opportunities.

Finding: The request is in compliance with the Comprehensive Plan.

- J. 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 site is easily accessible to pedestrians, bicyclists, vehicle traffic and those using public transit which is located at 14th and Commercial Street. Use for light manufacturing and a taproom would not be a major impact to the area as this site has been used for retail services, and is not generally designed for other pedestrian related uses. There are few downtown buildings that have easy vehicular access to the buildings for deliveries. With the ability to drive in the building for truck deliveries, this building is ideal for light manufacturing operations due to the minimal impact to the streets for these functions.

These types of uses would benefit from a downtown location due to the pedestrian traffic and the close proximity to other similar sales and services such as Shallon Winery, Fort George Brewery and the Pilot House Distillery. The site is appropriate for the proposed use.

- K. 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.”*

Section 7.105 Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Per table 7.105- Commercial uses require 1 bike space per primary use, or 1 per 10 vehicle spaces.

Finding: The site is accessible from three streets that abut the site on the north, west, and south. On street parking is available on both sides of all streets that surround the site. It is one of only a few buildings in the downtown area that have some off-street parking. Section 7.180 of the Development Code states, *"Uses in the C-4 Zone are not required to provide off-street parking or loading."* The



parking impact of the light manufacturing would be minimal and similar to the approved uses. Sidewalks for pedestrians, bicycle facilities, public transit are in close proximity to the site and vehicle access is readily available to the site to accommodate visitors using various modes of transportation.

With the change of use for the new brewery and taproom, a minimum of two bicycle spaces are required. The applicant shall submit a plan for review and approval by the planner. The spaces shall be installed prior to occupancy. (Condition 2)

Garbage and recycling collection is provided by Recology under contract with the City. The applicant shall work with Recology on the location and size of the refuse collection area for the proposed use in the building. Solid waste disposal and recycling areas shall be screened from view. Location and design of the proposed collection area should be submitted with the building permit application for review and approval by the Planner. (Condition 3)

- L. 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: Public facilities are available to the site. The use will not overburden water, sewer, or storm drainage. The brewery will be a "micro-brewery" and consequently uses far less public utilities than a large manufacturing facility. The initial brewing system will be a 7-barrel (appx 210 US gallon) brewery. The brewery may need more water than some other uses generally in the downtown area; the applicant shall work with the Public Works Department to meet the needs of the proposed brewery operation, including wastewater disposal options. As with all new or increased business and development, there will be incremental impacts to police and fire protection, but the proposed use will not

overburden these services. The applicant shall obtain an OLCC license and building permit and/or change of occupancy permit to be reviewed and approved by the Building Official to assure that the building occupancy is adequate to accommodate the proposed use. (Condition 5)

- M. 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: No exterior construction is proposed as part of this request. The site is not within 100' of a known geologic hazard area. Additional studies are not required.

- N. Section 11.030(A)(5) requires that the use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

Finding: The building is existing and encompasses most of the parcel. Additional landscaping is not required but is recommended to improve the sidewalk appeal and provide an attractive outdoor space for customers.

VI. 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. The approval shall be for light manufacturing for brewery operation and not a "blanket" approval for any light manufacturing as the impacts could be different with a different product requiring other methods of construction. The light manufacturing shall be limited to uses with similar or less impacts such as a brewery or distillery.
2. With the change of use for the new brewery and taproom, a minimum of two bicycle spaces are required. The applicant shall submit a plan for review and approval by the planner. The spaces shall be installed prior to occupancy. (Condition 2)
3. The applicant shall work with Recology on the location and size of the refuse collection area for the proposed use in the building. Solid waste disposal areas shall be screened from view. Location and design of any proposed exterior collection area shall be submitted for review and approval by the Planner.
4. Any additional new construction such as a garbage enclosure that is not attached to the building, shall require historic design review.

5. Prior to use of the building, the applicant shall obtain a building permit and/or change of occupancy permit to be reviewed and approved by the Building Official to assure that the services are adequate to accommodate the proposed use.

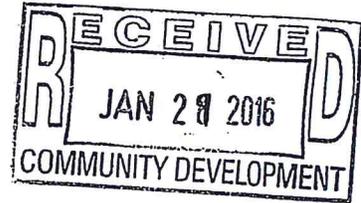
The applicant should be aware of the following requirements:

Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

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



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
 COMMUNITY DEVELOPMENT



No. CU 10-01

Paid 2-1-16 MF
 Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 1343 Duane St Astoria, OR 97103

Lot E. 86.29 Ft of Lot 2 Block 117 Subdivision Shirely

Map 8UD Tax Lot 15000 Zone C-4

Applicant Name: Reach Break, LLC : Josh Allison

Mailing Address: PO Box 773 Astoria, OR 97103

Josh
 Phone: (503) 290-5989 Business Phone: _____ Email: jgallison99@hotmail.com

Property Owner's Name: Astoria Station, LLC

Mailing Address: PO Box 476 Astoria, OR 97103

Business Name (if applicable): Reach Break, LLC

Signature of Applicant: [Signature] Date: 1/25/16

Signature of Property Owner: [Signature] Date: 1/25/16

Existing Use: Indoor Garden Supply
 Proposed Use: Brewery + Taproom *To locate light mfg & brewery in an existing commercial building 2.435*
Brewery (light manufacturing) + taproom

Square Footage of Building/Site: 2,400 ft² total (≈1,500 ft² brewery + ≈900 ft² taproom)

Proposed Off-Street Parking Spaces: 0

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.

<i>For office use only:</i>			
Application Complete:	<u>2-1-16</u>	Permit Info Into D-Base:	<u>2-1-16</u>
Labels Prepared:	<u>3/1/16</u>	Tentative APC Meeting Date:	<u>2/23/16</u>
120 Days:	<u>5-31-16</u>		

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th 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.

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.

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

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.

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

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

Conditional Use Application (Filing Information):

11.030(A)(1)

The use of this proposed location is appropriate. It is easily accessible to both customers and employees. Our brewery will be in a location with the same light manufacturing activities (beer, wine, and distilled spirit production) in close proximity. Shallon Winery is located 2 blocks east (1598 Duane), Fort George Brewery is located 1 block east (1483 Duane), and Pilot Hose Distillery is located 1 block to the west (1270 Duane). Our proposed use of this facility would be appropriate based on surrounding businesses and is a desirable location for a brewery/taproom for this community.

11.030(A)(2)

The site is suitable for the amount of traffic that we will receive. The site is located one block to the south of E Columbia River Hwy (Commercial St) so we will not be impacting highway traffic. We are not proposing on-site parking so pedestrian and bicycle users should not be affected by automobiles crossing sidewalks. Emergency vehicle movements should not be inhibited by our facility. Our proposed use of this facility is reasonably expected to impact the pedestrian safety and traffic flow no more than that of the current use.

11.030(A)(3)

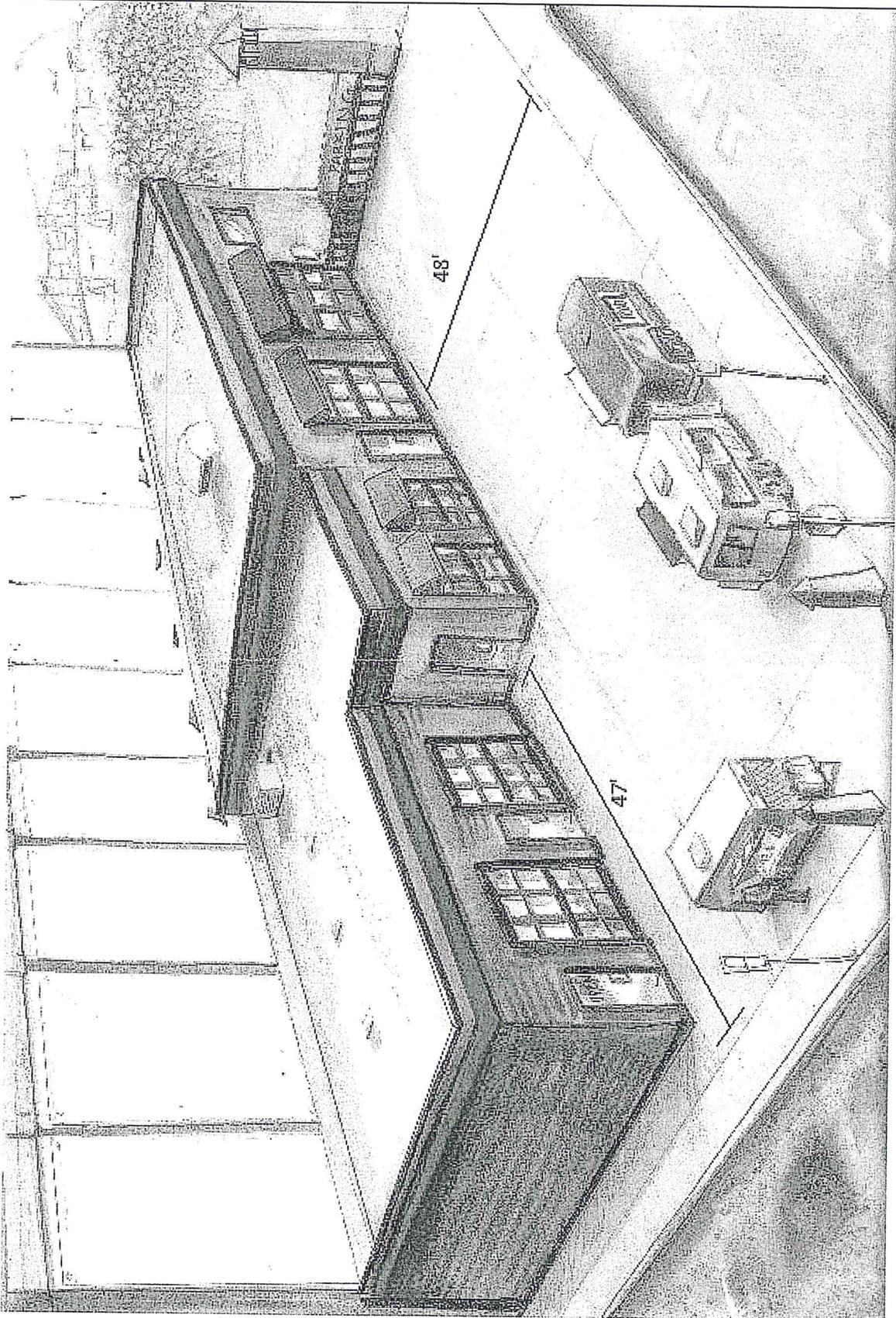
Our proposed use of this location will not overburden public works. We are, by definition, a micro-brewery and we will be using far less public utilities than a large manufacturing facility. Our initial brewing system will be a mere 7-barrel (approx 210 US gallons) brewery.

