



AGENDA

ASTORIA PLANNING COMMISSION

March 22, 2016

6:30 p.m. REGULAR MEETING
2nd Floor Council Chambers
1095 Duane Street ° Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. February 23, 2016
4. PUBLIC HEARINGS
 - a. Amendment to Existing Permit AEP16-02 for Subdivision Permit SP06-02 by Dale Barrett for Fred Van Horn to relocate the fire access and parking easements on the existing plat at 433-435-441 30th Street in the C-3, General Commercial zone.
 - b. Conditional Use CU16-02 by Nicholas Palazzo for The Farmacy, to locate light manufacturing (grow marijuana) in the basement of an existing retail space at 2911 Marine Drive, Suite #D in the C-3, General Commercial zone.
5. REPORT OF OFFICERS
6. NEW BUSINESS
7. OLD BUSINESS
 - a. Parks Master Plan Update
8. STATUS REPORTS
 - a. Planner Ferber has included status report photographs of the following: 1542 Grand, V14-18. The project is complete and conditions have been met. These status report photographs are for Commission information.
9. PUBLIC COMMENTS (Non-Agenda Items)
10. ADJOURNMENT

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

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
February 23, 2016

CALL TO ORDER:

President Pearson called the meeting to order at 6:26 pm.

ROLL CALL:

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

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

APPROVAL OF MINUTES:

President Pearson asked if there were any changes to the minutes of the January 26, 2016 meeting. Vice President Easom corrected the third line of Agenda Item 5(a) on Page 1 to state, "...the adjacent house at 2048 218 Franklin."

Vice President Easom moved that the Astoria Planning Commission approve the minutes as corrected; seconded by Commissioner Moore. Motion passed unanimously.

PUBLIC HEARINGS:

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

ITEM 4(a):

CU16-01 Conditional Use CU16-01 by Josh Allison to locate a 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.

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. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Innes confirmed no new construction was being proposed. Planner Ferber displayed some *Sketch Up* files that showed what the Applicant had proposed.

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

Josh Allison, 4910 Mimosa Circle, Sweet Home, Oregon said he planned to open a brewery. The south end of the building with two roll-up doors would be used for manufacturing products and the taproom would be located in the middle part of the building, which also has roll-up doors.

Commissioner Mitchell said the site is very small. She confirmed that the Applicant was starting small with plans to move elsewhere. It is apparent that the Applicant has proposed an operation that is somewhat different from what some people know and love in Astoria now. She wanted to know what Mr. Allison's final plans were. Mr. Allison confirmed his proposal would be different from a large distribution facility like Fort George. His brewery would be much smaller, but he planned for the business to grow. His three to five year plan included an off-premises pub or an off-premises distribution facility while continuing the brewing operation in the proposed location.

Commissioner Mitchell understood this brewery was a start-up, and asked how this would affect the Thursday Market and if the market would have to move to another location. Mr. Allison said he preferred the Thursday Market remain in its current location because it would increase the brewery's exposure.

Commissioner Spence noted the building looked run down and asked if the Applicant intended to do any façade improvements similar to the picture that was shown to the Commission. Mr. Allison explained that the picture was an artist's concept from the property owner. He planned to paint the building and replace the old wooden roll-up doors with glass roll-up doors.

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

Vice President Easom believed the brewery would be a great use for the property. Commissioner Innes liked the way the changes would look because they would be a great improvement. She was in favor of a new venture in town. Commissioners Spence, Fitzpatrick, and Moore confirmed they supported the request and President Pearson added that it met all of the criteria that the Commission had been asked to review.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU16-01 by Josh Allison; seconded by Commissioner Mitchell. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

OLD BUSINESS:

Verizon Appeal Update

Planner Ferber stated she had no new information to report.

PUBLIC COMMENTS:

ADJOURNMENT TO WORK SESSION:

There being no further business, the meeting was adjourned to convene the work session at 6:40 pm.

WORK SESSION: CODE AMENDMENT UPDATES - ADMINISTRATIVE PROCESS AND HOUSING

Planner Ferber explained this work session was to discuss code amendment updates relevant to the administrative process, affordable housing, and vacation rentals. This discussion would be continued in a public hearing in March, and then reviewed by City Council in April. She briefly outlined Staff's proposed changes, which were included in the agenda packet, and displayed the Zoning Matrix Overview on Page 44.

The Commission and Staff discussed the existing and proposed standards listed on the Zoning Matrix Overview, as follows:

R-1 Low Density Zone:

- The Commission discussed the smaller lots in town, which were allowed in the R-1 and R-2 zones, noting the benefits of allowing smaller lots in the R-1 zone. Commissioner Mitchell said that while Astoria has limited developable space, there is enough flexibility in medium density zones that she did not believe there was a need to downsize lots in the R-1 zones. Smaller lot sizes could have negative impacts on fire codes and privacy.
 - The Commission asked Staff to find out how many undeveloped R-1 lots were smaller than 5,000 square feet. Vice President Easom noted that R-1 lots smaller than 5,000 square feet are not developable.
- Vice President Easom and Commissioner Innes confirmed they had no issues with the proposed changes for townhouses.

R-2 Medium Density Zone:

- The Commission confirmed they had no issues with the proposed changes for single-family residence lot sizes. However, Vice President Easom believed the proposed lot size could not be accommodated in some areas.
- Commissioners agreed the proposed changes for duplexes, multi-family units, and townhouses/row houses were appropriate. They discussed how the existing standards created a good mix of zones, noting the benefits of the varying densities.
 - Staff and Commissioners discussed the definitions of townhouses and row houses. Planner Ferber confirmed Staff would work to clarify these terms.

R-3 High Density Zone:

- Vice President Easom and Commissioner Moore agreed the single-family residence lot sizes should be smaller than Staff had proposed.
- The Commission agreed with Staff's proposed changes for duplexes.
- Vice President Easom believed lots with multi-family units could be denser than Staff had recommended. The rest of the Commission agreed with Staff's proposal. After some discussion of the density of existing multi-family developments, President Pearson suggested Staff reconsider their proposal.
 - Commissioner Mitchell believed the amount of open space per unit should be part of the density standards. Planner Ferber confirmed code language addressed this through lot coverage requirements.
 - Commissioner Fitzpatrick believed the Commission should discuss density units, which is a unit of measure assigned to each unit depending on how many bedrooms it had. In other jurisdictions, a studio would be a half density unit, a one-bedroom would be a 0.66 density unit, a two-bedroom would be one density unit, and a half density unit would be added for each bedroom above two in a unit. Twenty-six, three-bedroom units would be much denser than 26 studios.
- Commissioner Mitchell reiterated the Commission wanted definitions for townhouses and row houses. She thanked Staff for doing such a great job on the Staff reports and listed several benefits of allowing conditional use permits.
- Vice President Easom agreed accessory dwelling units should be an outright use in all zones.

Short Term Rentals:

- Planner Ferber confirmed Staff sets up the occupational tax for homeowners when they start a short-term rental. Vice President Easom believed many homeowners who find out short term rentals are not allowed for their property would set one up anyway and not pay the occupational tax.
- The Commission confirmed no changes were necessary for home stay lodgings and bed and breakfasts.
- Vice President Easom believed vacation rentals should be allowed in residential zones because many property owners are starting them and the City could benefit from the tax revenue. He and Commissioner Moore agreed vacation rentals should be regulated and limited.
 - Currently, Staff does not have the ability to prevent illegal vacation rentals, but tax revenue could provide funds for the enforcement of standards that allow them.
 - Commissioner Fitzpatrick was opposed to allowing vacation rentals in residential zones because they would create parking and noise issues. The Astoria Police Department does not have the staff to keep parties under control. He listed other jurisdictions that are currently having many problems with vacation rentals, which he did not want in Astoria.
 - Commissioner Moore said if vacation rentals were repressed, property owners would have them anyway, as they are already. However, if a limited few are allowed, maybe some property owners would comply and the City would benefit. Knowing where the vacation rentals are located makes them easier for police.
 - Commissioner Mitchell has heard that many times that homeowners are stunned to find that many of the houses in their neighborhood are second homes. She believed it would be best for the City to maintain a balance between the residents and tourists. She has benefited from the growth in tourism. However, when the City does good things for its residents, the economy benefits.
 - Commissioners agreed that changes to the existing standards for vacation rentals would be significant, complicated, and would require a much broader discussion.
 - Commissioner Moore confirmed that Staff had changed the definition of accessory dwelling units to include units not attached to the main home or units above a garage.
- Planner Ferber noted that the proposed changes to the administrative review process were mostly housekeeping items, with the biggest change being that public notices would be posted on-site. She did not

believe current staffing levels could accommodate the time it would take to post notices at each site. However, she supported transparency and efforts to publicize public hearings to as many people as possible. She wanted the opportunity to research the issue more.

- Vice President Easom asked why Staff had proposed the ability to require a notarized signature from property owners. Commissioner Innes believed this would prevent leasees from engaging in activities that the property owners were opposed to. She and Vice President Easom agreed the last sentence of Page 27 of the agenda packet should be changed as follows: "If the Applicant ~~refuses to~~ **does not** submit the required additional information..."
- Planner Ferber explained that she receives incomplete applications often and she must contact the Applicants to request more information. In some cases, she is unable to deem an application complete without additional information and must set a deadline for the information to be received.
- Commissioner Innes believed Article 9(2)(a) (Page 33 of the agenda packet) needed to be simplified, possibly with bullet points. The information is important, but it runs on and is difficult to read.
- Staff is already sending public hearing notices to property owners within 250 feet of a site, but the code only requires 100 feet. The proposed change simply reflects what Staff is already doing.
- Staff and the Commission briefly discussed the current permit extension requirements for substantial construction.

The Commission agreed another work session was needed to continue discussing the proposed changes for affordable housing.

ADJOURNMENT:

There being no further business, the work session was adjourned at 7:29 pm.

APPROVED:

Community Development Director

STAFF REPORT AND FINDINGS OF FACT

March 15, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER PLANNER

SUBJECT: AMENDMENT TO EXISTING PERMIT (AEP16-02) FOR SUBDIVISION PERMIT SP06-02 BY DALE BARRETT FOR FRED VAN HORN TO RELOCATE THE FIRE ACCESS AND PARKING EASEMENTS ON THE EXISTING PLAT AT 433-435-411 30TH STREET IN C-3, GENERAL COMMERCIAL ZONE.
STREET

I. BACKGROUND SUMMARY

- A. Applicant: HLB Otak Inc.
Dale Barrett
4253 A Highway 101 N
Seaside OR 97138
- B. Owners: Fred Van Horn
Phreds Phono and Games Inc
437 30th Street
Astoria OR 97103
- Gabe Duus
800 Franklin St. #200
Vancouver, WA 98660
- Fred Van Horn and Christell Van Horn
437 30th Street
Astoria, OR 97103
- Raymond Grubbs J Trustee
642 Iron Mountain Blvd
Lake Oswego, OR 97034
- Gordon Howe
91926 Highway 104
Warrenton, OR 97146-7207
- Alice Gutknecht
8645 SW Thoroughbred Pl
Beaverton, OR 97008-7200

John and Lynda Gill
114 Pony Express Rd
San Dimas, CA, 91773-2778

Brooke and Stephen Myrvold
258 29th St
Astoria, OR 97103-2856

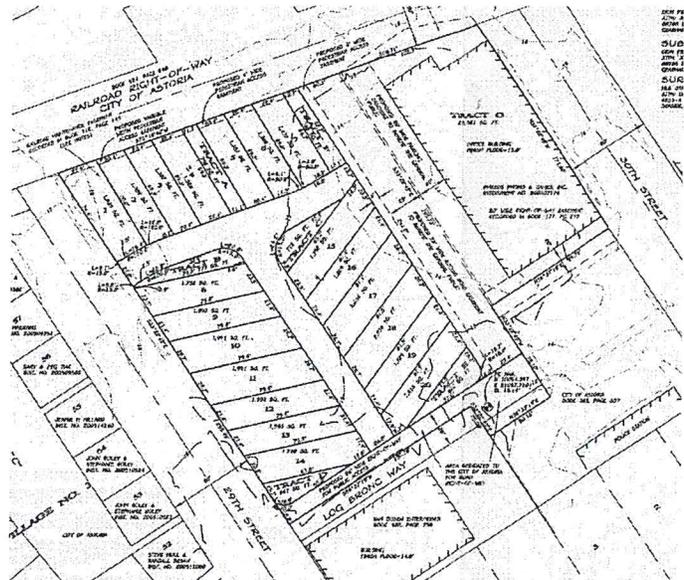
CL Holdings LLC
25501 NE 74th Ct
Battle Ground, WA, 98604

Travis and Lauren Walton
278 29th St
Astoria, OR, 97103

Janice Gibbons
288 29th St
Astoria, OR, 97103-2856

C. Proposal: The applicant is proposing to relocate the fire access easement for the subdivision housing and the parking location for lot 21 as previously approved in SP06-02.

D. Location: Map T8N-R9W Section 9BC, Tax Lots 500 & 700. The subject property is located on the east side of 29th Street north of the City Trolley Line and RiverTrail.



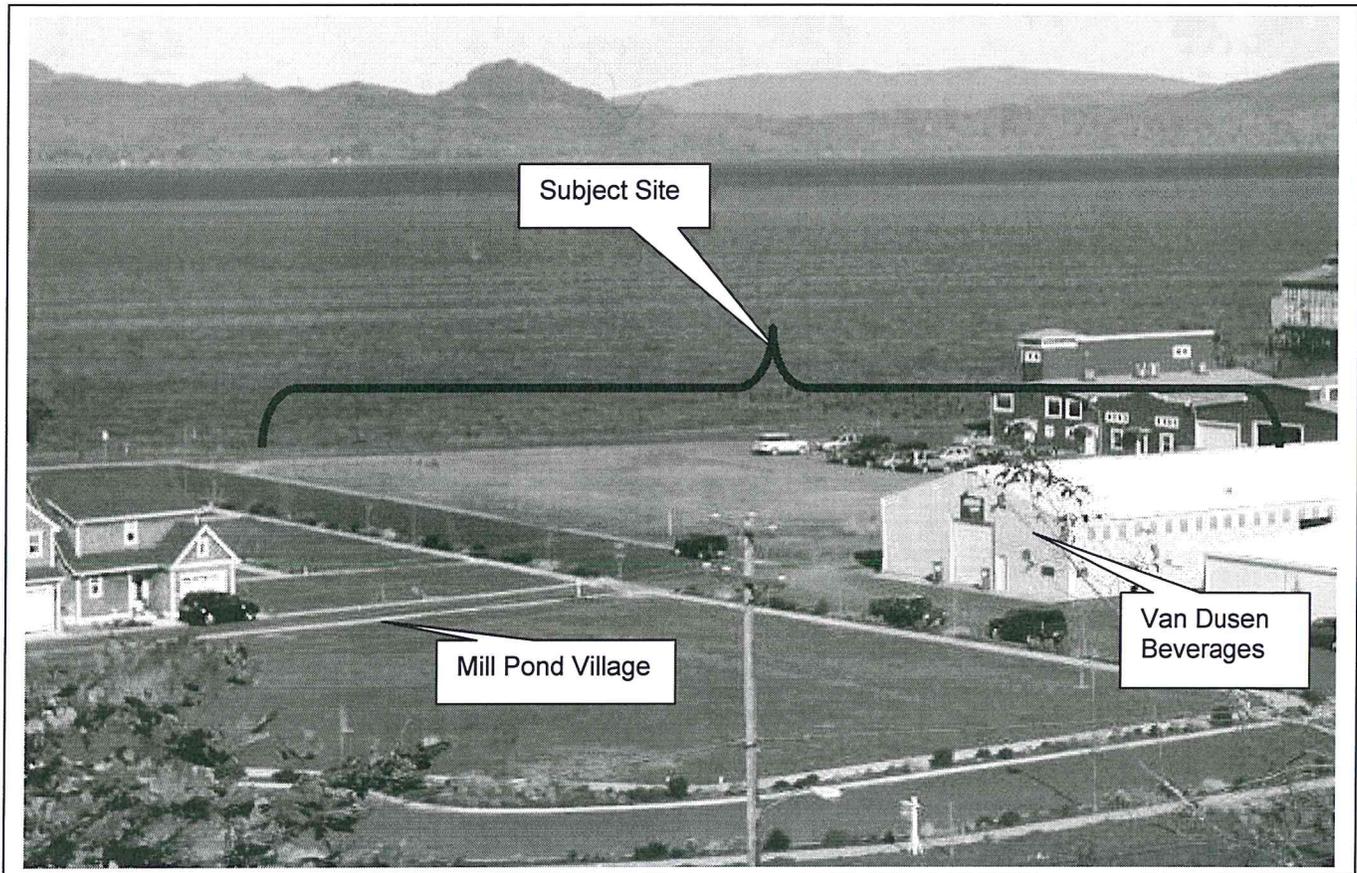
E. Zone: C-3, General Commercial

F. Use of Property: Existing: Vacant, parking lot, commercial building
Proposed: Townhouse multi-family dwellings, commercial building, and open space

II. BACKGROUND

In 2006, the subdivider, which included the current property owner Fred Van Horn received APC approval for a subdivision to divide a 1.14 acre site into 20 residential lots, 1 commercial lot, and six communal open space tracts with roads and pedestrian walkways.