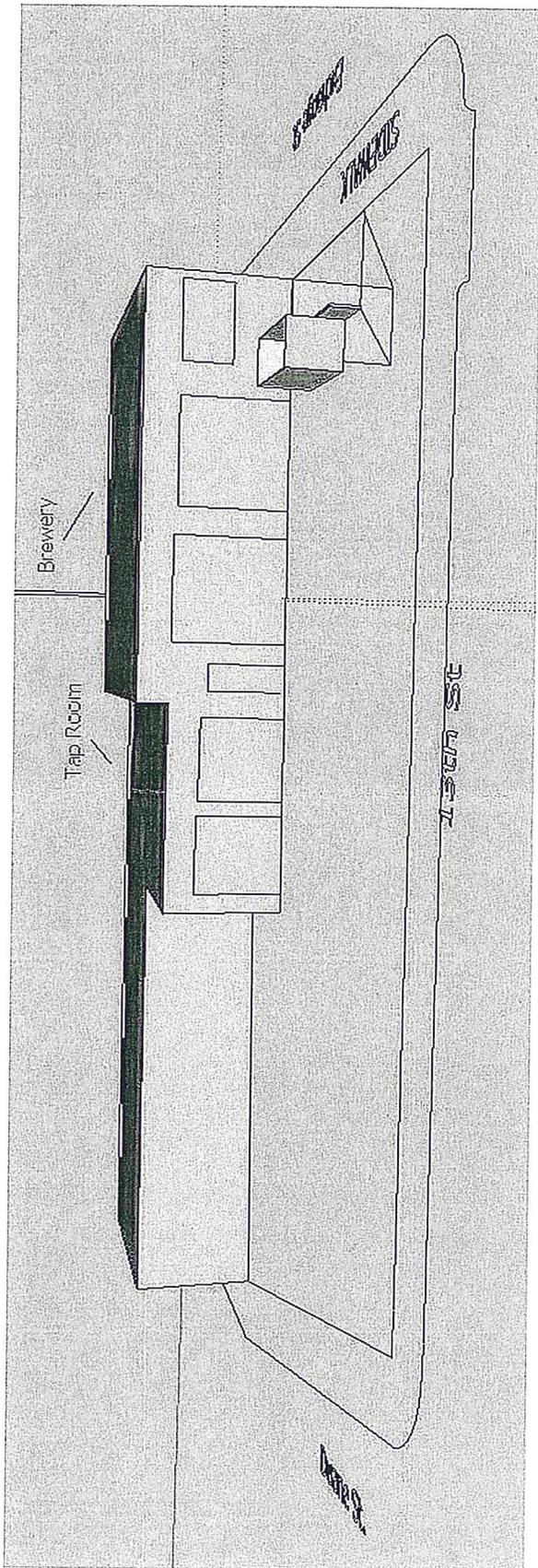
11.030(A)(4)

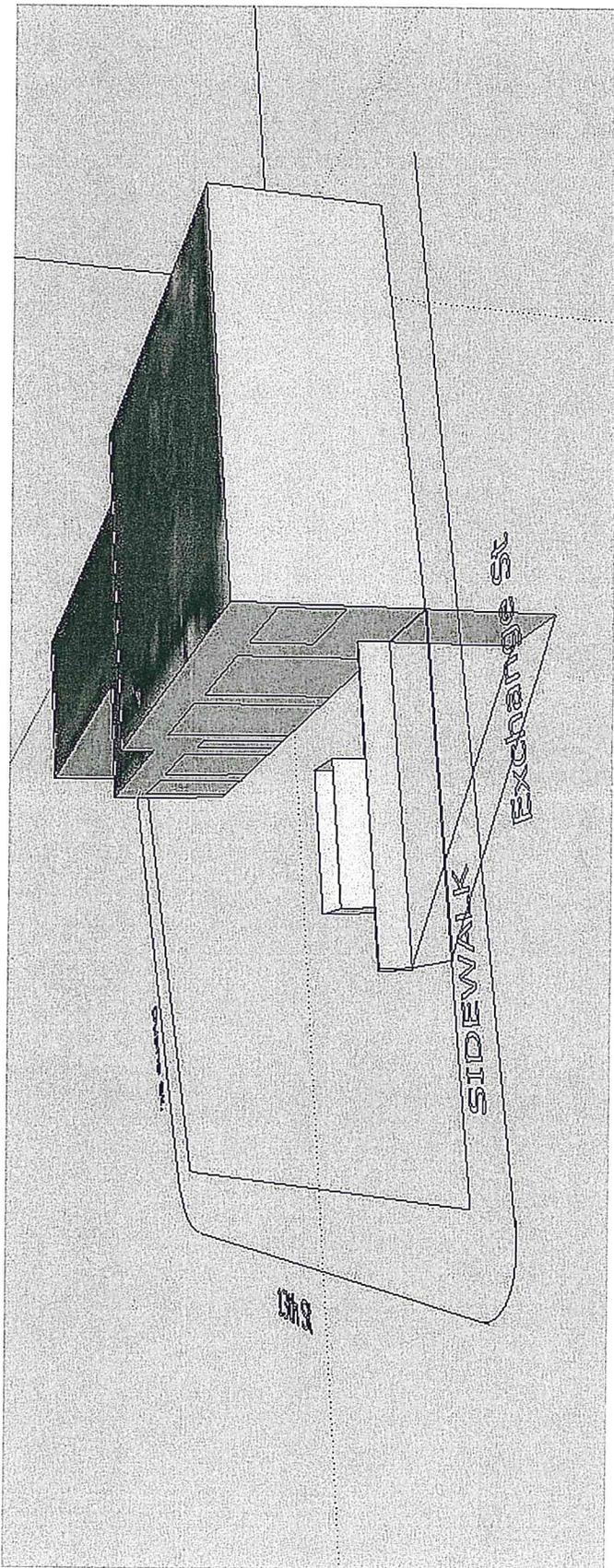
The proposed site already has an established structure on the premises that we will be utilizing. Topography, soils, and other physical characteristics of the land should not be altered by our brewery. We have developed our plan with the assistance of an engineer and the facility is approved to handle our brewery operations.

11.030(A)(5)

The location of our brewery is located in a commercial district and is already being used as a commercial property. There are no residential zones where we will need to erect additional buffers.







4.1 – General Review Procedures | Purpose and Applicability

ARTICLE 9

ADMINISTRATIVE PROCEDURES

9.010	Application Information and <u>General Review</u> Procedures.....	9 - 1
9.015	<u>Community Development Director Duties</u>	
9.020	Public Notice	9 - 3
9.030	Quasi - Judicial Public Hearing Procedures and Requirements...	9 - 6
9.040	Appeals	9 - 10
9.050	Final Action on Application for Permit or Zone Change Request.....	9 - 13
9.060	Compliance with Conditions of Approval.....	9 - 13
9.070	Limitations on Refiling of Application	9 - 13
9.080	Filing Fees	9 - 13
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9.100	Time Limit on Permits	9 - 13

9.010. APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES.

A. Purpose

The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 9.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

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B. Applicability of Review Procedures. All land use and development permit applications and approvals,

except building permits, shall be decided by using the procedures contained in this article. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 9.010 lists the City's land use and development approvals and corresponding review procedure(s).