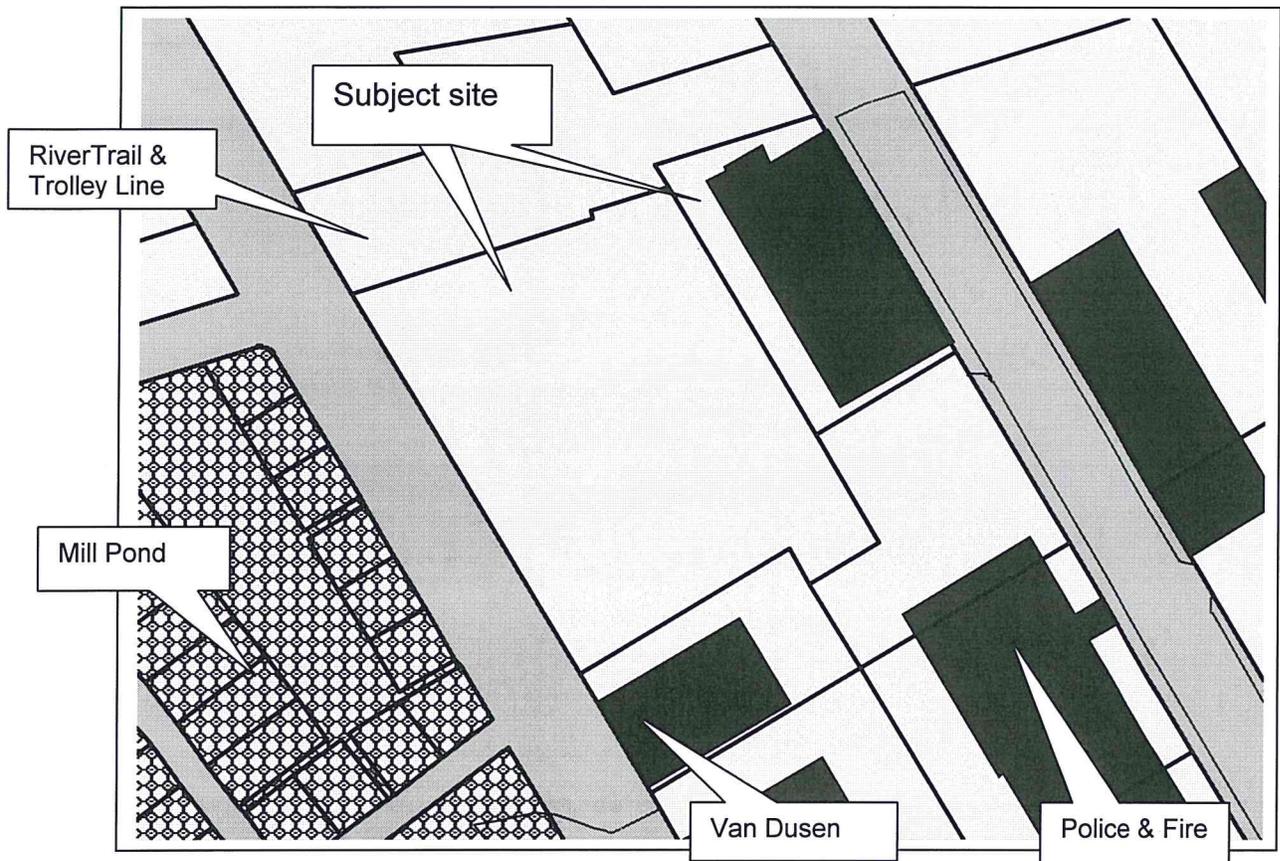
The parcel is generally square and is located at the foot of 29th Street along the City-owned trolley line. The site has frontage on both 29th and 30th Streets.



Lot 21 is developed with a commercial building. The remaining portion of the property has been developed with townhomes. The original subdivision was approved with an emergency vehicle access easement on lot 21 for the benefit of the townhomes abutting lot 21.

Since this is a request for an Amendment to an Existing Permit, only the issue relative to the permit portion to be amended would be reviewed by the APC. In this case, it would include the requirement and location of the emergency vehicle access easement. The Findings of Fact dated February 13, 2007 and April 22, 2008 are hereby incorporated by reference as part of these Findings of Fact.

Access to the site is from the west from 29th Street right-of-way. The site is flat.



III. PUBLIC REVIEW AND COMMENT

A Public Notice was mailed to all property owners within 250 feet, excluding rights-of-way, pursuant to Section 9.020 on March 1, 2016. A Notice of Public Hearing was published in the *Daily Astorian* on March 1, 2016. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REGULATIONS AND DESIGN STANDARDS

- A. Section 13.110(A) defines the information required on the preliminary plat to include at a minimum, the following:
1. A scaled drawing of the plat at a scale of one inch equals 50 or better except tracts over ten acres, which may be to a scale of one inch equals 100 feet, and shall be clearly and legibly reproduced.

Finding: The preliminary plat is at a scale of 1" to 30'.

2. Proposed name, date, north point and scale of drawing.
Finding: Name is Columbia Landing. It is indicated on the preliminary plat. It is dated February 12, 2016. North point and scale are noted.

3. Location of the subdivision sufficient to define its location and boundaries and, a legal description of the tract boundaries.
Finding: The Vicinity Map identifies the location. Detailed survey information on boundaries has been provided. A legal description is not required as property boundaries are not changing.

4. Name and address of subdivider and all property owners.
Finding: N/A

5. Appropriate identification of the drawing as a preliminary plat.
Finding: The document is identified as replat.

6. Name, business address and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.
Finding: Surveyor information has been provided.

7. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
Finding: All information required for the easement is provided.

8. Names of record owners of all contiguous land.
Finding: Adjacent ownership was indicated on the original plat. The replat addresses only the location of the emergency vehicle access easement. Adjacent property owners are listed above in the background information.

9. *Approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.*
Finding: A 25' ingress/egress public easement for emergency vehicle access is proposed to be relocated and has been indicated on the new plat.

10. The location of at least one temporary bench mark within the subdivision boundaries.

Finding: Survey marks have been noted.

Finding: The preliminary plat does comply with all of the above applicable requirements as noted with the conditions noted. Items addressed in the findings needed for the final plat have been noted in the conditions at the end of the staff report.

- B. Section 13.110(B) states *“a statement shall accompany the preliminary plat and shall contain the following information:*

Finding: No changes to the original plat are proposed other than the easement, this section is not applicable.

- C. Section 13.110(C) states that *“The City may require any of the following to supplement the preliminary plat:”*

5. *Proposals for other improvements such as electric, utilities, and sidewalks.*

Finding: Sidewalks as approved in the original plat SP06-02 are included on the replat in their original location. No changes are proposed.

- D. Section 13.410 concerning General Regulations and Design Standards for streets states as follows:

1. *“B. Street Widths.*

Street widths shall conform with City Standards, except where it can be shown by the land divider, to the satisfaction of the Planning Commission, that topography or the smaller number of lots served and the probable future traffic development are such as to justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the Planning Commission taking into consideration the zoning designations imposed by the Comprehensive Plan and the Development Code, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.”

Finding: SP06-02 contained the following condition: “10. The final width of the streets shall be reviewed by the Fire Marshall after submittal of additional building construction information as per the memo dated 12-

21-06. Streets shall be a minimum width of 20' to 26' depending on the height of the buildings, location of fire hydrants, and installation of fire suppression systems in adjacent buildings.”

The existing right of ways as approved in the plat in SP06-02 were not sufficient for emergency vehicle access. A 25' wide ingress/egress emergency vehicle easement was required and included on the final plat adjacent to the east boundary of the Columbia Landing subdivision. The location of the easement is proposed to be altered with the replat to be located 20' further east, allowing parking between the easement and the existing Columbia Landing.

Fire Chief Ted Ames has reviewed and approved the revised location of the emergency vehicle easement. The Fire Chief and City Planner shall approve any striping of parking on the south end of the parcel to maintain space for emergency vehicle access.

- E. Section 13.120(A.4) concerning Submission of the final plat states *“No subdivider shall submit a plat of a subdivision for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.”*

Section 13.120(D) concerning Improvements to be Completed states *“Prior to the approval of the final plat by the Planning Commission, the subdivider shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 13.600 to 13.630.”*

Finding: Review of this Preliminary Plat can be approved with conditions for the developer to meet the requirements of the Code. The applicant shall be required to complete all of the requirements prior to review of the Final Plat and recording the subdivision replat. The applicant may request to delay some portions of the improvements by entering into a Developer’s Agreement with the City and provide an estimate for all improvements for the basis of a possible bond and agreement for improvements. The request for such delay shall be reviewed by the City Engineer and Planner for compliance with the conditions of the Preliminary Plat and the impact such delays will have on the development.

- F. Section 13.100(G) states that *“The preliminary plat approval shall be binding on the City and the subdivider for the purpose of preparing a final plat, provided that there are no changes of the plat of the subdivision and that it complies with all conditions set forth by the City in its preliminary plat approval.”*

Finding: Any changes in the final plat may need to be reviewed for compliance with the codes and the impact the changes may have on other parts of the Preliminary Plat.

- G. Section 13.100(H) states that *“The preliminary plat shall be valid for one year from the date of its approval. The Planning Commission, upon written request by the subdivider, may grant an extension of the preliminary plat approval for a period of one year. In granting an extension, the Planning Commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat.”*

Section 13.100(I) states that *“The applicant shall submit to the City a final partition plat prior to the expiration of the preliminary plat approval. Any final subdivision plat not submitted prior to the expiration of the preliminary plat approval period shall be considered void.”*

Section 13.120(D) states that *“Prior to the approval of the final plat by the Planning Commission, the subdivider shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 13.600 to 13.630.”*

Finding: The preliminary replat is being reviewed as the final plat as there are no required changes.

- H. A. Section 13.120(A). Survey Required.

1. Within one (1) year after approval of the preliminary plat, or such extension as may have been granted by the City, the subdivider shall cause the proposed subdivision, or any part thereof to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.

Finding: The preliminary plat is being reviewed by the APC on March 22, 2016. The final plat generally is in conformance with the preliminary plat and is being reviewed at the same time.

2. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the Community Development Director. The tracing and prints are in addition to those required by Oregon Statutes.

Finding: The applicant will submit original reproducible drawings. A sufficient number of copies were submitted for review.

3. The final plat shall conform to the requirements of Sections 13.130 to 13.150.

Finding: See Section 13.130 to 13.150 below for conformance with these specific requirements.

4. No subdivider shall submit a plat of a subdivision for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.

Finding: The requirements of ORS 209.250 relate to surveyor and map requirements and noncompliance of surveyor and map requirements. These requirements have been met.

I. Section 13.120(B). Public Works Director Review.

1. The Community Development Director shall forward a copy of the plat and other data to the Public Works Director, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the preliminary plat, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the preliminary plat have been complied with; and that the plan is technically correct.
2. The Public Works Director may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.
3. If the Public Works Director determines that full conformity has not been made, the Community Development Director shall advise the subdivider of the changes or additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or additions. If the Public Works Director determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the Community Development Director for further review.

Finding: The plans were reviewed by Assistant City Engineer Nathan Crater. Full conformity to improvement specifications has not been completed, pending relocation of the access easement.

J. Section 13.120(C). Planning Commission Review.

The Planning Commission shall review the final plat to determine that it conforms with the preliminary plat and with the changes permitted and all requirements imposed as a condition of its acceptance.

If the Planning Commission determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

Finding: The following conditions were imposed by the APC on the Preliminary Plat review on February 13, 2007: "10. The final width of the streets shall be reviewed by the Fire Marshall after submittal of additional building construction information as per the memo dated December 21, 2006. Streets shall be a

minimum width of 20' to 26' depending on the height of the buildings, location of fire hydrants, and installation of fire suppression systems in adjacent buildings.”

The emergency vehicle access easement was approved on the final plat for SP06-02, however, the applicant has requested to relocate the easement swapping it with the location of the existing parking. The proposed new location has been reviewed and approved by the Fire Chief and the revised plat will meet the requirements of original condition.

K. Section 13.120(E). Final Plat Signed.

If the final plat conforms to the preliminary plat and applicable conditions have been met, the President of the Planning Commission shall sign and date the final plat.

Finding: The preliminary plat is also being reviewed as the final plat. If approved, the President of the Planning Commission shall sign and date the final plat.

L. Section 13.120(F). County Review and Recording.

The subdivider shall deliver the final plat to the County Surveyor for review according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

Finding: The final plat shall be delivered to the County Surveyor for review. The final plat shall be recorded within 90 days after the date the last required approving signature has been obtained.

M. Section 13.120(G). Final Plat Complete.

The subdivision is considered complete after the final plat is recorded by the County Clerk.

Finding: The final replat as approved by the APC and signed by the APC President, may be recorded.

N. Section 13.120(H). Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

Finding: Two copies of the recorded final replat shall be provided to the Community Development Department by the applicant within 30 days after the replat has been recorded with the County Surveyor.

VI. CONCLUSION AND RECOMMENDATION

Staff recommends approval of the proposed preliminary and final replat with the following conditions:

1. The applicant shall submit a final parking striping plan for review and approval by the Fire Chief and City Planner for the south end of the parcel to maintain space for emergency vehicle access within 30 days of the recording of the plat. All striping shall be completed by June 1, 2016.
2. The President of the Planning Commission shall sign and date the final plat.
3. Applicant (Subdivider) shall furnish the final plat to the County Surveyor for final recording.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

AEP 16-02

paid 2-25-16 NF
Actual Costs + \$100
Fee: Same as Type of Permit

AMENDMENT TO AN EXISTING PERMIT

Property Address: 433-435-441-30⁷²⁰

Lot 21 Block - Subdivision Columbia Landing

Map 9BC Tax Lot 700 Zone C-3

Permit to be Amended: SP06-02

Applicant Name: Dale Barrett, HLB-OTAK

Mailing Address: 4253A Hwy 101 N, Seaside 97138

Phone: 738-3425 Business Phone: Email: dale.barrett@HLB-OTAK.com

Property Owner's Name: Fred Van Horn Gabe Duas
Phreds Photo & Games

Mailing Address: 437-304w 800 Franklin St #200, Vancouver WA 98660

Business Name (if applicable) Phreds Photo & Games CL Holdings LLC

Signature of Applicant: Dale Barrett Date: 2-12-16

Signature of Property Owner: ① ② Date:

Proposed Amendment: to relocate the fire access and parking easements on the existing Plat

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Historic Landmarks Commission meets on the third Tuesday of each month. Applications must be received by the 20th of the month to be on the next month's agenda. Design Review Committee meets on the first Thursday of each month and applications are due the first week of the previous month. A Pre-Application meeting with the Planner may be required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Commission meeting is recommended.

For office use only:			
Application Complete:	2-25-16	Permit Info Into D-Base:	2/25/16
Labels Prepared:		Tentative HC Meeting Date:	3/22/16 ✓
120 Days:	6-24-16		



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
 COMMUNITY DEVELOPMENT

AEP 16-02

Fee: Actual Costs + \$100
 Same as Type of Permit

AMENDMENT TO AN EXISTING PERMIT

Property Address: 433-435-441-30⁷²⁰

Lot 21 Block - Subdivision Columbia Landmark

Map 9BC Tax Lot 700 Zone C-3

Permit to be Amended: SP06-02

Applicant Name: Dale Barrett, HLB-OTAK

Mailing Address: 4253A Hwy 101 N, Seaside, 97138

Phone: 738-3425 Business Phone: Email: dale.barrett@HLB-OTAK.com

Property Owner's Name: Fred Van Horn Gabe Dulas
 Fred's Photo & Games

Mailing Address: 437-3042 800 Franklin St #200, Vancouver WA 98660

Business Name (if applicable) Fred's Photo & Games CL Holdings LLC

Signature of Applicant: Date:

Signature of Property Owner: ① Fred Van H Date: 2/12/2016
 ②

Proposed Amendment: to relocate the fire access and parking easements on the existing Plat

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Historic Landmarks Commission meets on the third Tuesday of each month. Applications must be received by the 20th of the month to be on the next month's agenda. Design Review Committee meets on the first Thursday of each month and applications are due the first week of the previous month. A Pre-Application meeting with the Planner may be required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Commission meeting is recommended.

For office use only:			
Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	3/22/16
120 Days:			



CITY OF ASTORIA
 Founded 1811 • Incorporated 1856
 COMMUNITY DEVELOPMENT

AEP 16-02

Fee: Actual Costs + \$100
 Same as Type of Permit

AMENDMENT TO AN EXISTING PERMIT

Property Address: 433-435-441-30⁷⁰

Lot 21 Block - Subdivision Columbia Landings

Map 9BC Tax Lot 700 Zone C-3

Permit to be Amended: SP06-02

Applicant Name: Dale Barrett, HLB-OTAK

Mailing Address: 4253 A Hwy 101 N, Seaside 97138

Phone: 238-3425 Business Phone: Email: dale.barrett@HLB-OTAK.com

Property Owner's Name: Fred Van Horn Gabe Dumas

Mailing Address: Fred's Photo & Games 800 Franklin St #200, Vancouver WA 98660

Business Name (if applicable): Fred's Photo & Games C.L. Holdings LLC

Signature of Applicant: Date:

Signature of Property Owner: J. J. Jones Date: 2/12/16

Proposed Amendment: to relocate the fire access and parking easements on the existing Plat

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Historic Landmarks Commission meets on the third Tuesday of each month. Applications must be received by the 20th of the month to be on the next month's agenda. Design Review Committee meets on the first Thursday of each month and applications are due the first week of the previous month. A Pre-Application meeting with the Planner may be required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Commission meeting is recommended.

For office use only:	
Application Complete:	Permit Info Into D-Base:
Labels Prepared:	Tentative #1 Meeting Date: 3/22/16
120 Days:	

COLUMBIA LANDING A REPLAT OF LOT 21

NW 1/4 OF SECTION 9 T8N R9W W1M
CITY OF ASTORIA, CLATSOP COUNTY, OREGON

FEBRUARY 12, 2016

SHEET 1 OF 2



LEGEND & NOTES

- R1 INDICATES RECORD VALUE PER HWP B-1147B
- INDICATES 5/8 X 3/8 BRASS NAIL WITH YELLOW PLASTIC CAP INCORPORATED INTO GYM INC. SET PER COLUMBIA LANDING PLAN
- INDICATES ROUND SURVEY MONUMENT AS NOTED
- ⊙ INDICATES ROUND SURVEY MONUMENT HELD TO CONTROL THIS SURVEY AS NOTED
- ⊗ INDICATES LEAD PILE WITH BRASS SCREW AND 3/4" WAGONER INCORPORATED INTO GYM INC SET PER COLUMBIA LANDING PLAN
- ⊛ INDICATES SURVEY MARKER USE AND 1 1/2" BRASS WAGONER INCORPORATED INTO GYM INC SET PER COLUMBIA LANDING PLAN
- H INDICATES HOISTED DATA
- N/L INDICATES HOSE OR LEAS
- SURVEY, PLATS AND DEED RECORDS REFERRED TO HEREON ARE RECORDS OF CLATSOP COUNTY.
- CONVEYANCES NOT FURTHER CLAIMED BY THE LEGAL ARE HEREBY REPEATED FOR THIS SURVEY.

NARRATIVE

THIS SURVEY WAS CONDUCTED AS A REPLAT OF LOT 21, COLUMBIA LANDING. THE PURPOSE OF THIS REPLAT SURVEY IS TO RECONSTRUCT THE 20' WIDE RIGHT-OF-WAY EASEMENT THAT BOUNDARY THE ASTORIA FIRE DEPARTMENT FOR THE USE OF THE CITY OF ASTORIA AND TO RECONSTRUCT THE 10' WIDE DRIVEWAY EASEMENT TO BOUNDARY LOT 21 AS NO LONGER RESERVED BY THE CITY AND THE RAILROAD.

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
1	15.71'	10.00'	90°00'16"	14.14'	S111°37'07"W

REGISTERED PROFESSIONAL LAND SURVEYOR
THELLIANN VANT
OREGON
MAY 16, 1982
DALE N. BARRETT
1979

REVISIONS: DECEMBER 31, 2017
38293153.DWG



SCALE:
1" = 30'



COLUMBIA LANDING A REPLAT OF LOT 21

NW 1/4 OF SECTION 9 T8N R9W W1M
CITY OF ASTORIA, CLATSOP COUNTY, OR
FEBRUARY 12, 2016

SHEET 2 OF 2

SURVEYOR'S CERTIFICATE

I, DALE N. BARRETT, HAS 1979 CERTIFY THAT I HAVE CORRECTLY SURVEYED AND RECORDED THE LAND REPRESENTED ON THE ATTACHED PLAT OF COLUMBIA LANDING A REPLAT OF LOT 21 IN ACCORDANCE WITH ORS 92.008. THE SUBJECT PROPERTY IS DESCRIBED AS LOT 21 COLUMBIA LANDING AS RECORDED IN INSTRUMENT 200010714, CLATSOP COUNTY, OREGON. SITUATED IN THE NORTH-EAST QUARTER OF SECTION 9, T.8N., R.9W., W.1M., CITY OF ASTORIA, COUNTY OF CLATSOP, STATE OF OREGON.

PLAT NOTE

1) PROPERTY MAPIN THIS PLAT IS SUBJECT TO CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED UNDER INSTRUMENT NUMBER _____, CLATSOP COUNTY OREGON RECORDS.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT PHILIP HANCO & CHRIS, INC. IS THE OWNER OF THE LAND REPRESENTED ON THE ATTACHED PLAT AND HAS PARTICIPALLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBMITTED INTO LOTS AND BLOCKS AS SHOWN HEREON. THE SURVEYOR HAS REVIEWED THE PLAT AND HAS FOUND THAT THE DEEDS HEREBY GRANT ASSUMES AS CORRECT OR NOTED ON THIS PLAT IS SUBJECT TO CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS AS NOTED OR DEFICED TO SHOWN HEREON.

PHILIP HANCO & CHRIS, INC.
PHED VAN HOOK, PRESIDENT

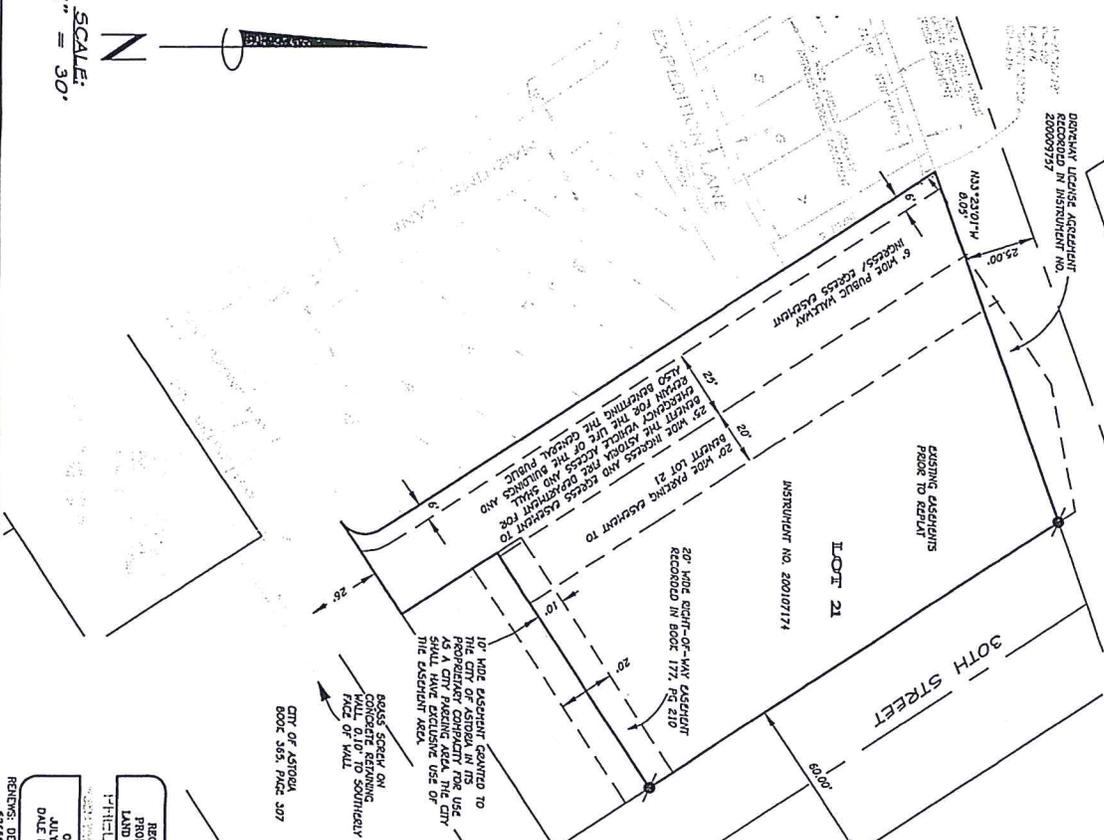
EASEMENT NOTES

- 10) BOOK 177, PAGE 210 AN EASEMENT FOR A JOINT PRIVATE SEWER SYSTEM WAS RECORDED APRIL 11, 1915 BETWEEN DISPOSITION 5811 CROWN AND THE CITY OF ASTORIA. AFFECTS THE SUBJECT PROPERTY AS SHOWN HEREON.
- 11) INSTRUMENT NUMBER 200009197 A LICENSE AGREEMENT FOR A DOWNHILL EASEMENT FOR THE USE OF THE CITY OF ASTORIA AND PHED VAN HOOK, AFFECTS THE PROPERTY AS SHOWN HEREON.

SHEET INDEX

- SHEET 1
PLAT LOTS, LOTS AND A NOTES
EASEMENTS CREATED OR OF RECORD, AND
ASSIGNMENT NOTES
- SHEET 2
MAGNIFICENT SURVEYOR'S CERTIFICATE
DECLARATION, ACKNOWLEDGMENTS,
CERTIFICATE OF CLERK, PLAT NOTES,
EASEMENT NOTES, AND APPENDIX

SCALE:
1" = 30'



ACKNOWLEDGMENTS

STATE OF OREGON 5.5
COUNTY OF CLATSOP 5.5
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ 2016,
BY PHILIP HANCO & CHRIS, INC. PHED VAN HOOK, PRESIDENT

NOTARY PUBLIC _____
NOTARY PUBLIC _____
NOTARY PUBLIC _____
NOTARY PUBLIC _____

HY COMMISSION NUMBER _____
HY COMMISSION DATES: _____

APPROVALS:

APPROVED THIS _____ DAY OF _____, 2016.

CLATSOP COUNTY SURVEYOR _____

APPROVED THIS _____ DAY OF _____, 2016.

CLERK, PLANNING COMMISSION, CITY OF ASTORIA

APPROVED THIS _____ DAY OF _____, 2016.

PUBLIC WORKS DIRECTOR, CITY OF ASTORIA

APPROVED THIS _____ DAY OF _____, 2016.

CLERK, CLATSOP COUNTY BOARD OF COMMISSIONERS

ALL TAXES, FEES, ACCRUALS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.073 HAVE BEEN PAID AS OF _____ 2016.

CLATSOP COUNTY ASSESSOR AND TAX COLLECTOR

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON 5.5
COUNTY OF CLATSOP 5.5
I DO HEREBY CERTIFY THAT THIS PLAT, _____ WAS RECORDED
FOR RECORD ON THIS _____ DAY OF _____, 2016, AT _____ O'CLOCK
_____ H., AND RECORDED AS INSTRUMENT NUMBER _____, CLATSOP COUNTY
RECORDS.

BY _____
CLATSOP COUNTY CLERK

REGISTERED
PROFESSIONAL
LAND SURVEYOR
FELIX HONNIGMANN

OREGON
JULY 16, 1982
DALE N. BARRETT
1979

REFERENCE: OCTOBER 31, 2017
65293/ASTORIA



Incorporated
www.otak.com

- SURVEYING
- CIVIL ENGINEERING
- WATER RIGHTS
- RETIRED CONSULTING
- CLATSOP COUNTY
CLERK, 65293/ASTORIA
RECORDS, 65293/ASTORIA

BEFORE THE PLANNING COMMISSION
OF THE CITY OF ASTORIA

IN THE MATTER OF A FINAL SUBDIVISION PLAT)
)
FOR THE FOLLOWING PROPERTY: MAP T8N-R9W,)
SECTION 9BC, TAX LOT(S) 500 & 700; LOT(S))
FOOT OF 29TH STREET, ASTORIA, OREGON 97103)
)
ZONING: C-3, GENERAL COMMERCIAL)
)
APPLICANT: HLB OTAK INC, PAMELA EMMONS,)
4253 A HWY 202 N, SEASIDE OR 97138)
ASTORIA, OREGON 97103)

ORDER NO. SP06-02

The above named applicant applied to the City for a Final Subdivision Plat, SP06-02, to subdivide a 1.14 acre parcel into 20 building lots with communal areas and name the subdivision Columbia Landing in the C-3 Zone, General Commercial, on the east side of 29th Street north of the City Trolley line and River Trail, Astoria, Oregon 97103.

A public hearing on the above entitled matter was held before the Planning Commission on April 22, 2008; and the Planning Commission closed the public hearing and rendered a decision at the April 22, 2008 meeting.

The Planning Commission orders that this application for a Final Subdivision Plat, SP06-02, is approved and adopts the findings of fact and conclusions of law attached hereto.

The effective date of this approval is 15 days following the signing of this order, subject to any attached conditions. *A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*

This decision may be appealed to the City Council by the applicant, party to the hearing, or a party who responded in writing by filing an appeal with the City within 15 days of this date (Section 9.040).

DATE SIGNED: APRIL 22, 2008

DATE MAILED: 4-25-08

CITY OF ASTORIA PLANNING COMMISSION



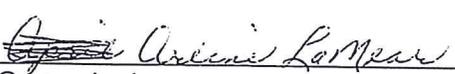
President



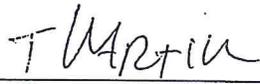
Commissioner



Commissioner



Commissioner



Commissioner

Commissioner

Commissioner

STAFF REPORT AND FINDINGS OF FACT

April 15, 2008

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: FINAL PLAT SUBDIVISION REQUEST (SP06-02) TO SUBDIVIDE A 1.14 ACRE PARCEL INTO 20 BUILDABLE LOTS PLUS GREEN SPACE AT FOOT OF 29TH STREET

I. BACKGROUND SUMMARY

- A. Applicant: HLB Otak Inc.
Pamela Emmons
4253 A Highway 101 N
Seaside OR 97138

- B. Owner: Phreds Phono & Games Inc (Tax Lot 700)
Tyack Dental Group Lessee
437 30th Street
Astoria OR 97103

Dion Van Horn LLC (Tax Lot 500)
Tyack Dental Group Lessee
Adam Dion
13645 SW Garrett Court
Tigard OR 97223

Dion Van Horn LLC (Tax Lot 302)
Adam Dion Manager
13645 SW Garrett Court
Tigard OR 97223

- C. Developers: Adam Dion
Dion Pike, A Development Company
13645 SW Garrett Court
Tigard OR 97223

- D. Proposal: To subdivide a 1.14 acre parcel into 20 building lots with common areas, and name the subdivision Columbia Landing

- E. Location: Map T8N-R9W Section 9BC, Tax Lots 302, 500 & 700. The subject property is located on the east side of 29th Street, south of the City Trolley Line and RiverTrail.