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1. Type I Procedure (Staff Review – Zoning Checklist). Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).

2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the

City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

3. **Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. In the case of a Quasi-Judicial zone change, a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.
4. **Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

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Table 9.010 – Summary of Approvals by Type of Review Procedure

Approvals**	Review Procedures	Applicable Regulations
Zoning Checklist Review*	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 9.010.A.4
Access to a Street	Type I	Article 3.005 and the standards of the applicable roadway authority (City/County/ODOT)
Annexation	Type IV	See Oregon Revised Statute 222
Code Text Amendment	Type IV	Article 9.X
Comprehensive Plan Amendment	Type IV	Article 9.X
Conditional Use Permit	Type III	Article 11.X
Exterior Alteration	Type II, III	Article 6.050
Landmark Designation	Type III	Article 6.040
Historic District Establishment	Type IV	Article 6.030
Home Occupation	Class A: No permit Class B: Type 2 See Article 3.095	
Legal Lot Determination	Type I	Article 1.350
Master Planned Development*		
Concept Plan	Type III	Article 3.X
Detailed Plan	Type III	Article 3.X
Modification to Approval or Condition of Approval	Type I, II or III	Article 10
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Article 3.180-3.200
Partition or Re-plat of 2-3 lots		
Preliminary Plat	Type II	Article 13.200 & 13.300
Final Plat	Type I	Article 13.120
Property Line Adjustments, including Lot Consolidations*	Type I	Article 3.X
Site Design Review*	Type II or III	Article 3.X

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Table 9.010 – Summary of Approvals by Type of Review Procedure		
Approvals**	Review Procedures	Applicable Regulations
Subdivision or Replat of >3 lots	Type III	Article 13.100
Preliminary Plat	Type I	Article 13.130
Final Plat	Type II	Article 12.060
Variance	Type III	Article 12.060
Zoning District Map Change	Type III or IV	Article 9.X

**New Additions to Administrative Procedures

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*The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

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A. Content.

An application for a land use action or permit shall consist of:

1. A complete application form and all supporting documents and evidence, including a site plan, elevations, and other pertinent information related to the subject property or structure.
2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property. A notarized signature of the property owner may be required to verify consent.
3. Legal description of the property affected by the application.
4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information during a pre-application conference. The applicant is required to submit the completed zoning checklist with an application.

B. Submittal.

A complete application and all supporting documents and evidence must be submitted at least 2830 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.

C. Complete Application.

If the application is complete when first submitted, or the applicant submits the requested additional information within 180 days from the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time a complete application was first submitted.

D. Incomplete Application.

If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given the opportunity to submit the additional information required. The application shall be deemed complete upon receipt of the additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.

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E. Multiple Requests.

Where a proposed development requires more than one development permit or zone change request from the City, the applicant may request that the City consider all necessary permit and zone change requests in a consolidated manner referred to as a concomitant application. If the applicant requests that the City consolidate its review of the development proposal, all necessary public hearings before the applicable Commission should be held on the same date if possible.

(Section 9.010.E amended by Ordinance 14-03, 4-21-14)

F. Staff Report.

Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178.

(Section 9.010.F amended by Ordinance 14-03, 4-21-14)

G. Pre-Application Meeting.

Prior to submittal of a Type 2-4 application, a pre-application meeting with the Community Development Director and/or the Planner is required. The Community Development Director shall determine the classification and appropriate process for any application.

(Section 9.010.G added by Ordinance 13-10, 11-4-13; Amended by Ordinance 14-03, 4-21-14)

H. Determination of Permit Process.

The Community Development Director may determine that a permit should be reviewed by a Commission/Committee in lieu of an Administrative Review to protect the best interests of the surrounding property or neighborhood or the City as a whole.

(Section 9.010.H added by Ordinance 13-10, 11-4-13; amended by Ordinance 14-03, 4-21-14)

I. Applications for Development Review.

1. Applications for development review may be initiated by one or more of the following:

a. One or more owners of the property which is the subject of the

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application; or

- b. One or more purchasers or representatives of such property who submit a written approval of the property owner; or
- c. One or more lessees in possession of such property who submits written consent of one or more owner's to make such application; or
- d. Person or entity authorized by the Board or Commission; or
- e. A Department of the City of Astoria when dealing with land involving public works, parks, economic development, or other City projects; or
- f. A public utility or transportation agency, when dealing with land involving the location of facilities necessary for public service; or
- g. Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

(Section 9.010.I added by Ordinance 14-03, 4-21-14)

J. Coordinated Review.

- 1. In addition to the general notice provisions set forth in Section 9.020, the City shall invite the Oregon Department of Transportation (ODOT) and/or any other transportation facility and public and utility service providers potentially affected by the application to pre-application conferences, as applicable. The City shall provide notice of a public hearing or an administrative action to potentially affected transportation facility and service providers.
- 2. Coordinated review of applications with ODOT and/or any other applicable transportation facility and service providers may also occur through Traffic Impact Study provisions, pursuant to Subsection 3.015.A.5.

(Section 9.010.J added by Ordinance 14-03, 4-21-14)

9.015. Community Development Director Duties. The Community Development Director, or designee, shall perform all of the following duties with regard to administration of this Code:

- A. Prepare application forms based on the provisions of this Code and applicable state law;
- B. Prepare required notices and process applications for review and action;
- C. Assist the Historic Landmarks Commission, Design Review Commission, Planning Commission

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City of Astoria
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and City Council in administering the hearings process;

- D. Answer questions from the public regarding the City's land use regulations;
- E. Prepare staff reports summarizing pending applications, including applicable decision criteria;
- F. Prepare findings consistent with City decisions on land use and development applications;
- G. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and
- H. Maintain and preserve the file and public record for each application.

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9.020. PUBLIC NOTICE.

A. Mailed Notice - Content.

A notice of a public hearing or an administrative action shall contain the following information:

1. The name of the applicant.
2. The date, time, place of hearing and who is holding the public hearing, or conducting the administrative action.
3. The street address or other easily understood geographical reference to the subject property.
4. The nature of the application and the proposed use or uses which could be authorized.
5. A list of the applicable criteria from the Development Code and Comprehensive Plan that apply to the application at issue.
6. A statement that a failure to raise an issue in person or by letter precludes appeal and that failure to specify which criterion the comment is directed precludes an appeal based on that criterion.
7. A statement describing where the complete application, criteria and other relevant information is available for review, how written comments may be submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be

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obtained.

8. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
9. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.
10. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 4200 feet.
 - c. Conditional Use - 2400 feet.
 - d. Variance - 2400 feet.
 - e. Miscellaneous Review - 2400 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 2400 feet.
 - g. Historic District Establishment - Owners of property abutting or within the boundaries of the proposed District.
(Section 9.020(B.1.g) amended by Ordinance 13-10, 11-4-13)
 - h. Appeals - Parties to the record.
 - i. Design Review - 2400 feet.
(Section 9.020(B.i) added by Ordinance 98-04, 5-4-98)
 - j. Wireless Communication Facility – 500 feet.

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(Section 9.020(B.1.j) added by Ordinance 13-10, 11-4-13)

- k. Solar Facility, Administrative Conditional Use – 100 feet.

(Section 9.020(B.1.k) added by Ordinance 13-10, 11-4-13)

- l. Solar Facility, Planning Commission Conditional Use – 250 feet.”

(Section 9.020(B.1.l) added by Ordinance 13-10, 11-4-13)

2. Addresses for a mailed notice required by this Code shall be obtained from the County Assessor's real property tax records. Failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons to receive notice as required by the matter under consideration, the Community Development Director may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed action.
3. Notice shall be mailed not less than 20 days prior to the hearing requiring the notice; or if two or more evidentiary hearings are allowed, 10 days prior to the first evidentiary hearing.

(Section 9.020(B.2.3 & 4) amended and renumbered by Ordinance 13-10, 11-4-13)

C. Published Notice.

Notice shall be given for any proposed quasi-judicial or legislative land use action by publication in a newspaper of general circulation in the City of Astoria.

- D. For Type 2-3 applications, at least 14 days before the first hearing, the Community Development Director or designee shall post notice of the hearing on the project site in clear view from a public right-of-way.

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9.030 QUASI-JUDICIAL PUBLIC HEARING PROCEDURES AND REQUIREMENTS.

A. Procedural Entitlements.

The following procedural entitlements shall be provided at the public hearing:

1. An impartial review as free from potential conflicts of interest and prehearing ex parte contact as is reasonably possible.