- F. Zone: C-3, General Commercial

G. Number of Lots: Proposed: 20 lots, six tracts plus one commercial Lot 21
 Existing: One parcel of 1.14 acres (49,658.4 square feet) plus one parcel of 0.09 acres (3,920.4 square feet) and one parcel of 0.45 acres (19,602 square feet)

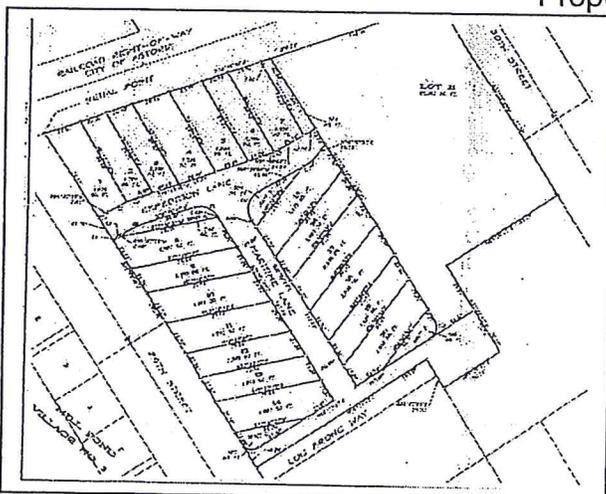
H. Lot Area:

Lot 1:	1,835 square feet
Lot 2:	1,389 square feet
Lot 3:	1,387 square feet
Lot 4:	1,935 square feet
Lot 5:	1,733 square feet
Lot 6:	1,386 square feet
Lot 7:	1,666 square feet
Lot 8:	1,987 square feet
Lot 9:	1,593 square feet
Lot 10:	1,991 square feet
Lot 11:	1,991 square feet
Lot 12:	1,593 square feet
Lot 13:	1,593 square feet
Lot 14:	1,887 square feet
Lot 15:	1,975 square feet
Lot 16:	1,629 square feet
Lot 17:	2,036 square feet
Lot 18:	2,036 square feet
Lot 19:	1,629 square feet
Lot 20:	1,933 square feet
Lot 21:	25,361 square feet

Tract A:	542 square feet
Tract B:	539 square feet
Tract C:	470 square feet
Tract D:	500 square feet
Tract E:	554 square feet

I. Lot Dimensions: Irregular shaped lots

J. Use of Property: Existing: Vacant, parking lot, commercial building
 Proposed: Townhouse multi-family dwellings, commercial building, and open space

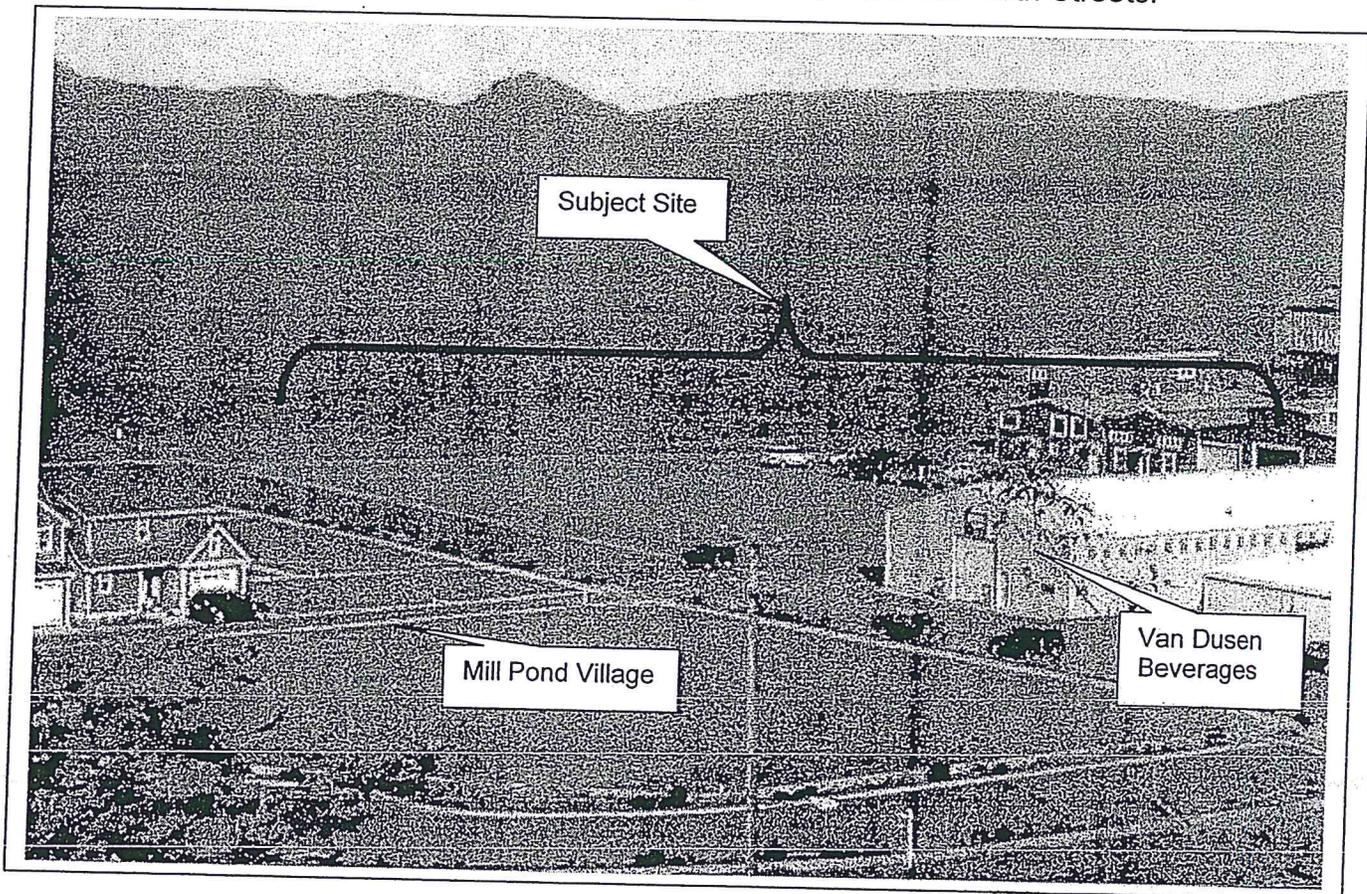


II. BACKGROUND

The applicant applied for a subdivision to divide a 1.68 acre site into 20 residential lots, 1 commercial lot, and six common open space tracts with roads and pedestrian walkways. The actual site includes three tax lots as follows: 1) Tax Lot 302 with 0.09 acres; 2) Tax Lot 500 with 1.14 acres; and 3) Tax Lot 700 with 0.45 acres. This includes a total of 1.68 acres (73,180.8 square feet). The final lot line adjustment for the commercial site (Lot 21, Tax Lot 700) resulted in 0.58 acres (25,361 square feet). The final area of the townhouse portion of the project is 1.1 acres (47,916 square feet). At the time of the original request, the owner was the same and the project was considered as one site for zoning application purposes.

The APC approved the Preliminary Plat on February 13, 2007. The applicant has submitted an application for the Final Plat review for 20 residential lots, 1 commercial lot, and five common open space tracts with roads and pedestrian walkways. This included one less common area than the original Preliminary Plat.

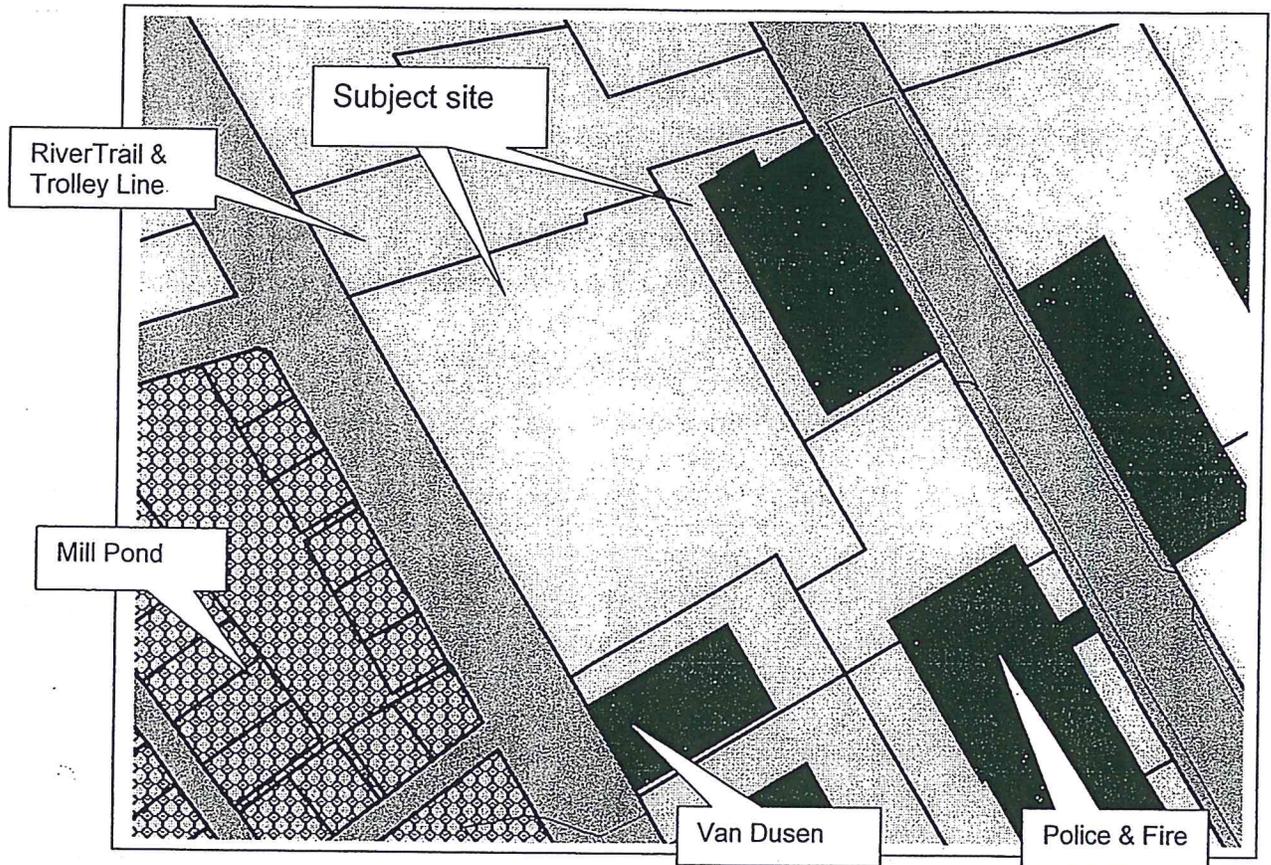
The parcel is generally square and is located at the foot of 29th Street along the City-owned trolley line. The site has frontage on both 29th and 30th Streets.



The proposed Lot 21 is developed with a commercial building. The remaining portion of the property is vacant and is used as open parking area for the commercial building. The current tenants of the commercial building include Phreds Phone and Games, Tyack Dental Group, and P&L Mechanical. The site is bounded on the west by 29th

Street and the Mill Pond Village development, on the east by 30th Street and the City Public Works Shops, on the north by the City RiverTrail and trolley line, and on the south by Van Dusen Beverages and the City Police and Fire Department building.

Access to the site is proposed from the west from 29th Street right-of-way and the newly created Log Bronc Way connecting 29th and 30th Streets. The site is flat.



III. PUBLIC REVIEW AND COMMENT

A Public Notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on April 1, 2008. A Notice of Public Hearing was published in the Daily Astorian on April 15, 2008. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REGULATIONS AND DESIGN STANDARDS

A. Section 13.120(A). Survey Required.

1. Within one (1) year after approval of the preliminary plat, or such extension as may have been granted by the City, the subdivider shall cause the proposed subdivision, or any part thereof to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.

Finding: The Preliminary Plat was approved by the APC on February 13, 2007. On March 25, 2008, the APC approved a one year extension to February 13, 2009. The Final Plat was submitted for review within the extended one year. The subdivider (applicant) has submitted a surveyed plat which is different from the preliminary plat as conditionally approved. The various changes will be addressed throughout these findings. The Final Plat generally is in conformance with the preliminary plat.

2. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the Community Development Director. The tracing and prints are in addition to those required by Oregon Statutes.

Finding: The applicant will submit original reproducible drawings. Sufficient number of copies were submitted for review.

3. The final plat shall conform to the requirements of Sections 13.130 to 13.150.

Finding: See Section 13.130 to 13.150 below for conformance with these specific requirements.

4. No subdivider shall submit a plat of a subdivision for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.

Finding: The requirements of ORS 209.250 relate to surveyor and map requirements and noncompliance of surveyor and map requirements. These requirements have been met.

B. Section 13.120(B). Public Works Director Review.

1. The Community Development Director shall forward a copy of the plat and other data to the Public Works Director, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the preliminary plat, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the preliminary plat have been complied with; and that the plan is technically correct.
2. The Public Works Director may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.
3. If the Public Works Director determines that full conformity has not been made, the Community Development Director shall advise the subdivider of the changes or additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or

additions. If the Public Works Director determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the Community Development Director for further review.

Finding: The plans were reviewed by Assistant City Engineer Cindy Moore. Full conformity to improvement specifications has not been completed. The subdivider is aware of the unmet issues and will work with the Engineering Department on completion of these issues. The subdivider may complete the improvements prior to final signature of the plat or enter into a Performance Agreement with the City as a guarantee of completion of the improvements.

C. Section 13.120(C). Planning Commission Review.

The Planning Commission shall review the final plat to determine that it conforms with the preliminary plat and with changes permitted and all requirements imposed as a condition of its acceptance.

If the Planning Commission determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the subdivider shall be afforded an opportunity to make corrections.

Finding: The following conditions were imposed by the APC on the Preliminary Plat review on February 13, 2007:

1. Legal description of the subdivision shall be included on the preliminary plat.

Finding: The Final Plat includes the required legal description.

2. Owner's name shall be corrected to show "Phred's Phono and Games, Inc." as the owner of record or proof of ownership as "Fred Van Horn" shall be provided.

Finding: Owner's name was corrected.

3. A minimum 5' wide public utility easement shall be indicated on the front or rear property lines of all lots.

Finding: A 10' wide utility easement is indicated on the Maritime Lane side of Lots 8 through 20. A 4' wide utility easement is indicated on the south side of Lots 1 through 7. The Assistant City Engineer has approved the smaller easement on Lots 1 through 7.

4. "Tract G" should be identified as "Lot 21".

Finding: The parcel is identified as Lot 21.

5. A statement concerning the public street right-of-way dedication shall be provided on the plat.

Finding: A street dedication declaration is included on the plat.

6. The final Covenants, Conditions, and Restrictions (CC&R's) shall contain a statement that the City shall review certain amendments to the adopted CC&R's if they pertain to requirements of the City for compliance with the subdivision regulations.

Finding: The applicant has not submitted draft CC&R's but has indicated that they will post a bond in the amount of \$14,000 until the CC&R's are approved, recorded, and a recorded copy provided to the Community Development Department.

7. A statement concerning the CC&R's and the recording information shall be provided on the plat.

Finding: The statement concerning the CC&R's and recording information are not shown on the plat. It shall be included before the plat is signed.

8. Each lot shall abut a right-of-way a minimum of 25' in width or the applicant shall obtain a variance.

Finding: The applicant obtained a Variance (V07-02) which was approved by the APC on February 13, 2007 to allow lots to abut a right-of-way for dimensions ranging from 14.3' to 26.7'. All lots are within this range.

9. The City will accept the substandard street widths with the conditions that the subdivider shall post the 20' and 26' wide streets as no parking on either side.

Finding: The no parking signs have not been posted. The applicant has indicated that they will post a bond in the amount of \$6,190 for street signs and road striping. This amount has been approved by the Assistant City Engineer.

10. The final width of the streets shall be reviewed by the Fire Marshall after submittal of additional building construction information as per the memo dated December 21, 2006. Streets shall be a minimum width of 20' to 26' depending on the height of the buildings, location of fire hydrants, and installation of fire suppression systems in adjacent buildings.

Finding: The proposed Maritime Lane has a 20' right-of-way and proposed Expedition Lane has a variable width of approximately 20'. Existing 29th Street right-of-way is 60' wide. The access road easement

on Lot 21 to the east is 25' wide. The buildings will be over 36' tall and therefore require a minimum right-of-way width of 26'. In a memo dated March 27, 2008, Fire Marshal Mike Jackson has indicated that the project can comply with the emergency access requirements with access to Lots 1 through 4 and Lots 8 through 10 from 29th Street; access to Lots 9 through 14 from 29th Street and Log Bronc Way; and access to Lots 5 through 7 and Lots 15 through 20 from the 25' recorded easement on Lot 21. The Plat shall include language that the access road easement on Lot 21 is required for emergency vehicle access and shall remain for the life of the buildings.

11. A detailed water system design shall be provided for approval prior to construction. The new water mains shall be constructed in accordance with City standards. Water mains shall be installed within the right-of-way and not beneath the sidewalk areas. See details in the memo from City Engineer Carole Richardson, dated January 5, 2007.

Finding: The Assistant City Engineer has reviewed the plans and has indicated that the water system design has been approved and that final inspection on the installation shall be completed prior to signing the final plat or shall be bonded.

12. A detailed sanitary sewer plan shall be provided for approval prior to construction. The new sewer facilities shall be constructed in accordance with City standards. Sanitary sewer facilities shall be installed within the right-of-way and not beneath the sidewalk areas. See details in the memo from City Engineer Carole Richardson, dated January 5, 2007.

Finding: The Assistant City Engineer has reviewed the plans and has indicated that the sewer system design has been approved and that final inspection on the installation shall be completed prior to signing the final plat or shall be bonded.

13. The applicant shall submit a Grading and Erosion Control Permit application with detailed erosion and sediment control plan for construction prior to any site work. See details in the memo from City Engineer Carole Richardson, dated January 5, 2007.

Finding: The applicants obtained the necessary permit.

14. A geologic report was prepared by Professional Service Industries Inc. (PSI) dated December 29, 2006. Construction shall comply with the recommendations in the report. The City Engineer shall review the proposed designs for compliance with acceptable engineering standards.

Finding: The Assistant City Engineer has reviewed infrastructure construction for compliance and will review building permit applications for compliance with the recommendations in the geologic report.

15. A buffer of low fencing or landscaping shall be installed between the front yards and pedestrian walkway to the north of the subdivision.

Finding: Landscaping is not complete. The applicant has indicated that they will post a bond in the amount of \$36,000 for combined sidewalks, landscaping, and street lights. This amount has been approved by the Assistant City Engineer.

16. The final location of the fire hydrants in the area shall be determined and included on the final utility plan. Additional hydrants may be required by the Fire Marshall after review of the proposed construction or revised plan. See the details in the memo from Fire Marshall Michael Jackson, dated December 21, 2006.

Finding: A utility plan has been submitted for review. In the memo dated March 27, 2008, Fire Marshal Mike Jackson has approved the hydrant locations.

17. The internal street area with rear garages fronting the street should contain sufficient security lighting. Either street lights, or individual exterior garage lights shall be installed. All lights should be downcast and should not glare into the street or onto adjacent properties. See the Astoria Police Department (APD) memo from Officer Andrew Randall, dated January 3, 2007.

Finding: The applicants have indicated that the rear exterior garage lights will be installed by the individual home owners. The CC&R's shall contain language requiring the exterior rear garage lights and the condition that they be downcast and shall not glare into the street or onto adjacent properties. The applicant has indicated that they will post a bond in the amount of \$14,000 until the CC&R's are approved, recorded, and a copy provided to the Community Development Department.

18. Street lighting shall be installed in accordance with City standards.

Finding: Street lights are not complete. The applicant has indicated that they will post a bond in the amount of \$36,000 for combined sidewalks, landscaping, and street lights. This amount has been approved by the Assistant City Engineer.

19. Sidewalks shall be installed in accordance with City standards.

Finding: Sidewalks are not complete. The applicant has indicated that they will post a bond in the amount of \$36,000 for combined sidewalks,

landscaping, and street lights. This amount has been approved by the Assistant City Engineer.

20. Utilities shall be installed below grade.

Finding: Utilities have been installed below grade.

21. Street sign posts shall be installed in accordance with City standards.

Finding: Street signs are not complete. The applicant has indicated that they will post a bond in the amount of \$6,190 for street signage and road striping. This amount has been approved by the Assistant City Engineer.

22. The applicant shall submit names for the intersecting 20' internal street rights-of-way to be reviewed by the Planner and City Engineer for conformance with street names within the City. The street names shall appear on the Final Plat.

Finding: The east-west right-of-way between 29th and 30th Streets on the north portion of the subdivision is indicated as "Expedition Lane"; the east-west right-of-way between 29th and 30th Streets on the south edge of the subdivision is indicated as "Log Bronc Way"; and the north-south central right-of-way is indicated as "Maritime Lane". These names show on the plat and have been approved by Planner and by Thomas Morgan, Engineering Technician in charge of street names and numbering.

23. Prior to approval of the Final Plat, the subdivider shall complete all required improvements and infrastructure within the subdivision at the subdivider's own cost; or, execute and record an agreement between the subdivider and the City, specifying the period within which required improvements shall be completed as defined in Section 13.150 of the Astoria Development Code, along with a bond or other surety for completion of the improvements.

Finding: Several infrastructure improvements, as noted, are not complete. The applicant has indicated they wish to enter into a Developer's Agreement with the City and post a bond for the work that is not complete. The amount of the bond and format of the agreement shall be drafted by the Public Works Director, Community Development Director, and City Attorney, for City Council approval.

24. A physical or landscape buffer between the residential and commercial uses is not proposed at this time. The CC&R's shall identify the responsible party should any future buffering be required. This could include elimination of the front 6' wide walkway or relocation of the parking area and/or access. The CC&R's shall include an acknowledgement by the property owners that there may be some

impact from the adjacent incompatible commercial uses that are to be expected.

Finding: The CC&R's are not complete. The applicant has not submitted draft CC&R's but has indicated that they will post a bond in the amount of \$14,000 until the CC&R's are approved, recorded, and a copy provided to the Community Development Department. Since a physical or landscape buffer between the residential and commercial uses is not proposed, the 6' foot wide walkway shall serve as a separation between the residential and commercial uses. Should, at some time in the future, the homeowners' association or residents decide to construct any landscape buffers on the east side, the 6' wide walkway could be reduced in size to accommodate both the landscape buffer and minimum 3' wide walkway or as required by Americans With Disabilities Act. This area would need to be maintained by the homeowners' association as necessary. This buffering allowance and required maintenance should be included in the CC&R's along with other common areas to be maintained. Any changes in the 6' wide walkway easement shall not impact the required emergency vehicle access easement on Lot 21. The CC&R's shall include an acknowledgement by the property owners that there may be some impact from the adjacent incompatible commercial uses that are to be expected.

25. Street trees and landscaping shall be installed in the green space area on the east side of the 29th Street right-of-way. The final design and location shall be approved by the City Engineer and Planner prior to installation.

Finding: Street trees and landscaping are not complete. The applicant has indicated that they will post a bond in the amount of \$36,000 for combined sidewalks, landscaping, and street lights. This amount has been approved by the Assistant City Engineer.

27. Stop signs shall be installed on the east-west road intersections at 29th and 30th Streets. All signage shall be at the subdivider's expense and shall be reviewed by the City Engineer prior to installation.

Finding: Stop signs are not complete. Street trees and landscaping are not complete. The applicant has indicated that they will post a bond in the amount of \$6,190 for street signage and road striping. This amount has been approved by the Assistant City Engineer.

28. Each unit shall have two off-street parking spaces.

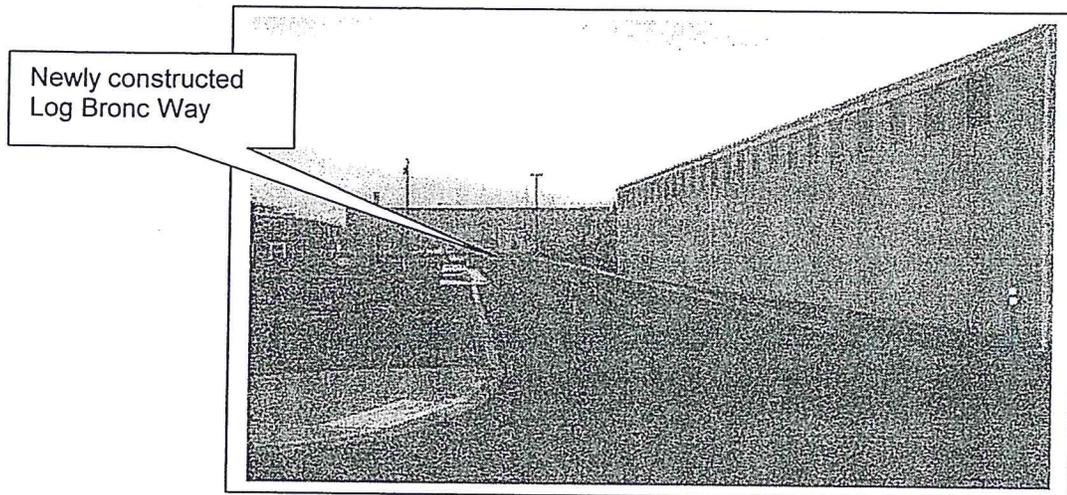
Finding: Off-street parking shall be reviewed during the building permit process.

29. Building Code construction requirements for the townhouses may require specific building location, recorded easements, and possible CC&R restrictions as noted in the memo from Building Official Terre Gift, dated January 12, 2007.

Finding: The applicant has submitted building plans for review. In a memo dated March 25, 2008, Building Inspector Terre Gift indicates the building code requirements for townhome construction. He notes the requirement for maintenance agreements and easements to be recorded prior to issuance of a building permit. He also indicates that a statement of responsibility shall be submitted and recorded. The Building Inspector allowed these requirements to be recorded as required easements on the final plat. The utilities locations shall enter each building independently of other buildings and shall not pass under a neighboring structure in accordance with the Oregon Residential Specialty Code.

30. Developer shall complete Log Bronc Way to 30th Street upon provision of a public right-of-way dedication by the City.

Finding: The applicant has constructed Log Bronc Way. Upon completion of all roads, the City will inspect the construction and request that the City Council accept the streets for City maintenance. The plat indicates that the rights-of-way are dedicated to the public.



Finding: At their regular meeting on April 22, 2008, the Planning Commission will review the plat for final approval and direct the APC chairman to sign the Mylar plat pending compliance with the conditions as noted in this staff report.

D. Section 13.120(D). Improvements to be Completed.

Prior to the approval of the final plat by the Planning Commission, the subdivider shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 13.600 to 13.630.

Finding: As noted above, there are several improvements such as the road and parking signs, street lighting, landscaping, sidewalks that have not been installed. City staff will work with the subdivider on any remaining improvements that are not complete prior to the final signature on the plat. As per the recommended condition of this Final Plat approval, the subdivider shall either complete the improvements or deposit to the City of Astoria a cashiers check or a bond in the amount which is sufficient to cover the completion of all required improvements. The subdivider shall enter into a Developer's Performance Agreement for completion of any improvements not completed prior to final signature on the plat. The Assistant City Engineer has reviewed the proposed bond amount for each of these improvements.

E. Section 13.120(E). Final Plat Signed.

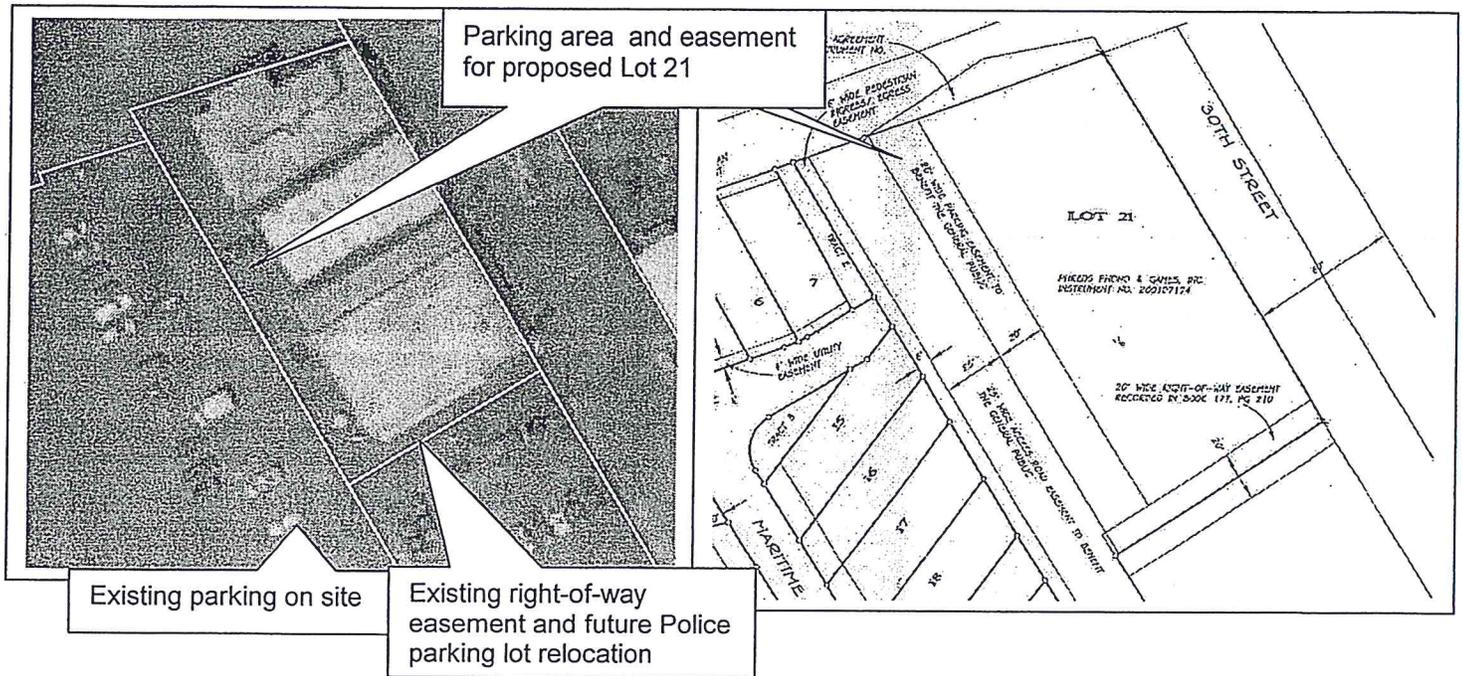
If the final plat conforms to the preliminary plat and applicable conditions have been met, the President of the Planning Commission shall sign and date the final plat.

Finding: The Final Plat generally conforms to the preliminary plat and applicable conditions have or will be met through the Developer's Performance Agreement with the City. However, there are several issues that were indicated in the preliminary plat review that met the code or would meet the code, but have not been indicated on the final plat or included in draft CC&R's. These issues will need to be resolved prior to signing the Final Plat. Each issue is separately addressed as follows:

1. In the Preliminary Plat Findings of Fact, dated February 8, 2007, on Page 24, Section M states that "*Actual development of the site will be required to meet the standards of the C-3 Zone.*" Development Code Section 2.405 concerning Landscaped Open Areas of the C-3 Zone states that "*A minimum of 10 percent of the total lot area will be maintained as a landscaped open space.*" Since this is a multi-family residential development subdivision with individual ownerships, there will be a homeowners association and identified "Tracts" of common land for landscaping and open space. The number of tracts were reduced from six to five and the square footage of the landscaped tracts was reduced from 4,470 square feet to 3,159 square feet. The sixth tract is now a eight foot wide pedestrian access easement between Lots 4 and 5. The lost area of these tracts was used to increase the size of several of the individual lots. The entire subdivision is proposed at 47,820 square feet in addition to the commercial lot at 25,361 square feet. The required landscaping for the project is 4,782 square feet and 2,536 square feet for the commercial lot. The proposed landscaped tracts and easements are as follows:

Since each lot will be in separate ownership, it will be hard to monitor and enforce landscaping on individual lots. There are options available that could meet the landscaping requirement. One option is that the CC&R's include language that prohibits the surfacing of flat areas of the lot beyond a certain percentage and that a certain percentage of each lot remain in landscaped open area. If each lot maintained a minimum of approximately 100 square feet of landscaping, the required amount could be met. Another option would be to do a landscaped easement on every lot, such as the front yards, that would be preserved as landscaped areas and maintained by the homeowners association. Other options may be considered. The applicant shall work with the Planner to resolve how the minimum 10% landscaping will be met prior to signing of the Final Plat.

2. In the Preliminary Plat Findings of Fact, Dated February 8, 2007, on Pages 17 through 21, there is discussion concerning the pedestrian walkways to the north and east of the project. These areas were to be open to the public. The Final Plat indicates that they are "pedestrian ingress/egress easements". Since these were to be open to the public, they should be indicated as easements not only for ingress/egress, but also as public walkways.
3. In the Preliminary Plat Findings of Fact, dated February 8, 2007, on Page 16, Item 3 states that "*A low landscape or fence buffer shall be installed between the proposed north walkway and residential use. This landscaping or fence shall not be dense to allow visibility for crime prevention.*" A landscaped area between the sidewalk and structures is indicated on the construction plans dated June 8, 2007 and hereby meets this condition. Because this buffer area is required by the Preliminary Plat review, it should become a landscape easement area and/or become part of the common areas maintained by the homeowners association. This requirement should appear in the CC&R's to assure compliance. If this area is required to be landscaped rather than fenced, it may be considered toward the required 10% landscaping requirement.
4. When the subdivision was first submitted, the applicants were advised that the commercial lot (proposed Lot 21) would need to maintain its required off-street parking since it was currently being provided on the proposed subdivision site. At that time, staff recommended that the owners submit a variance application from some of the parking to allow a portion of the 30th Street right-of-way to be utilized for parking. There were no guarantees of approval if an application was submitted. To date, no application has been received. Parking for the proposed Lot 21 shall be maintained for the uses as approved for the site. A site parking plan and building usage has not been submitted for review. Use of the building may be limited in the future unless it is demonstrated that on-site parking can meet the parking requirements or a variance is obtained.