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(Adopted 10-8-92)

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2. No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
 - a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - b. The member has a direct private interest in the proposal.
 - c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.
3. Body Members shall reveal any prehearing or ex parte contacts with regard to any matter and shall state the parties right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or ex parte contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations.
4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion.
5. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest.
6. A reasonable opportunity for those persons potentially affected by the proposal to present evidence.

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7. A reasonable opportunity for rebuttal of new material.

B. Rights of Disqualified Member of the Hearing Body.

1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents his or her own personal interests at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.
2. Except for hearings on legislative actions conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

C. Burden and Nature of Proof.

The burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

D. Nature of Proceedings.

An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

1. Before receiving testimony on the issue, the following shall be addressed:
 - a. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
 - b. Any abstentions or disqualification based on conflict of interest, personal bias, or ex parte contacts, shall be determined. Parties to the hearing shall have the opportunity to rebut the substance of an ex parte communication.
 - c. A statement by the chairperson presiding that:
 - 1) Testimony and evidence must be directed toward the applicable criteria.
 - 2) Failure to address a criterion during the hearing precludes an appeal based on that criteria.

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(Adopted 10-8-92)

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- d. Staff, in the context of a staff report, will describe the applicable criteria against which the application will be reviewed.
2. Presentations and Evidence.
 - a. The presiding officer shall preserve order at the public hearing and shall decide questions of order subject to a majority vote.
 - b. The presiding person may set reasonable time limits for oral presentations. The presiding person may determine not to receive cumulative, repetitive, immaterial or abusive testimony.
 3. Evidence shall be received from staff and from proponents and opponents.
 - a. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs.
 - b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.
 - c. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. If the request to ask a question is approved, the presiding officer will direct the question to the relevant person, unless the presiding officer specifies otherwise.
 4. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.
 5. When the hearing has been closed the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
 - a. No testimony shall be accepted after the close of the public hearing unless the hearing body provides an opportunity for review and rebutting of that testimony.
 6. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.
 7. When the hearing body reopens a record to admit new evidence or testimony,

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any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

E. Decision.

Following the procedure described in Section 9.030, the hearing body shall approve, approve with conditions, or deny the application. If the hearing is in the nature of an appeal, the body may affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

1. The decision of the hearing body shall be by a written order signed by the entire hearing body present voting for the order.
2. The order shall incorporate findings of fact and conclusions that include:
 - a. A statement of the applicable criteria and standards against which the proposal was tested.
 - b. A statement of the facts upon which the hearing body relied in establishing compliance or noncompliance with each applicable criteria or standard, briefly stating how those facts support the decision.
 - c. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.
3. The written order is the final decision in the matter and the date of the order is the date that it is mailed.

F. Record of Proceedings.

The proceedings shall be recorded stenographically or electronically.

1. The hearing body shall, where practicable, retain as part of the hearing records, each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
2. The findings shall be included in the record.
3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

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G. Notice of Decision.

Notice of decision by a hearing body shall be provided to all parties to the hearing. The notice of the decision shall include:

1. A brief description of the decisions reached.
2. A statement that the decision may be appealed by filing an appeal within 15 calendar days of the date that the final order was mailed.
3. A description of the requirements for an appeal, including the type of appeal that may be requested.
4. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing.
5. A statement that the complete case, including the final order is available for review at the City.

9.040. APPEALS.

A. Administrative Permit.

A decision on the issuance of an administrative permit or action concerning a land use matter may be appealed to the Commission by the applicant or by a party who responded in writing to the notice of the proposed development by filing an appeal with the Community Development Director within 15 days of the mailing of the decision Order. The notice of appeal that is filed with the City shall indicate the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

B. Commission or Committee Decision.

A decision of the Commission or Committee concerning a quasi-judicial land use matter may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing an appeal within 15 days of the mailing of the Order. The notice of appeal filed with the City shall contain the information outlined in Section 9.040(D).

(Section 9.040(B) amended by Ordinance 98-04, 5-4-98)

C. Commission Recommendation.

In cases involving textual changes to the Development Code or Comprehensive
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(Adopted 10-8-92)

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Plan, or changes to the Land Use and Zoning Map, where the Commission action is limited to making a recommendation to the City Council, the recommendation is not subject to appeal. A final decision on the part of the City Council is, however, appealable to the Land Use Board of Appeals (LUBA).

D. Contents of Appeal.

A request for appeal of a Commission or Committee decision shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision.
2. A statement of the interest of the person seeking review and that he was a party to the initial proceedings.
3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the Commission or Committee hearing.

(Section 9.040(D) amended by Ordinance 98-04, 5-4-98)

E. Review on the Record.

1. If an appeal is confined to the record of the proceeding, the record shall include:
 - a. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - b. The final order and findings of fact adopted in support of the decision being appealed.
 - c. The request for an appeal filed by the appellant.
 - d. The minutes of the public hearing.
2. Public notice shall indicate the date, time and place of the review and the issues that are the subject of the review.
3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.
4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant. The reviewing body may consider

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other matters if it so desires.

5. The appellant shall bear the burden of proof.

F. Review Consisting of Additional Evidence or De Novo Review.

1. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing.
2. Hearings on appeal, either de novo or limited to additional evidence on specific issues, shall be conducted in accordance with the requirements of Section 9.030.

G. Review Body Decision.

1. Upon review, the reviewing body may affirm, reverse, or modify the decision of the lower body or staff.
2. Notice of the reviewing body decision shall be provided to all parties to the hearing. The notice of the decision shall include:
 - a. A brief description of the decision reached.
 - b. A statement that the decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days.
 - c. A statement that the complete case, including the final order is available for review at the City.

9.050. FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE REQUEST.

The City shall take final action on an application for a permit or zone change within 120 days of the receipt of a complete application including resolution of all appeals. The 120 day period does not apply to an amendment to the Comprehensive Plan or Development Code, or the adoption of a new land use regulation. At the request of the applicant, the 120 day period may be extended for a reasonable period of time.

9.060. COMPLIANCE WITH CONDITIONS OF APPROVAL.

Compliance with conditions established for a request and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code. See Section 1.010 of the Astoria City Code concerning penalties.

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9.070. LIMITATIONS ON REFILING OF APPLICATION.

Applications for which a substantially similar application has been denied will be heard by the Planning Commission only after a period of six (6) months has elapsed from date of the earlier decision, unless the Planning Commission finds that special circumstances justify earlier reapplication.

9.080. FILING FEES.

A schedule of permit fees shall be established by resolution and paid to the City upon the filing of an application. Such fees shall not be refundable.

9.090. ADDITIONAL COSTS.

Where the City Manager deems it necessary, in the interest of public health, safety or welfare, to incur additional costs, such as the hiring of independent geotechnical experts or other technical expertise during the course of land use proceedings, such costs shall be borne by the applicant or appellant, as determined by the City Manager. Such costs shall not exceed actual costs.

9.100. TIME LIMIT ON PERMITS.

A. Duration of Permits.

1. Except as otherwise provided in this Code, a permit shall expire two years from the date of Final Decision unless substantial construction has taken place or use has begun. However, extensions for permits may be granted as provided in this section. A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied with the following limitations:
 - a. Any work completed by the applicant after the date the permit would have expired, but for the extension request, is at the applicant's own risk; and
 - b. Any work completed after the date the permit would have expired shall not be considered in determining if substantial construction has been completed until a permit extension has been granted; and
 - c. No additional building and/or use permits associated with the permit may be issued until an extension has been granted.

2. Phased Permits.

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- a. The initial phase of a phased permit and/or project shall expire two years from the date of Final Decision unless substantial construction or use has begun.
- b. Additional phases of an approved phased permit and/or project shall expire two years from the date of completion of construction for the previous phase, unless substantial construction or use has begun on that subsequent phase. Completion of construction of a phase shall be determined by issuance of a temporary and/or final Certificate of Occupancy from the Building Official.

B. Permit Extensions.

Permit extension may be granted for all land use permits. Extensions may also be granted for time limits applicable to non-conforming buildings and/or non-conforming uses located over water between 16th and 41st Streets as described in Sections 3.180.D and 3.190.F. One year extensions may be granted in accordance with the requirements of this Section as follows:

(Section 9.100.B amended by Ord 14-09, 10-6-14)

1. Permit Extension Time Limit.

- a. The Community Development Director may grant the first one-year permit extension.
- b. Following the first one-year permit extension by the Community Development Director, the original granting authority may grant subsequent one-year extensions.
- c. No more than three permit extensions may be granted. No variances may be granted from this provision. Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.
- d. This Ordinance shall apply to all permit extensions requested after the date of enactment regardless of the date of the original permit Final Decision. If a permit has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three additional extensions may be granted.