On Sheet 4 of 4 on the plat, the parking area is identified as a “20’ wide parking easement to benefit the general public”. This easement is for parking for the existing building located on proposed Lot 21. The easement may need to be more specific as it is located on private property for the use of that property and not necessarily for the general public such as for use by those utilizing the RiverTrail, etc.

F. Section 13.120(F). County Review and Recording.

The subdivider shall deliver the final plat to the County Surveyor for review according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

Finding: The Final Plat shall be delivered to the County Surveyor for review. The Final Plat shall be recorded within 90 days after the date the last required approving signature has been obtained.

G. Section 13.120(G). Final Plat Complete.

The subdivision is considered complete after the Final Plat is recorded by the County Clerk.

Finding: With completion of the improvements or deposit of the cashiers check or bond to the City, the Final Plat as approved by the APC and signed by the APC Chair, may be recorded and the subdivision of Columbia Landing may be considered complete.

H. Section 13.120(H). Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

Finding: Two copies of the recorded Final Plat shall be provided to the Community Development Department by the applicant within 30 days after the plat has been recorded with the County Surveyor.

IV. SUBDIVISION, FINAL PLAT - FORMAT.

A. Section 13.130 (A). Compliance with State Regulations.

The subdivision plat shall be prepared in accordance with the requirements of this Section, Section 13.630, and State laws, including but not limited to ORS 92.080 and ORS 92.120.

Finding: The County Surveyor shall review the subdivision plat to determine compliance with the requirements of ORS 92.080 and ORS 92.120, which pertain to the County Surveyor's requirements of types of materials used for the plat maps, the actual filing and recording of the plat maps and copies of plat maps. Section 13.630 pertains to the survey requirements. Review of compliance with the requirements of Article 13 of the Astoria Development Code is continued below. Minor typographical errors shall be corrected on the final plat.

B. Section 13.130(B). Format of the Plat.

The format of the plat shall be as follows:

Permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The subdivision plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one (1) inch. The subdivision plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for subdivision plats upon three or more sheets.

Finding: The County Surveyor shall review the submitted plat for compliance with the format.

C. Section 13.130(C). Information Required.

The following information is required on the final partition plat:

1. The name of the subdivision, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.

Finding: The name, date, scale, northpoint, legend and existing features are on the plat map.

2. Legal description of the subdivision boundaries.

Finding: The legal description is on the plat map.

3. Reference and bearings, to adjoining surveys.

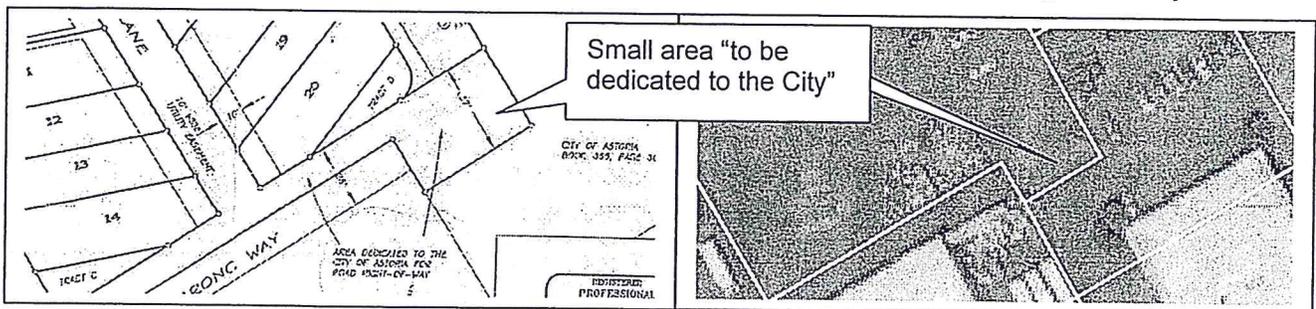
Finding: References and bearings to adjoining surveys are on the plat map.

4. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

Finding: These criteria are met.

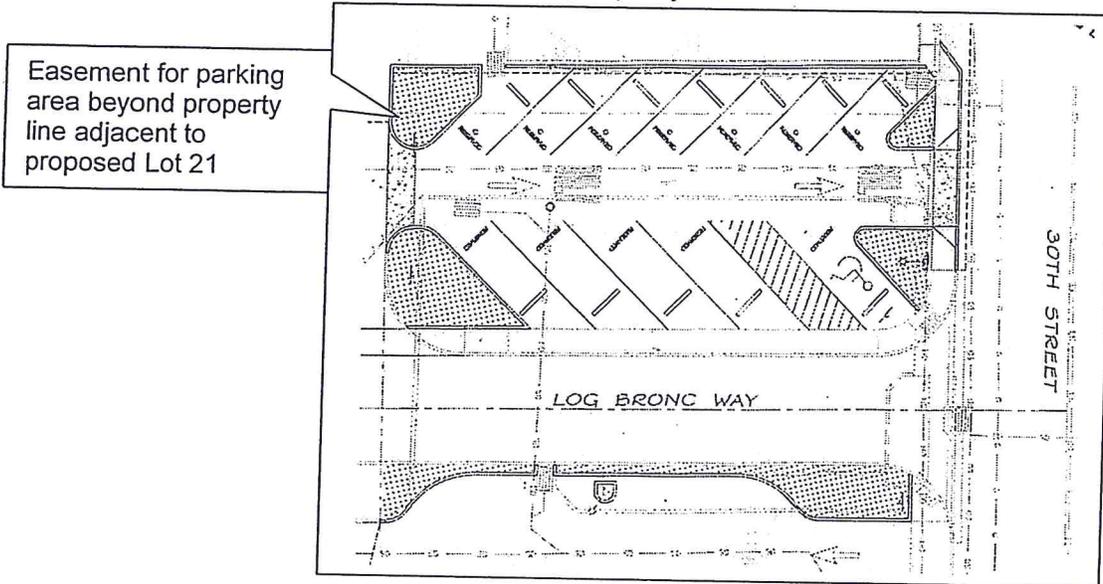
5. Exact location and width of streets and easements intersecting the boundary of the subdivision.

Finding: This information is provided on the plat map. There is a small portion (11' x 50') on the southeast corner of the applicant's property that would have been separated from the main development area by the newly constructed Log Bronc Way right-of-way. This area is indicated on the final plat as part of the dedicated street. It appears that this area will be used as access from Log Bronc Way to the Police and Fire Station and to Van Dusen Beverages and therefore would be needed as right-of-way. It appears that Log Bronc Way will be a 26' wide right-of-way except at this location where it will be a 37' wide right-of-way.



The portion of Log Bronc Way extending east beyond the subject site is not included on the final plat as it is City-owned property and will need to be dedicated separately by the City Council. However, in the Interim Development Agreement Regarding Log Bronc Way Between 29th and 30th Streets, dated January 8, 2008, the City and developers agreed to

construction of Log Bronc Way prior to recording of the related easements with the condition that these easements would be recorded as part of the final plat. The access easement on Lot 21 will satisfy the access to the new Police parking lot. There is a 20' wide right-of-way easement (Book 177, Page 210) on the south side of Lot 21 that needs to be voided and a new easement recorded for the location of the Police parking lot on this property.



6. Subdivision block and lot boundary lines.

Finding: Block and lot boundary lines are on the plat map.

7. Numbering of lots and blocks, as follows:

- a. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a Township.
- b. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision only when the subdivision is a continued phase of a previously recorded subdivision bearing the same name that previously used block numbers or letters. The numbers shall be solid, of sufficient size and thickness to stand out and so placed not to obliterate any figure, block and lot numbers, in addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision.

Finding: Lots and blocks are numbered accordingly.

8. Acreage of each parcel.

Finding: The acreage in square feet of each parcel is clearly marked on the plat map.

9. Street right-of-way center lines with dimensions to the nearest .01 of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds.

Finding: The information is supplied on the plat map except for the centerline of Log Bronc Way, Expedition Lane, and Maritime Lane are not noted. The centerlines shall be noted.

10. The name and width of the streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

Finding: Name and widths of streets are provided on the plat map, as is curve data. The center lines of Log Bronc Way, Expedition Lane, and Maritime Lane are not noted. As indicated above, the extension of Log Bronc Way east of the plat boundary is not included as it is City-owned property and will need to be dedicated separately by the City Council after construction is complete and inspected by the City Engineer and accepted by the City Council.

11. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

Finding: All streets, alleys and utility easements as shown on the plat map are dedicated to the public. This is referenced in the owner's Declaration on the plat map. The easements are noted on the map with a solid line. Easements shall be indicated by a "fine dotted line". Written statements of the easements not of record shall be included.

12. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

Findings: Drainage channels, railroad rights-of-way, reserve strips within the boundary of the subdivision have been addressed through Public Works.

13. Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicate.

Finding: The landscaped parcels in common ownership of the homeowners association are proposed as lettered Tracts. Portions of lots dedicated as public right-of-way or easements are distinguished from lots for sale.

14. Any conditions specified by the Planning Commission upon granting preliminary approval.

Finding: The Planning Commission conditions on the Preliminary Plat approval concerning the Format of the Final Plat were addressed in Section III.C above.

15. A statement of water rights noted on the subdivision plat.

Finding: The Columbia Landing Subdivision does not include any water rights.

16. The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.

- a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.
- b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
- c. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.
- d. Provisions for additional certificates and acknowledgments required by law.

Finding: "Dion Van Horn LLC" and "Phreds Phono & Games Inc." are shown on the Clatsop County Assessor records. A title report has not been submitted indicating the parties having record title interest in the land. A Declaration dedicating all parcels of land shown on the Final

Plat and intended for public use including all streets, roads and utility easements, is shown on the plat map for signature by "Adam Dion, President". The proposed Lot 21 includes an adjustment in lot dimension and was included in the original request due to the fact that it was part of the original parcel. Unless the title indicates differently, a second signature line should be included for Phreds Phone & Games Inc. and that name be added to the Declaration statement.

On Sheet 1 of 4 of the plat under "Surveyor's Certificate, the plat name should be corrected to be "Columbia Landing" not "Aſtoria Business Park".

The surveyor's certificate will be shown and signed, on the Mylar plat, accompanied by his seal.

V. SUBDIVISION, FINAL PLAT - SUPPLEMENTAL DATA REQUIRED.

A. Section 13.140 (A). Information Required.

At the time of the submission of the Final Plat, the subdivider shall also submit to the City the following:

1. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

Finding: A title report has not been submitted. A title report shall be submitted prior to signing of the Final Plat.

2. Sheets and drawings showing the following:

- a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
- b. The computation of all distances, angles and courses shown on the final plat.
- c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and State highway stationing.
- d. Coordinates of all block corners and all street center points.

Finding: This surveying information was provided and completed by HLB and Associates, Inc. and shall be reviewed by the County Surveyor.

3. A copy of any deed restrictions applicable to the subdivision.

Finding: The applicant has not submitted any deed restrictions relative to this subdivision. The applicant shall provide the City with a copy of revised draft CC&R's for review and approval prior to recording. The CC&R's shall include a statement that requires City review and approval prior to any amendments affecting zoning requirements within the document. The CC&R's shall be noted on the Final Plat.

4. A list of all taxes and assessments on the tract which have become a lien on the tract.

Finding: A title report has not been submitted for review and shall be submitted prior to signing the Final Plat. Any taxes, assessments, or liens will be reviewed by the Clatsop County Assessor.

5. If the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision, the water rights certificate number shall be shown on the final plat, as required by ORS Chapter 92.

Finding: Water rights are not involved in this subdivision.

VI. SUBDIVISION, FINAL PLAT - PERFORMANCE AGREEMENT.

- A. Section 13.150(A). Improvements.

Before Planning Commission's approval of a final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and record an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement to the City for the cost of inspection by the City of the improvements to be installed. The agreement may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

Finding: The subdivider shall enter into a Developer's Performance Agreement with the City for improvements that have not been completed prior to signature of the Final Plat.

- B. Section 13.150(B). Form of Bond.

The subdivider shall file with the agreement to assure his full and faithful performance thereof, one of the following:

1. A personal bond cosigned by at least one additional person who shall not be related to the subdivider by blood, marriage or other legal arrangement. The subdivider and cosigner shall submit to the City evidence of financial responsibility and the financial resources of those signing the bond to provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.
2. Cash.

Finding: The subdivider shall post a bond or cash to the City with the Performance Agreement for improvements that have not been completed prior to signature of the Final Plat.

C. Section 13.150(C). Amount of Bond.

The assurance of full and faithful performance shall be for a sum approved by the Public Works Director sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the City Attorney as to form.

Finding: The applicant has submitted the following cost estimates for bonding with the Performance Agreement. These costs have been reviewed and approved by Assistant City Engineer Cindy Moore and the City Planner.

Sidewalks, landscaping, street lights	\$36,000
Signage and road striping	6,190
As-built drawings	2,000
CC&R's	14,000

D. Section 13.150(D). Failure to Complete Improvements.

In the event the subdivider fails to complete all improvement work in accordance with the provisions of this ordinance, and the City has to complete same, or if the subdivider fails to reimburse the City for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursements. In any such case, if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the City, it shall release the remainder of the bond or cash deposit, and if the amount of the surety bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

Finding: The subdivider shall post a bond or cash in the amount determined by the City Engineer which will be used to complete improvements the subdivider fails to complete as agreed in the Performance Agreement for any improvements that have not been completed prior to the signature of the Final Plat.

VII. IMPROVEMENT REQUIREMENTS.

Improvements to be installed at the expense of the subdivider or applicant and at the time of subdivision or major partition:

A. Section 13.610 (A). Streets.

Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency on their center lines.

Finding: Streets have been completed.

B. Section 13.610(B). Structures.

Structures specified as necessary be the City, for drainage, access and public safety shall be installed.

Finding: Any required structures have been completed.

C. Section 13.610(C). Sidewalks.

Sidewalks shall be installed along both sides of each street and in pedestrian ways unless a variance has been granted by the Planning Commission.

Finding: Construction of sidewalks is not complete and the applicant shall post a bond and enter into a Performance Agreement.

D. Section 13.610(D). Sewers.

Sanitary sewer facilities connecting with the existing City sewer system and storm water sewers, of design, layout and location approved by the City, shall be installed.

Finding: Sanitary sewer facilities have been installed.

E. Section 13.610(E). Water.

Water mains and fire hydrants of design, layout and locations approved by the City shall be installed.

Finding: Water mains and fire hydrants have been installed.

F. Section 13.610(F). Railroad Crossings.

Provision shall be made for all railroad crossings necessary to provide access to or including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals, and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or applicant.

Finding: This subdivision does not require railroad crossings.

G. Section 13.610(G). Underground Utilities.

This provision shall apply only to utility lines to be installed to provide service within the area to subdivided. Utility lines, including, but not limited to, electricity, communications, street lighting and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above the ground. The Planning Commission may waive the requirements of this section if topographical, soil, or other conditions make such underground installations unreasonable or impractical. The applicant shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.

Finding: All utilities have been installed underground.

H. Section 13.610(H). Street Lighting.

Street lighting of an approved type shall be installed on all streets at locations approved by the City.

Finding: Installation of the street lighting fixtures has not been completed. The applicant shall post a bond and enter into a Performance Agreement.

I. Section 13.610(I). Street Trees.

Street trees may be required by the City.

Finding: The zone requires 10% of the site to be landscaped. The applicant has not indicated enough on-site landscaping in the Tract areas, therefore street trees shall be required to maintain the minimum 10% requirement. The

trees have not been installed. Continued maintenance of the street trees shall be included in the common landscaped areas noted in the CC&R's. The applicant shall post a bond and enter into a Performance Agreement.

J. Section 13.610(J). Street Name Signs.

All streets shall be legibly marked with street name signs, not less than two (2) in number at each intersection, according to specifications furnished by the City.

Finding: Installation of street name signs has not been completed. The signs shall be installed prior to the signature of the Final Plat or the subdivider shall post a bond and enter into a Performance Agreement with the City.

K. Section 13.610(K). Improvement of Easements.

Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.

Finding: No drainage or flood control easements have been identified.

L. Section 13.610(L). Off-Site Street Improvements.

All off-site street improvements, where required shall conform to the standards of the City.

Finding: The subdivider was required to improve Log Bronc Way through between 29th and 30th Streets. All required off-site street improvements have been completed or will be completed prior to signature of the Final Plat.