2. Permit Extension Criteria.

The granting authority may grant a permit extension upon written findings that the request complies with the following:

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- a. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and
- b. The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and
- c. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the permit with regard to items such as, but not limited to:
 - 1) Submittal of permit applications to City, State and Federal agencies;
 - 2) Contracts for geologic or other site specific reports have been signed and are in effect;
 - 3) Project site and/or building engineering, architectural design, or construction has begun.
- d. In lieu of compliance with Section 2.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.

3. Permit Extension Procedures.

- a. Applications for permit extensions shall be submitted in accordance with the Administrative Procedures in Article 9. Permit extension requests shall be submitted to the Community Development Department prior to permit expiration.
- b. Public notice and procedures on applications for permit extension requests shall be in accordance with the Administrative Procedures in Article 9. However, in addition to mailed notice as required in Article 9, notice shall be provided also to those on the record for the original permit, associated appeals, and associated extensions.
- c. The Administrative decision, public hearing, and/or Commission/Committee decision concerning a permit extension may occur after the permit would have expired but for a timely filed request for a permit extension.

4. Appeals.

The decision concerning a permit extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals

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on permit extensions shall be limited to the issues relevant to the permit extension criteria only and not to issues relevant to the original permit approval.

C. Amendments to Existing Permits.

When an approved permit is amended, the following shall apply concerning the Final Decision date for the permit:

1. If the amendment requires public notice as a land use decision, the Final Decision date of the amendment shall apply to the entire permit; or
2. If the amendment is a minor administrative decision and does not require public notice as a land use decision, the Final Decision date of the original permit, including any extensions, shall continue as the Final Decision date for the entire permit.

(Section 9.100, amended by Ordinance 10-06, 4-19-10)

A 16-02: Development Code Update

Affordable Housing Text Amendment

Number of related permits issued

- Number of variances issued for lot size or coverage standard: 122 since 2009
- Number of ADUs permitted: 3
- Number of code violations for illegal ADUs: 1 in 2009
- Number of requests received for info on tiny homes: 5 phone calls or email inquiries
- Number of permitted rowhouses: 20 townhomes @ Columbia Landing; 1 remodel of apartment building on Exchange St into four townhomes

Zoning Matrix Overview: Existing v. Proposed Standard

Residential Zone/ Type	Existing Standard	Proposed Standard	Notes
<i>R-1: Low Density</i>			
SFR Lot Size	5,000	5,000	No change
Townhouses	N/A	4,000 (1 st), 1,000 (4)	Limited lots available
<i>R-2: Medium Density</i>			
SFR Lot Size	5,000	4,500	Encourage partitions
Duplex	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 2,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	Up to 16 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,500 (2 nd ...)	Up to 16 units/acre
<i>R-3: High Density</i>			
SFR Lot Size	5,000	4,500	Encourage partitions
Duplex	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 1,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	26 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,000 (2 nd ...)	16 units/acre
ADUs	R-1 (CUP), R-2, & R-3	All R Zones	More flexibility with types and conversions
Townhouses	N/A	R-1 & R-2 (CUP) & R-3	New building type
Rowhouses	N/A	R-2 (CUP) & R-3	New building type outside Mill Pond
<i>Short Term Rentals</i>			
Homestay Lodging	R-1 (CUP), R-2, R-3	No change	Owner occupied
Bed & Breakfast	R-2/R-3 CUP	No change	Owner or manager with breakfast meal served
Vacation Rental	None (Commercial Zones only)	No change	No owner occupied requirement

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.

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. ~~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 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 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.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright allowed as an accessory use to any existing single-family dwelling in all zones. Construction of new single family units with ADUs are also allowed and encouraged.

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 54,500 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, one space may be credited to the requirement of three total spaces.

8. Age of Home.

~~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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C. Permits.

1. Permit Required.

A Type I 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
- 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
 - 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, manufactured off site, and certified by HUD manufactured dwelling standards for permanent living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

Townhouse: One of a continuous row of dwellings having distinct architectural features and style, such as color, form, and massing, having at least one common wall with its neighbor and on a fee simple lot per unit.

Comment [KC1]: Proposed additions to the Development Code require additions to the definition section.

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ARTICLE 2

USE ZONES

R-1: LOW DENSITY RESIDENTIAL ZONE

2.015. PURPOSE.

The purpose of the R-1 Zone is to provide an area of low density single-family dwellings, at an average density of eight (8) units per net acre, their accessory uses, and certain public uses. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.020. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses permitted in an R-1 Zone if the Community Development Director determines that the uses will not violate standards referred to in Section 2.030 through 2.050, additional Development Code provisions, Comprehensive Plan, and other City laws:

1. Single-family dwelling.
2. *(Section 2.020.2 deleted by Ordinance 04-10, 11-1-04)*
3. Family day care center.
4. Home occupation, which satisfies requirements in Section 3.095.
5. *(Section 2.020.5 deleted by Ordinance 04-10, 11-1-04)*
6. Manufactured home. See Section 3.140.
7. Residential home.
8. Transportation facilities.
9. Accessory Dwelling Unit.
(Section 2.020.8 added by Ordinance 14-03, 4-21-14)

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City of Astoria
Development Code

R-1 Zone

2.025. CONDITIONAL USE PERMITTED.

The following uses and their accessory uses are permitted in an R-1 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.030 through 2.050, additional Development Code provisions, Comprehensive Plan, and other City laws:

1. Bed and breakfast, or inn.
2. Home Stay Lodging.
3. Congregate care facility.
3. Day care center.
4. Nursing home.
5. Public or semi-public use.
6. Temporary use meeting the requirements of Section 3.240.
7. ~~Accessory Dwelling Unit. Townhouses~~
(Section 2.025.7 added by Ordinance 04-10, 11-1-04)
8. ~~Home Stay Lodging.~~
(Section 2.025.8 added by Ordinance 04-10, 11-1-04)

2.030. LOT SIZE.

Uses in an R-1 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-1 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

1. The minimum lot size for a single-family dwelling will be 5,000 square feet. The minimum lot size for townhouses will be 4,000 square feet for the first unit and 1,000 square feet thereafter up to five units per 10,000 square feet.
2. The minimum lot width for all uses will be 45 feet.
3. The minimum lot depth for all uses will be 90 feet.

2.035. YARDS.

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R-1 Zone

The minimum yard requirements in an R-1 Zone will be as follows:

1. The minimum front yard will be 20 feet.
2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 20 feet, except on corner lots the rear yard will be five (5) feet.

2.040. LOT COVERAGE.

Buildings will not cover more than 30 percent of the lot area.

2.045. HEIGHT OF STRUCTURES.

No structure will exceed a height of 28 feet above grade.

2.050. OTHER APPLICABLE USE STANDARDS.

1. All uses will comply with applicable access, parking, and loading standards in Article 7.
2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the R-2 Zone.

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Development Code

R-1 Zone

8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. Only one Conditional Use listed in Section 2.025 shall be allowed in conjunction with other uses allowed as Outright under Section 2.020 or Conditional Uses under Section 2.025.

(Section 2.050.9 added by Ordinance 04-10, 11-1-04)

R-2: MEDIUM DENSITY RESIDENTIAL ZONE

2.060. PURPOSE.

The purpose of the R-2 Zone is to provide an area for medium density residential development, at a maximum density of 16 units per net acre including single-family dwellings and duplexes as outright uses and multi-family dwellings as a conditional use. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.065. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in the R-2 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.075 through 2.095, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Single-family dwelling.
2. Two-family dwelling (Duplex).
3. Accessory dwelling unit.
(Section 2.065.3 amended by Ordinance 04-10, 11-1-04)
4. Family day care center.
5. Home occupation, which satisfies requirements in Section 3.095.
6. Home stay lodging.
7. Manufactured dwelling in approved park.
8. Manufactured home. See Section 3.140.
9. Residential home.
10. Transportation facilities.
(Section 2.065.10 added by Ordinance 14-03, 4-21-14)

City of Astoria
Development Code

R-2 Zone

2.070. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in the R-2 Zone if the Planning Commission, after a public hearing, determines the location and development plans comply with applicable standards referred in Sections 2.075 through 2.095, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Bed and breakfast, or inn.
2. Boarding or rooming house, or other group housing, not mentioned above.
3. Congregate care facility.
4. Day care center.
5. Manufactured dwelling park.
6. Multi-family dwelling.
7. Rowhouses and townhouses
8. Nursing home.
- 8-9 Public or semi-public use.
- 9-10 Residential facility.
101. Restaurant as an accessory use to an Inn. See Section 3.230.
142. Temporary use meeting the requirements of Section 3.230.
123. Cluster development meeting the requirements of Section 11.160.

(Section 2.070.12 added by Ordinance 95-05)

2.075. LOT SIZE.

Uses in an R-2 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-2 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

1. The minimum lot size for a single-family dwelling will be 54,500 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in Section 11.120.
2. The minimum lot size for a two-family dwelling will be 7,5,000 square feet.

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(Adopted 10-8-92)

City of Astoria
Development Code

R-2 Zone

3. The minimum lot size for rowhouses and townhouses will be 4,000 square feet for the first unit and 1,500 square per unit thereafter up to five units per 10,000 square feet or 16 units per acre.
4. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus ~~2,5000~~ 1,000 square feet for each dwelling unit in excess of one. The maximum units will be determined by lot coverage and height standard up to 16 units per net acre.
4. The minimum lot width will be 45 feet.
5. The minimum lot depth will be 90 feet.

2.080. YARDS.

Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:

A. The minimum yard requirements in an R-2 Zone will be as follows:

1. The minimum front yard will be 210 feet.
2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.

B. For minimum yard requirements in a manufactured dwelling park, refer to 11.120.

(Section 2.080 amended by Ordinance 95-05)

2.085. LOT COVERAGE.

Buildings will not cover more than 450 percent of the lot area.

2.090. HEIGHT OF STRUCTURES.

No structure will exceed a height of ~~28~~ 36 feet above grade.

2.095. OTHER APPLICABLE USE STANDARDS.

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(Adopted 10-8-92)

City of Astoria
Development Code

R-2 Zone

1. All uses will comply with applicable access, parking, and loading standards in Article 7.
2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the zone in which such development is located.
8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. Group Housing.
 - a. Density.

Group housing resident density is limited to two (2) residents per 1,000 square feet of total gross floor area. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site under a valid Home Occupation Permit (see Section 3.095) are not considered residents. Maximum number of residents per site is limited to 15. Usable outdoor area shall be provided at a ratio of 50 square feet per resident.
 - b. Parking.

City of Astoria
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R-2 Zone

Where the Community Development Director determines that a group housing facility may require parking in excess of that provided for staff persons, a parking area of sufficient size to provide for anticipated needs shall be provided.

R-3: HIGH DENSITY RESIDENTIAL ZONE

2.150. PURPOSE.

The purpose of the R-3 Zone is to provide an area for high density residential development not exceeding an average density of 26 units per net acre, accessory uses, and certain public uses. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.155. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses permitted in the R-3 Zone if the Community Development Director determines that the uses will not violate standards referred to in Section 2.165 through 2.185, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Single-family dwelling.

2. Two-family dwelling (Duplex).

3. Rowhouses and townhouses

~~34.~~ Multi-family dwelling.

45. Accessory dwelling unit.

(Section 2.155.4 amended by Ordinance 04-10, 11-1-04)

56. Family day care center.

67. Home occupation, which satisfies requirements in Section 3.095.

78. Home stay lodging.

89. Manufactured dwelling in an approved park.

910. Manufactured home. See Section 3.140.

101. Residential facility or residential home.

12. Transportation facilities.

(Section 2.155 added by Ordinance 14-03, 4-21-14)

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R-3 Zone

2.160. CONDITIONAL USE PERMITTED.

The following uses and their accessory uses are permitted in the R-3 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.165 through 2.185, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Bed and breakfast, or inn.
2. Boarding or rooming house, or other group housing, not mentioned above.
3. Congregate care facility.
4. Day care center.
5. Manufactured dwelling park.
6. Nursing home.
7. Public or semi-public use.
9. Restaurant as an accessory use to an Inn. See Section 3.230.
10. Temporary use meeting the requirements of Section 3.240.
11. Cluster development meeting the requirements of Section 11.160.

(Section 2.160.11 added by Ordinance 95-05)

2.165. LOT SIZE.

Uses in an R-3 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-3 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

1. The minimum lot size for a single-family dwelling will be 54,500 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in 11.120.
2. The minimum lot size for a two-family dwelling will be 65,500 square feet.
3. The minimum lot size for rowhouses and townhouses will be 4,000 square feet for the first unit and 1,000 square per unit thereafter up to seven units per 10,000 square feet or 16 units per acre.

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R-3 Zone

- 34. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus ~~4,500~~ 5,000 square feet for each unit in excess of one up to 26 units per acre.
- 45. The minimum lot width will be 45 feet.
- 56. The minimum lot depth will be 90 feet.

2.170. YARDS.

Uses in the R-3 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-3 Zone will comply with the following requirements:

A. The minimum yard requirements in an R-3 Zone will be as follows:

- 1. The minimum front yard will be 20 feet.
- 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
- 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.

B. For minimum yard requirements in a manufactured dwelling park, refer to 11.120.

(Section 2.170 amended by Ordinance 95-05)

2.175. LOT COVERAGE.

Buildings will not cover more than ~~50~~ 60 percent of the lot area. Lot coverage can exceed 60 percent if a proposed multi-family or rowhouse or townhouse project is located with ¼ mile of a city park and public transit service.

2.180. HEIGHT OF STRUCTURES.

No structure will exceed a height of ~~35~~ 40 feet above grade.

2.185. OTHER APPLICABLE USE STANDARDS.

- 1. All uses will comply with applicable access, parking, and loading standards in Article 7.

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R-3 Zone

2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the zone in which such development is located.
8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
10. Group Housing.
 - a. Density.

Group housing resident density is limited to two (2) residents per 1,000 square feet of total gross floor area. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site under a valid Home Occupation Permit (see Section 3.095) are not considered residents. Maximum number of residents per site is limited to 15. Usable outdoor area shall be provided at a ratio of 50 square feet per resident.
 - b. Parking.

City of Astoria
Development Code

R-3 Zone

Where the Community Development Director determines that a group housing facility may require parking in excess of that provided for staff persons, a parking area of sufficient size to provide for anticipated needs shall be provided.

CR: COMPACT RESIDENTIAL ZONE

2.200. PURPOSE.

The purpose of the Compact Residential (CR) Zone is to provide opportunities for modest scale residential development, including single-family homes on smaller lots, two-family homes, and cottage cluster development, incorporating open space between homes and with a strong orientation to the Columbia River and adjacent commercial and other residential areas.

(Section 2.200 added by Ord 14-09, 10-6-14)

2.205. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in this CR Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and crafts studio.
2. Family day care center.
3. Home occupation, which satisfies the requirements of Section 3.095.
4. Single-family dwelling.
5. Two-family dwelling.
6. Carriage house dwelling, meeting the requirements of Section 3.050.
7. Cottage cluster development meeting the requirements of Section 3.050.
8. Residential home.

(Section 2.205 added by Ord 14-09, 10-6-14)

2.210. CONDITIONAL USES PERMITTED.

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Development Code

CR Zone

The following uses and their accessory uses are permitted in the CR Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center, only in the community building of a cottage cluster development meeting the requirements of Section 3.050.
2. Public or semi-public use.
3. Temporary use meeting the requirements of Section 3.240.

(Section 2.210 added by Ord 14-09, 10-6-14)

2.215. SETBACKS.

Uses in the CR Zone will comply with the following minimum setback requirements or the setback requirements of applicable overlay zones, whichever requirements are greater.

1. The minimum front setback shall be 10 feet. Front steps are permitted to encroach into front setbacks.
2. The minimum side setback shall be five (5) feet, except on corner lots where the side setback on the street side shall be a minimum of 10 feet.
3. The minimum rear setback shall be 15 feet, except on corner lots where the rear setback shall be a minimum of five (5) feet.
4. Uses in the CR Zone that are part of a cottage cluster development will comply with the setback requirements in Section 3.050.

(Section 2.215 added by Ord 14-09, 10-6-14)

2.220. LOT SIZE AND DENSITY.

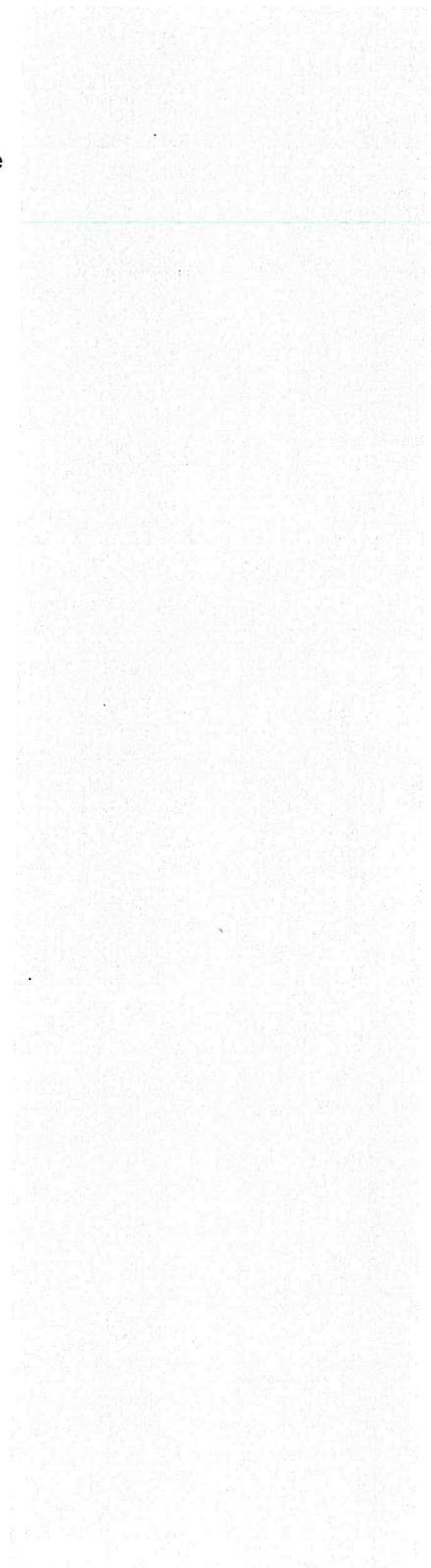
Uses in the CR Zone shall meet the following lot size requirements that are applicable to the particular use:

1. The minimum lot size for a single-family dwelling is 2,500 square feet. The maximum lot size for a single-family dwelling is 4,000 square feet.
2. The minimum lot size for a two-family dwelling is 4,000 square feet. The maximum lot size for a two-family dwelling is 6,000 square feet.
3. Uses in the CR Zone that are part of a cottage cluster development shall have a maximum density of 24 units/acre.