VIII. CONCLUSION AND RECOMMENDATION

The applicant has met all applicable review criteria except as noted. Compliance with the items noted below shall be reviewed and approved as complete by the City Planner prior to signing of the Final Plat. Staff recommends approval of the Final Plat for "Columbia Landing" with the following conditions:

1. The subdivider shall enter into a Performance Agreement for completion of the improvements listed below that have not been installed prior to the signature of the Final Plat. The subdivider shall deposit to the City of Astoria a cashiers check or a bond in the amount sufficient to cover the completion of all required improvements in the Performance Agreement.
 - a. Installation of sidewalks, landscaping, street lights - \$36,000.
 - b. Installation of signage and road striping - \$6,190.

- c. Submittal of "as-built" drawings - \$2,000.
 - d. Recording of CC&R's - \$14,000.
4. Covenants, Conditions, and Restrictions:
- a. The applicant shall submit draft CC&R's for review and approval of the City Planner prior to recording. The applicant has indicated that they will post a bond in the amount of \$14,000 until the CC&R's are approved, recorded, and a copy provided to the Community Development Department.
 - b. The statement concerning the CC&R's and recording information are not shown on the plat. A plat note referencing CC&R's shall be included before the Final Plat is signed.
 - c. The CC&R's shall contain language requiring the exterior rear garage lights and the condition that they be downcast and shall not glare into the street or onto adjacent properties.
 - d. A physical or landscape buffer between the residential and commercial uses is not proposed at this time. Should, at some time in the future, the homeowners' association or residents decide to construct any landscape buffers on the east side, the 6' wide walkway could be reduced in size to accommodate both the landscape buffer and minimum 3' wide walkway or as required by Americans With Disabilities Act. This area would need to be maintained by the homeowners' association as necessary. This buffering allowance and required maintenance shall be included in the CC&R's along with other common areas to be maintained. Any changes in the 6' wide walkway easement shall not impact the required emergency vehicle access easement on Lot 21.
 - e. The CC&R's shall include an acknowledgement by the property owners that there may be some impact from the adjacent incompatible commercial uses that are to be expected.
 - f. A low landscape or fence buffer shall be installed between the proposed north walkway and residential use. The buffer landscaping or fence shall not be dense to allow visibility for crime prevention. This buffer area is required by the Preliminary Plat review, and shall be a landscape easement area and/or part of the common areas maintained by the homeowners association. This buffer area requirement shall be included in the CC&R's.
 - g. The applicant shall provide the City with a copy of revised draft CC&R's for review and approval prior to recording. The CC&R's shall include a statement that requires City review and approval prior to any amendments affecting zoning requirements within the document.

- h. Continued maintenance of the street trees and all required common landscaped areas shall be included in the CC&R's.
- 5. The 20' wide right-of-way easement (Book 177, Page 210) on the south side of Lot 21 shall be voided and a new easement recorded for the location of the Police parking lot on this property.
- 6. The Plat shall include language that the access road easement on Lot 21 is required for emergency vehicle access and shall remain for the life of the buildings.
- 7. The Assistant City Engineer has reviewed the plans and has indicated that the water system design has been approved and that final inspection on the installation shall be completed prior to signing the Final Plat or shall be bonded.
- 8. Street trees and other landscaping is not complete. The applicant has indicated that they will post a bond in the amount of \$36,000 for combined sidewalks, landscaping, and street lights.
 - a. The applicant shall work with the Planner to resolve how the minimum 10% landscaping will be met prior to signing of the Final Plat.
 - b. A low landscape or fence buffer shall be installed between the proposed north walkway and residential use. This landscaping or fence shall not be dense to allow visibility for crime prevention. This may be accomplished by a CC&R requirement as noted in Condition 4 above.
 - c. Continued maintenance of the street trees shall be included with the other required common landscaped areas and included in the CC&R's.
- 9. Street lights are not complete. The applicant has indicated that they will post a bond in the amount of \$36,000 for combined sidewalks, landscaping, and street lights.
- 10. Sidewalks are not complete. The applicant has indicated that they will post a bond in the amount of \$36,000 for combined sidewalks, landscaping, and street lights.
- 11. Signage and road striping are not complete. The applicant has indicated that they will post a bond in the amount of \$6,190 for street signage and road striping.
 - a. "No parking" signs shall be installed on Maritime Lane, Expedition Lane, Log Bronc Way, and along the east boundary of the site adjacent to Lot 21.

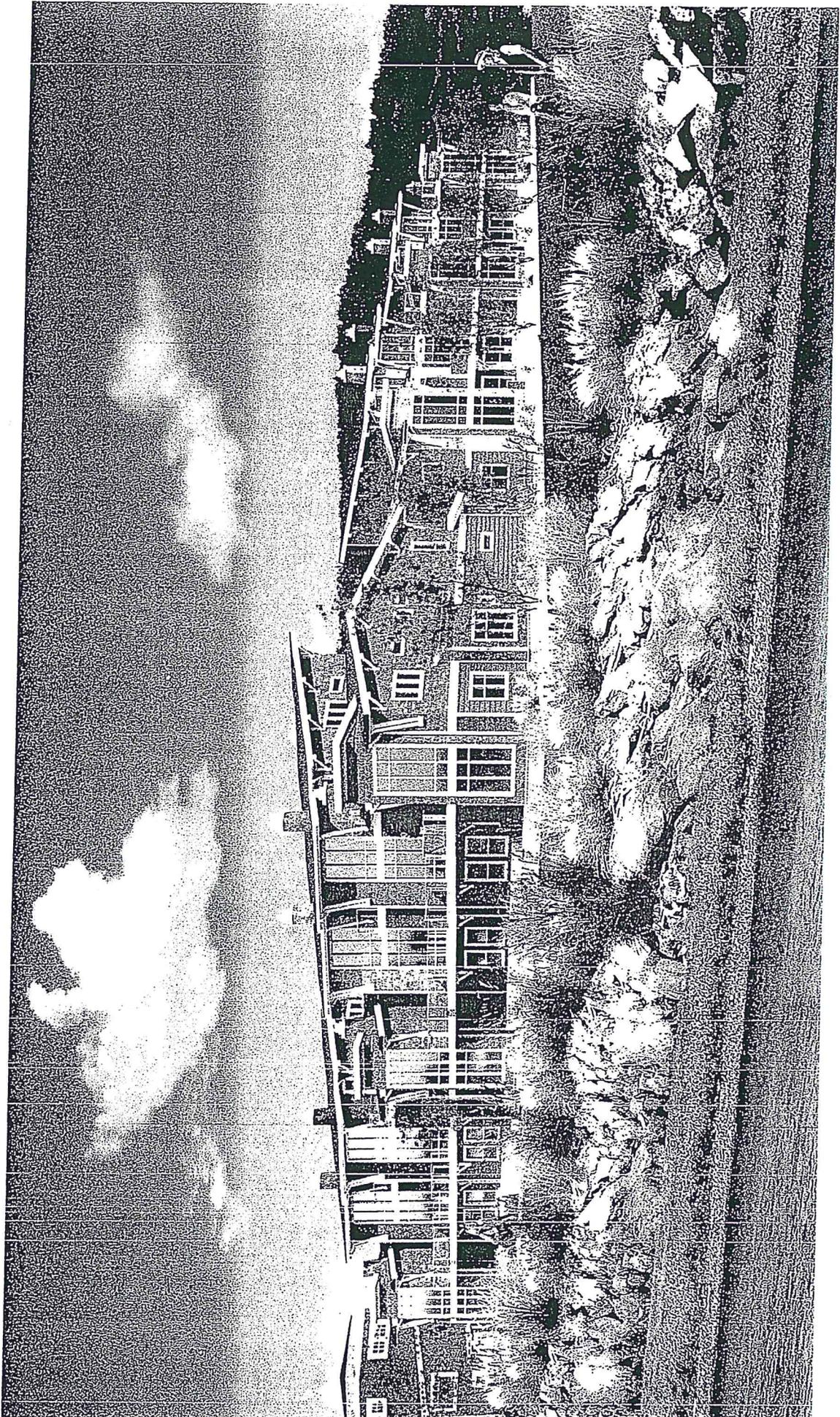
- b. Street name signs and stop signs shall be installed as approved by the City Engineer.
12. Several infrastructure improvements are not complete. The applicant has indicated they wish to enter into a Developer's Performance Agreement with the City and post a bond for the work that is not complete. The amount of the bond and format of the agreement shall be drafted by the Public Works Director, Community Development Director, and City Attorney, for City Council approval.
13. Building code maintenance agreements, easements, and a statement of responsibility shall be submitted for review and approval by the Building Inspector. They shall be recorded on the Final Plat prior to signature as noted in a memo dated March 25, 2008, from Building Inspector Terre Gift.
14. The private building utilities locations shall enter each building independently of other buildings and shall not pass under a neighboring structure in accordance with the Oregon Residential Specialty Code.
15. Upon completion of all roads, the City will inspect the construction and request that the City Council accept the streets for City maintenance. The subdivider shall be responsible for road maintenance until the City Council has accepted the streets.
16. The center lines of Log Bronc Way, Expedition Lane, and Maritime Lane shall be noted on the Final Plat.
17. The easements are noted on the map with a solid line. Easements shall be indicated by a "fine dotted line". Written statements of the easements not of record shall be included.
18. A Declaration dedicating all parcels of land shown on the Final Plat and intended for public use including all streets, roads and utility easements, is shown on the plat map for signature by "Adam Dion, President". Unless the title indicates differently, a second signature line should be included for Phreds Phone & Games Inc. (proposed Lot 21) and that name be added to the Declaration statement.
19. A title report shall be submitted for review by the City Planner prior to signing of the Final Plat.
20. The Final Plat shall be delivered to the County Surveyor for review. The Final Plat shall be recorded within 90 days after the date the last required approving signature has been obtained.
21. Two copies of the recorded Final Plat shall be provided to the Community Development Department by the applicant within 30 days after the plat has been recorded with the County Surveyor.

22. Parking for the proposed Lot 21 shall be maintained for the uses as approved for the site.
23. On Sheet 1 of 4 of the plat under "Surveyor's Certificate, the plat name shall be corrected to be "Columbia Landing" not "Astoria Business Park".
24. On Sheet 4 of 4 of the plat, the parking area identified as a "20' wide parking easement to benefit the general public" is for parking for the existing building located on proposed Lot 21. The easement may need to be more specific as it is located on private property for the use of that property and not necessarily for the general public such as for use by those utilizing the RiverTrail, etc.
25. On Sheet 4 of 4 of the plat, the 6' wide walkway to the east and the variable width easement to the north shall be recorded as easements for public access.

Columbia Landing
Final Plat
Bond Items and Cost Estimates
2/29/2008

<u>Item</u>	<u>Estimated completion date</u>	<u>Estimated cost</u>
Sidewalks	7/1/2009	\$ 36,000.00
signage and road striping	7/1/2009	\$ 6,190.00
as built drawings	6/1/2008	\$ 2,000.00
CC&R's	10/1/2008	\$ 14,000.00

(includes, landscape & street lights)





555 30th Street
Astoria, OR 97103

City of Astoria
Fire Department

Fire / Rescue / EMS / Prevention

Phone: (503) 325-2345
Fax: (503) 325-2346



MEMORANDUM

TO: Rosemary Johnson
FROM: Mike Jackson
RE: Resolution of Concerns for Columbia Landing Project
DATE: 3/27/08

This memo is in response to our meeting earlier today regarding outstanding issues with the Columbia Landing Project between the River and Log Bronc Way. The only outstanding area of concern that needs to be addressed is Aerial Apparatus Access requirements in accordance with the Oregon Fire Code Section D105. Based on the plans reviewed, it appears that these requirements will be met if an easement or other legal recording can guarantee that the proposed 25' access area on the East side of the Project will remain for the life of the buildings. This, combined with access on Log Bronc Way and 29th Street will satisfy the aerial access requirement.

Please feel free to contact me with any questions or concerns that you may have.

Rosemary Johnson

From: Cindy Moore
Sent: Wednesday, April 16, 2008 11:55 AM
To: Rosemary Johnson
Cc: Thomas Morgan
Subject: Columbia Landing subdivison - final plat

Hi Rosemary,

This email is intended to summarize our previous discussions regarding the Columbia Landing subdivision final plat.

The site infrastructure, including roadway, sewer and water, that has been constructed for this project is consistent with City standards. There are a few remaining items that need to be constructed. These items will be bonded and an itemized list is included in the final plat submittal.

City code requires a 5-ft utility easement along one side of each lot. Multiple lots within this plat have a 4-ft utility easement due to the building configuration on the lot. The utility easement will be needed for water meters and possible electric and cable lines. The reduced 4-ft easement will be allowed by the Public Works Department in this case because there is no impact to public infrastructure and minimal impact is anticipated for the utility companies.

Please let me know if you need further clarification.
Thank you,
Cindy

Cindy D. Moore, PE
Assistant City Engineer
City of Astoria
(503) 338-5173

Community Development Dept.

MAR 25 2008

Rosemary Johnson

From: Terre Gift
Sent: Tuesday, March 25, 2008 9:44 AM
To: Rosemary Johnson
Subject: 29th Street Subdivision

Rosemary,

Regarding the proposed Row houses (Townhomes on individual tax lots) to be located at the north east end of 29th street: Please have the applicants review the 2005 Oregon Residential Specialty Code, Appendix O, and in particular, sections AO103.15 & AO103.15. Site Utilities, service equipment, maintenance agreements and easements must be approved, and recorded before the building permits can be issued.

No utilities are allowed to pass under a neighboring structure. All gas lines, electrical services, water and sewer lines, must enter each building independently of other buildings.

There are several locations where the projections cross the property lines. These need to be identified and the appropriate easements recorded.

A statement of responsibility must also be submitted and recorded.

Construction of Fire walls or Fire Barriers must be detailed, and the fire ratings maintained, as per Appendix O of the 2005 ORSC.

Terre Gift

AO103.11.1 Sound transmission. At a minimum, walls between rowhouse dwelling units shall provide airborne sound insulation equivalent to a sound transmission class (STC) 45.

AO103.12 Roof coverings. Structurally independent rowhouses shall be provided with a minimum Class C roof covering and structurally dependent rowhouses shall be provided with a minimum Class B roof covering.

Exceptions:

1. Structurally dependent rowhouse buildings may use Class C roof coverings when all of the following conditions are met:
 - 1.1. The building is not more than two stories in height; and
 - 1.2. The building does not have more than 6,000 square feet (557 m²) of projected roof area; and
 - 1.3. There is a minimum of 3 feet (914 mm) from the extremity of the roof to the exterior property line or an assumed property line on all sides except for street fronts.
2. As specified elsewhere in this code, rowhouses located in areas determined by the jurisdiction to be "Wildfire Zones," the separation distances between vegetation and building shall be per local ordinance. Regardless of whether the dwelling units are designed independently or as a single building, the minimum roof covering classification shall be not less than Class B or as required by the ORS 215.730.

AO103.13 Dwelling unit egress. Each dwelling unit shall have an exit door that provides a continuous unobstructed means of egress from the dwelling unit to a public way. Individual dwelling unit shall be provided with separate, structurally independent exit way, having a minimum clear width of 3 feet (914 mm).

AO103.14 Accessibility. Where the project includes four or more contiguous dwelling units, one or more of which is single story, the Fair Housing Act and *Oregon Structural Specialty Code* Chapter 11 requirements for accessibility apply. Ground-level, single-story units shall be made accessible or adaptable. Any common use facilities such as a pool, club house or management office shall be accessible in accordance with Chapter 11 of the *Oregon Structural Specialty Code*.

AO103.15 Site utilities, service equipment and easements. The portions of underground electrical, plumbing or gas utilities that are shared or in common use shall lie within a recorded easement and be recorded in a maintenance agreement as required by Section AO103.18. Shared or common use utilities shall not run beneath a rowhouse structure. Separate utility services shall be supplied to each individual dwelling unit. Utilities serving a single dwelling unit shall not run beneath another dwelling unit. Service equipment and meters may be grouped in one or more locations as approved by the local or-

dinance and the utility provider. The locations of all site utilities, service equipment, and easements shall be clearly shown on the plans.

AO103.16 Maintenance agreements and easements. Building elements and utilities that cross property lines require the creation of legally documented easements. Maintenance agreements shall be created and signed by the affected property owners. The maintenance agreements must address the repair, upkeep and replacement and access to shared or common use building elements and utilities. Easements may be general in nature or they may describe specific locations. When available, a copy of the plan showing the locations of such easements shall be attached to the maintenance agreement.