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CR Zone

(Section 2.220 added by Ord 14-09, 10-6-14)



(Adopted 10-8-92)

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Development Code

CR Zone

2.222. BUILDING SIZE.

Buildings in the CR zone shall meet the following building footprint and floor area requirements.

1. The maximum footprint for a primary building is 1,000 square feet. The maximum footprint for a dwelling unit and a garage is 1,400 square feet.
2. The maximum gross floor area for a primary building is 1,800 square feet.
3. Uses in the CR Zone that are part of a cottage cluster development are subject to the building size requirements in Section 3.050.

(Section 2.222 added by Ord 14-09, 10-6-14)

2.225. LANDSCAPED OPEN AREA.

1. Minimum landscaping for individual lots in the CR Zone shall be 20%, except for cottage cluster development.
2. Cottage cluster development shall be subject to common open space and private open space requirements in Section 3.050.
3. All landscaping shall meet the requirements of Sections 3.105 through 3.120 and applicable overlay zones.

(Section 2.225 added by Ord 14-09, 10-6-14)

2.230. HEIGHT OF STRUCTURES.

No structure will exceed a height of 28 feet above grade, except where applicable overlay zones allow otherwise.

(Section 2.230 added by Ord 14-09, 10-6-14)

2.235. OTHER APPLICABLE STANDARDS.

1. Access to garages, carports, or other parking areas shall be from an alley or from the street adjacent to the side yard of a corner lot. Driveways shall have a minimum depth of 16 feet.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls.
3. All uses will comply with access, parking, and loading standards in Article 7, with the following exceptions:

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(Adopted 10-8-92)

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CR Zone

- a. Parking requirement for single-family, two-family, and carriage house dwelling units shall have at least:
 - 1) one parking space for each unit with a gross floor area of 700 feet or less (rounded up to the nearest whole number);
 - 2) 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest whole number).
 - b. Parking in the CR Zone is permitted on a separate lot provided it is within 100 feet of the development. An easement or other acceptable document shall be recorded to assure that the separate lot for parking remains with the units it services.
4. Where feasible, joint access points and parking facilities for more than one use should be established.
 5. Access drives and parking areas should be located on side streets or non-arterial streets.
 6. Conditional uses will meet the requirements in Article 11.
 7. Signs will comply with requirements in Article 8 and specifically, residential uses will comply with the specific regulations in Section 8.160.
 8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
 9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
 10. All uses will comply with the requirements of applicable overlay zones.

(Section 2.235 added by Ord 14-09, 10-6-14)

C-1: NEIGHBORHOOD COMMERCIAL ZONE

2.300. PURPOSE.

This zone is intended to be a restricted commercial district which is designed to meet limited commercial needs. Uses allowed are primarily those which provide convenience goods or frequently used services. Large business operations, strip development, and close proximity to other commercial areas is not desired. The zone should have access to an arterial or a collector street.

2.305. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in the C-1 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.315 through 2.335, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Dwelling as an accessory use to a Use Permitted Outright or a Conditional Use or dwellings located above permitted or conditional commercial uses.
2. Day care center.
3. Family day care center in existing dwelling.
4. Home occupation in existing dwelling.
5. Personal service establishment.
6. Professional service establishment.
7. Repair service establishment not exceeding 3,000 square feet gross floor area.
8. Retail sales establishment not exceeding 3,000 square feet gross floor area.
9. Transportation facilities.
(Section 2.305.9 added by Ordinance 14-03, 4-21-14)

City of Astoria
Development Code

C-1 Zone

2.310. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-1 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.315 through 2.335, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Automotive service establishment.
2. Eating establishment without drive-through facilities, not exceeding 40 seats.
3. Public or semi-public use.
4. Temporary use meeting the requirements of Section 3.240.

2.315 YARDS.

The minimum yard depth for portions of the property abutting a Residential Zone or public right-of-way will be 15 feet.

2.320. LOT COVERAGE.

Buildings will not cover more than 60 percent of the lot area.

2.325. LANDSCAPED OPEN AREA.

A minimum of 20 percent of the total lot area will be maintained as a landscaped open area.

2.330. HEIGHT OF STRUCTURES.

No structure will exceed a height of 35 feet above grade.

2.335. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-1 Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.

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C-1 Zone

2. Outdoor storage areas will be enclosed by appropriate hedges, fencing or walls, and will not exceed 100 square feet.
3. Where feasible, joint access points and parking facilities for more than one use should be provided.
4. All uses will comply with applicable access, parking, and loading standards in Article 7.
5. Conditional Uses will meet the requirements in Article 11.
6. Signs will comply with requirements in Article 8.
7. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
8. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.

C-2: TOURIST COMMERCIAL ZONE

2.345. **PURPOSE.**

The intent of this zone is primarily to provide suitable locations for tourist commercial facilities and certain tourist related establishments. In part, this means that areas in the zone should be in close proximity to an arterial street or highway. It also means that the uses allowed should be more limited than those permitted in a C-3 or C-4 Zone. Regulations for the zone are designed to enhance the attractiveness and convenience of the facilities for tourist use and achieve compatibility with adjacent residential areas and overall community design objectives.

2.350. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in a C-2 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.360 to 2.375, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Eating or drinking establishment.
2. Home occupation in existing dwelling.
3. Motel, hotel, bed and breakfast, inn or other tourist lodging facility and associated uses.
4. Tourist-oriented retail sales or service establishment.
5. Conference Center.
(Section 2.350(5) added by Ordinance 94-06, 6-6-94)
6. Transportation facilities.
(Section 2.350.6 added by Ordinance 14-03, 4-21-14)

2.355. **CONDITIONAL USES PERMITTED.**

The following uses and their accessory uses are permitted in a C-2 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.360 to 2.375, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Dwelling as an accessory use to a Use Permitted Outright or a Conditional Use.

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C-2 Zone

2. Family day care center in existing dwelling.
3. Indoor family entertainment or recreation establishment.
4. Non-tourist-oriented retail sales or service establishment, professional, financial, business and medical office where they are part of a mixed-use development that also includes some of the uses that are permitted outright. The conditional use shall not be located on the ground floor of the building, and shall not occupy more than 50% of the total project's gross floor area.
5. Public or semi-public use.
6. Temporary use meeting the requirements in Section 3.240.

2.360. LOT COVERAGE.

Buildings will not cover more than 90 percent of the lot area.

2.365. LANDSCAPED OPEN AREA.

A minimum of 10 percent of the total lot area will be maintained as a landscaped open area.

2.370. HEIGHT OF STRUCTURES.

No structures will exceed a height of 45 feet above grade.

2.375. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-2 Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing or walls.
3. Outdoor storage areas will be enclosed by appropriate site obscuring hedges, fencing or walls and will not be over 100 square feet in size.
4. Where feasible, joint access points and parking facilities for more than one use should be provided.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional Uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8.

City of Astoria
Development Code

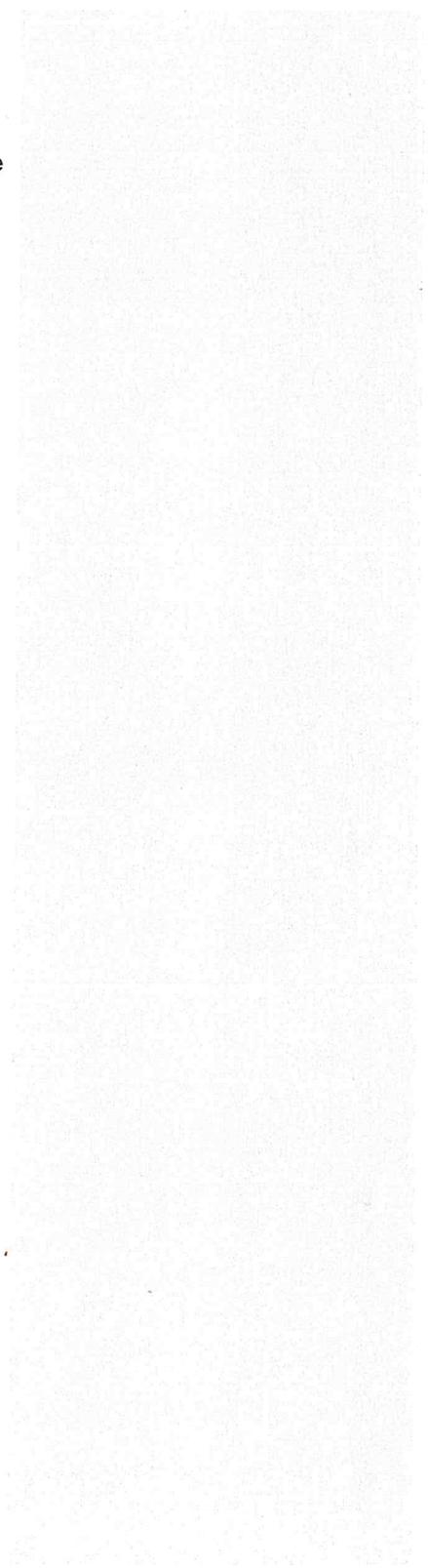
C-2 Zone

8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. Design Review Standards. All commercial and recreational facilities shall be reviewed by the Community Development Director based on the following criteria. The Community Development Director may request technical assistance from an independent architect or other design expert in evaluating proposed developments in relation to these standards.
 - a. Facility design shall take maximum advantage of river views.
 - b. The height, mass, and scale of buildings shall be compatible with the site and adjoining buildings. Use of materials should promote harmony with surrounding structures and the character of the waterfront. The relationship between a building site and the historic buildings within the surrounding area shall be considered an integral part of planning for new construction.
 - c. The use of stylistic features characteristic of the historic Astoria area and the Pacific Northwest are preferred. This includes the use of natural wood siding such as clapboard, shingles or board and batten siding, pitched roofs, large overhangs, double hung windows, and similar features. Buildings shall be in earthtones, with bright or brilliant colors used only for accent. Buildings shall not create a false historical appearance of a previous period or era.
 - d. If the proposed project is large or situated so as to become an entrance or major focus of the City, the design will acknowledge the impact it would have on the entire community.
 - e. Monotony of design shall be avoided. Variety of detail, form and siting should be used to provide visual interest. Large expanses of blank walls shall only be located in areas which are not visible to the public.
 - f. Buildings should minimize the impact on views and vistas from surrounding or adjacent properties through orientation or location on the site.

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Development Code

C-2 Zone

- g. On-site parking shall be designed to be as unobtrusive as possible, through site location and landscaping.



C-3: GENERAL COMMERCIAL ZONE

2.385. PURPOSE.

This zone is primarily for a wide range of commercial businesses, including most of those allowed in other commercial zones. Compared to the C-4 Zone, the C-3 Zone is more appropriate for -uses requiring a high degree of accessibility to vehicular traffic, low intensity uses on large tracts of land, most repair services, and small warehousing and wholesaling operations. Unlike the C-4 Zone, there are maximum lot coverage, landscaping, and off-street parking requirements for all uses.

2.390. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in a C-3 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.400 through 2.415, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Commercial laundry or dry cleaning establishment.
3. Commercial or public off-street parking lot.
4. Communication service establishment.
5. Construction service establishment.
6. Eating and drinking establishment.
7. Educational service establishment.
8. Family day care center in single-family, two-family, or multi-family dwelling.
9. Home occupation in existing dwelling.
10. Motel, hotel, bed and breakfast, inn, or other tourist lodging facility and associated uses.
11. A standalone Mmulti-family dwelling or above permitted or conditional commercial uses.

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C-3 Zone

12. Personal service establishment.
13. Professional service establishment.
14. Public or semi-public use.
15. Repair service establishment, not including automotive, heavy equipment, or other major repair services.
16. Residential facility.
17. Retail sales establishment.
18. Single-family and two-family dwelling in a new or existing structure:
 - a. Located above or below the first floor with commercial facilities on the first floor of the structure.
 - b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.

(Section 2.390.18.b added by Ordinance 11-08, 7-5-11)

(Section 2.390(18) amended by Ordinance 00-08, 9-6-00)
19. Transportation service establishment.
20. Conference Center.
(Section 2.390(20) added by Ordinance 94-06, 6-6-94)
21. Indoor family entertainment or recreation establishment.
(Section 2.390(21) added by Ordinance 98-01, 1-5-98)
22. Transportation facilities.
(Section 2.390.22 added by Ordinance 14-03, 4-21-14)

2.395. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-3 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.400 through 2.415, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Animal hospital or kennel.

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C-3 Zone

2. Automotive sales or service establishment.
3. Day care center.
4. Gasoline service station.
5. Hospital.
6. *(Section 2.395(6) deleted by Ordinance 98-01, 1-5-98)*
7. Light Manufacturing.
8. Recycling establishment.
9. Repair service establishment not allowed as an Outright Use.
10. Temporary use meeting the requirements of Sections 3.240.
11. Wholesale trade or warehouse establishment.

2.400. LOT COVERAGE.

Buildings will not cover more than 90 percent of the lot area.

2.405. LANDSCAPED OPEN AREA.

A minimum of 10 percent of the total lot area will be maintained as a landscaped open area.

2.410. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

2.415. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-3 Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.

City of Astoria
Development Code

C-3 Zone

3. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
4. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.

C-4: CENTRAL COMMERCIAL ZONE

2.425. **PURPOSE.**

This zone is intended to be the commercial center of the Astoria urban area. It is designed to serve as the focal point for retail trade, services, professional, financial, and governmental activities. The uses permitted are intended to be compatible with the locale's pedestrian orientation and, as a result, off-street parking is not required. The district is not suitable for low intensity uses requiring large tracts of land, warehouses, wholesale establishments, and other uses which would detract from the purpose or character of the area.

2.430. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in a C-4 Zone as an outright use if the Community Development Director determines that the use will not violate standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Commercial laundry or dry cleaning establishment.
3. Commercial or public off-street parking lot.
4. Communication service establishment.
5. Eating and drinking establishment without drive-thru facilities.
6. Education service establishment.
7. Family day care center in existing dwelling.
8. Home occupation in existing dwelling.
9. Personal service establishment.
10. Professional service establishment.
11. Public or semi-public use.
12. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
13. Residential home, located above the first floor, with commercial facilities on the first floor of existing structure.

City of Astoria
Development Code

C-4 Zone

14. Retail sales establishment.
15. Single-family and two-family dwelling, located above or below the first floor, with commercial facilities on the first floor of existing structure.
(Section 2.435(15) amended by Ordinance 93-15, 12-20-93)
16. Multi-family dwelling, located above the first floor, with commercial facilities on the first floor.
167. Studio for artists.
178. Transportation facilities.
(Section 2.430.17 added by Ordinance 14-03, 4-21-14)

2.435. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-4 Zone as a conditional use if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center.
2. Indoor family entertainment or recreation establishment.
3. Light manufacturing.
4. Motel, hotel, bed and breakfast, inn or other tourist lodging facility, and associated uses.
5. ~~Multi-family dwelling, located above the first floor, with commercial facilities on the first floor.~~
6. Recycling establishment.
7. Residential facility, located above the first floor, with commercial facilities on the first floor.
8. Temporary use meeting the requirements of Sections 3.240.
9. Transportation service establishment.
10. Wholesale trade, warehouse, mini-storage, or distribution establishment (see Section 11.170).

City of Astoria
Development Code

C-4 Zone

11. Conference Center.

(Section 2.435(11) added by Ordinance 94-06, 6-6-94)

2.440. HEIGHT OF STRUCTURES.

No structure will exceed a height of 4555 feet above grade.

2.445. OTHER APPLICABLE USE STANDARDS.

1. Drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle are not allowed for uses permitted in this zone, unless the facilities are in conjunction with a financial institution.
2. Outdoor sales and/or service areas over 100 square feet in size are not permitted in this zone, except for restaurants.
3. When a commercial use in a C-4 Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.
4. Outdoor storage areas will be enclosed by suitable hedges, fencing, or walls and will not exceed 100 square feet in size.
5. Indoor storage will not be the principal use of property.
6. All uses with access, parking, or loading areas will comply with standards in Article 7.
7. Conditional Uses will meet the requirements in Article 11.
8. Signs will comply with requirements in Article 8.
9. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
10. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.

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11. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.

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(Adopted 10-8-92)

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