Prior to recording at the county recorder's office, the maintenance agreement shall be reviewed and approved by the building official. In cases where the rowhouses are structurally dependent, the building official shall cosign the maintenance agreements and require that the recorded easements and maintenance agreements not be modified or suspended without building official approval. Unless otherwise approved by the building official, the applicant shall provide a copy of the recorded easements and maintenance agreements to the building official prior to issuance of the building permit. Maintenance agreements and easements shall be recorded for each dwelling unit and the book and page number provided to the jurisdiction having authority.

Maintenance agreements shall include, but not be limited to, the following information:

1. Names and contact information of the property owners included in the maintenance agreement.
2. Physical address and map and tax lot number of the affected properties.
3. A detailed listing of common or shared structural elements such as common foundations, common or shared fire walls, porches and porch coverings, and projections crossing property lines, roofing or exterior finish materials, lateral-force-resisting systems in the case of structurally dependant rowhouses, and common or shared utilities and service equipment;
4. A statement of responsibility, including duties and sharing of cost for the maintenance and repair of common or shared firewalls separating dwelling units; attached garages, porches and decks, and porch coverings;
5. A description of easements, common areas, surface drainage provisions and on-site improvements.
6. Possible enforcement actions by the building official or affected parties to facilitate the maintenance, repair or replacement of common property line firewalls may be included as a condition of the cosigned maintenance agreements. Such maintenance, repair or replacement may also be facilitated through application of a local housing or nuisance abatement ordinance, or an existing building or property maintenance code.

INTERIM DEVELOPMENT AGREEMENT
REGARDING LOG BRONC WAY BETWEEN 29TH AND 30TH STREETS

This Agreement, made and entered into this 8th day of January 2008, by and between the Community Development Department of the City of Astoria, hereinafter called "DEPARTMENT", and Dion Van Horn, hereinafter called "DEVELOPER", duly authorized to perform such services in Oregon.

The properties owned by Phreds Phono and Games Inc. (Map T8N-R9W Section 9BC, Tax Lot 700) and Dion Van Horn LLC (Map T8N-R9W Section 9BC, Tax Lot 500) are currently undergoing a Subdivision (SP06-02). A preliminary plat has been approved by the Astoria Planning Commission with the condition that the DEVELOPER construct Log Bronc Way between 29th and 30th Streets. This Agreement does not involve the portion of proposed Log Bronc Way improvements adjacent to the Van Dusen Enterprises LLC property (Map T8N-R9W Section 9BC, Tax Lot 501).

In order to accommodate the construction of Log Bronc Way between 29th and 30th Streets, the City of Astoria Police Department parking lot will need to be relocated to a site north of the proposed right-of-way. A portion of the existing City-owned parking lot will need to be dedicated as the right-of-way. The proposed location of the new parking area will encroach into the adjacent property (Map T8N-R9W Section 9BC, Tax Lot 700) owned by Phreds Phono and Games Inc. In addition, access to the new parking area will need to cross the adjacent property to the northwest (Map T8N-R9W Section 9BC, Tax Lot 500) owned by Dion Van Horn LLC. These two properties will require access and parking easements to be recorded to allow the relocation of the Police Department parking lot. Said easements will be recorded as a part of the Final Plat.

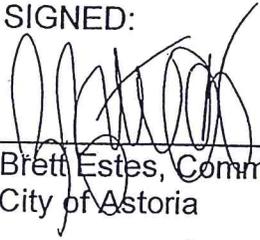
In order to facilitate the construction of Log Bronc Way prior to approval of the Final Plat and recording of the easements, the DEPARTMENT and property owners agree as follows:

1. DEVELOPER may begin construction of Log Bronc Way on City-owned property that will, in due course, become a dedicated public street.
2. DEVELOPER and Phreds Phono and Games Inc. grant the City the rights of access and use of DEVELOPER's and Phreds Phono and Games Inc.'s property in the areas that will be subject to the access and parking lot easements referred to herein.
3. DEVELOPER may begin work on the roadway once the Police Department parking area has been temporarily relocated by the City.

For timing of the stages of work, all scheduling and/or work including relocation of the Police Department parking area to a temporary parking site, staging of construction equipment, construction of the roadway and utilities, and construction of the new Police Department parking area shall be coordinated with the City Public Works Director Ken Cook (503-338-5173).

INTERIM DEVELOPMENT AGREEMENT
REGARDING LOG BRONC WAY BETWEEN 29TH AND 30TH STREETS

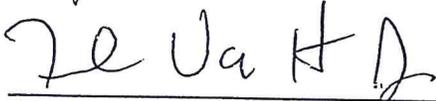
SIGNED:



Brett Estes, Community Development Director,
City of Astoria



Date



Fred Van Horn, Jr, Phreds Phono & Games, Inc.



Date



Adam Dion, Dion Van Horn LLC



Date

*Original to Central
Files 67-07*

MEMORANDUM OF UNDERSTANDING

Dion Van Horn, LLC (DVH), a developer of the townhouse project known as Columbia Landing on Tax Lot 500, Map T8N R9W, Section 9BC, in the City of Astoria, OR, and the City of Astoria (CITY) hereby enter into this Agreement and mutually promise and agree to the terms and conditions described herein.

PURPOSE

The purpose of this agreement is to provide an organized process to ensure the completion of a public through street from 29th to 30th in Astoria, to be known as Log Bronc Way, north of Lief Erikson Drive and south of the Columbia River. The Astoria RiverTrail is located on CITY property north of Columbia Landing. The parties do not intend this agreement to affect or restrict pedestrian, bicycle, or other City approved usage, on the RiverTrail or the maintenance or general improvement of the RiverTrail for such usage.

GOALS

DVH and the CITY shall work together to achieve the following specific goals:

- Development of Log Bronc Way as a dedicated public through street from 29th Street to 30th Street;
- Ensure that the new dedicated public street meets standards acceptable to the CITY;
- Ensure that replacement parking, adequate to meet City needs, is fully provided for.

RESPONSIBILITIES

DVH shall have the following responsibilities:

- DVH shall assure that an easement is granted providing CITY control of and access to a replacement parking lot, of approximately 11 spaces located adjacent to the north right-of-way line of Log Bronc Way and the west right-of-way line of 30th Street, Map T8N, R9W, Section 9BC, Tax Lot 700.
- Construction of Log Bronc Way from 29th Street to 30th Street, including sidewalks and signage. Street shall be constructed to meet City standards.
- DVH shall complete construction of Log Bronc Way no later than November 1, 2008.

CITY shall have the following responsibilities:

- Designation of a public right of way across CITY property from the eastern edge of the Columbia Landing property to 30th Street, Map T8N, R9W, Section 9BC, Tax Lot 600, for the purposes of constructing Log Bronc Way;
- CITY will provide engineering and construction drawings for that portion of the right-of-way being developed on City property to DVH by June 15, 2007, and will provide DVH with all necessary access to CITY property for construction of Log Bronc Way by July 1, 2007;
- CITY will assume the cost of relocating the Police Department parking lot;

- CITY agrees, for the period of 10 years from the date of this agreement not to develop a street for automobile traffic to the north of the Columbia Landing property.

SUCCESSOR PARTIES

The parties agree that this agreement shall be assigned by DVH to Columbia Landing Home Owners Association upon creation of such entity, and that the Home Owners Association shall have the right to enforce the CITY's ongoing obligation under this agreement regarding non-development of a street to the north of the Columbia Landing property.

ATTORNEY'S FEES

In the event suit or action is instituted to enforce any of the terms of this agreement, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

MODIFICATION

This Agreement may be modified or amended only by written amendment signed by each of the parties to this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the 7th day of June, 2007.



Dion Van Horn LLC



Willis L. Van Dusen, Mayor
City of Astoria



Fred Van Horn



Paul Benoit, City Manager

Approved as to Form:



City Attorney

COLUMBIA LANDING

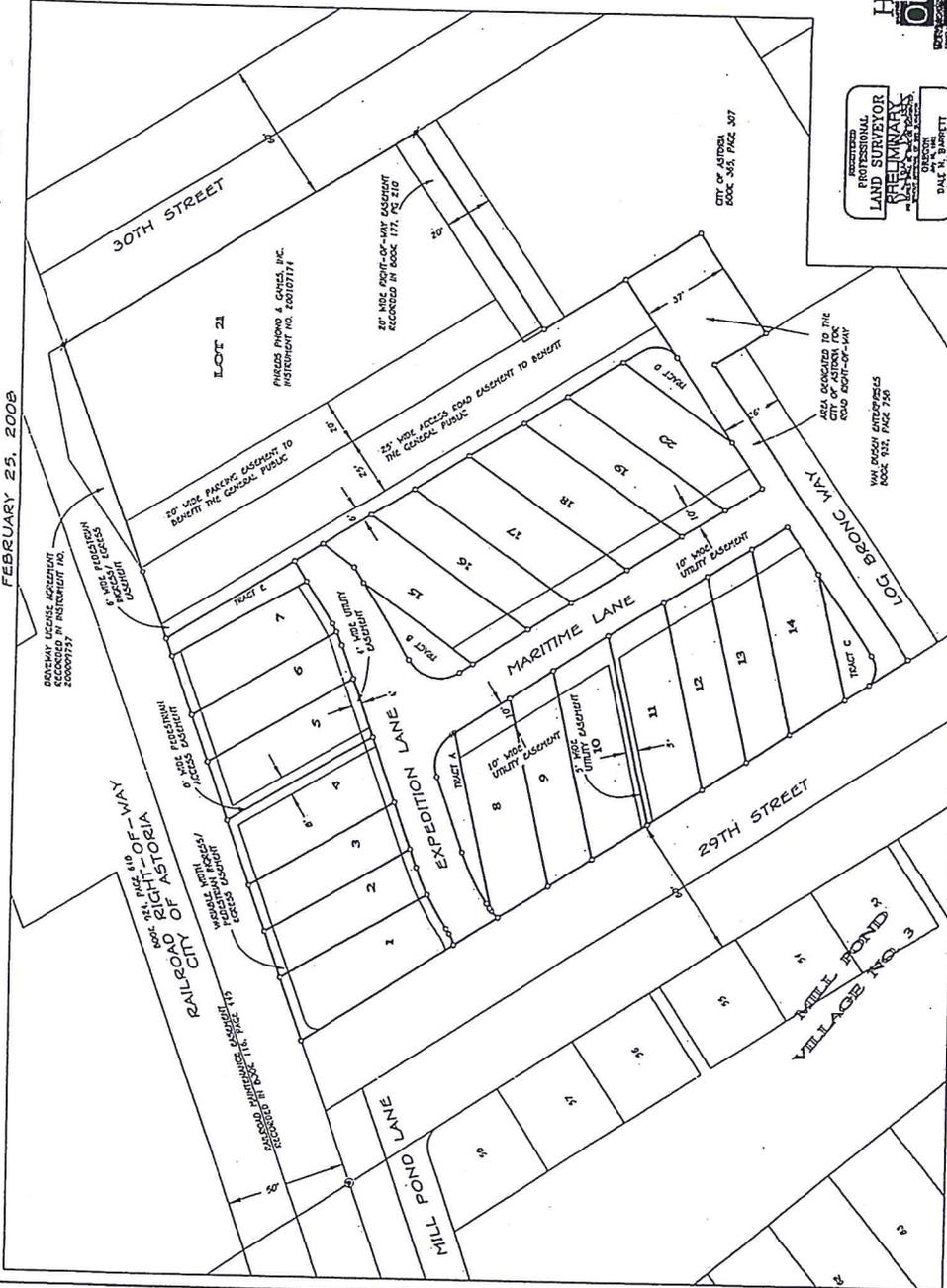
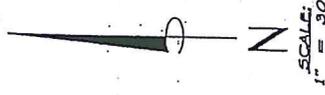
NW 1/4 OF SECTION 9 T8N R9W W.M.
CITY OF ASTORIA, CLATSOP COUNTY, OR
FEBRUARY 25, 2008

SHEET 4 OF 4

STATE OF OREGON
COUNTY OF CLATSOP
I DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS RECORDED ABOVE.
CLATSOP COUNTY CLERK

DATE: N. BARNETT, FEB 25, 2008
I, N. BARNETT, CLATSOP COUNTY CLERK, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS RECORDED ABOVE.

DALE N. BARNETT, FEB 25, 2008



PROFESSIONAL
LAND SURVEYOR
DALE N. BARNETT
NO. 10000
DALE N. BARNETT
2008 FEBRUARY 25, 2008

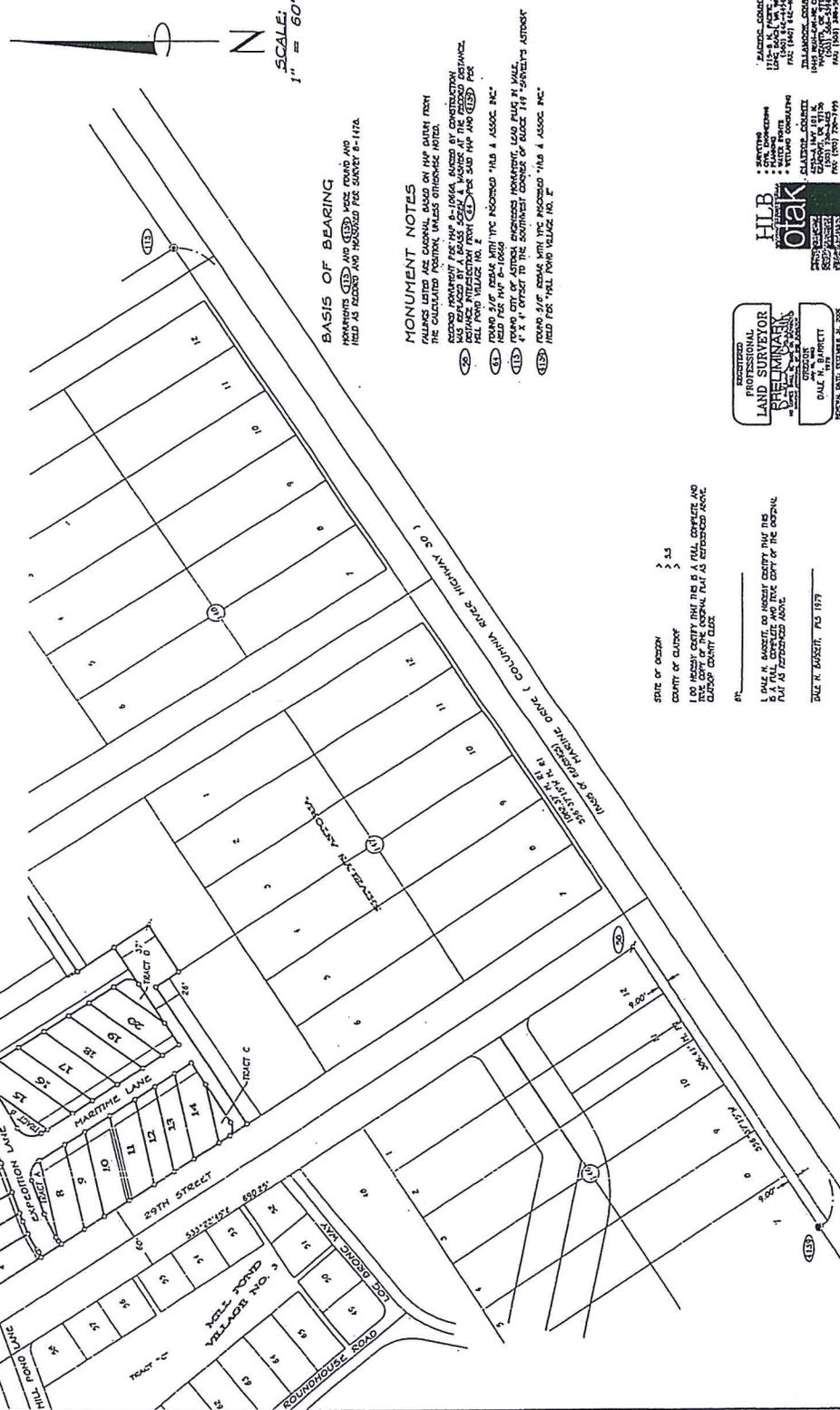
HLB
otak
DALE N. BARNETT
2008 FEBRUARY 25, 2008
WWW.HLB-OTAK.COM

COLUMBIA LANDING

NW 1/4 OF SECTION 9 T8N R9W W.M.
CITY OF ASTORIA, CLATSOP COUNTY, OR

FEBRUARY 25, 2008

SHEET 3 OF 4



SCALE:
1" = 60'

BASIS OF BEARING
MONUMENTS (1) AND (2) WERE FOUND AND
FIELD AS REFERRED AND ADJUSTED PER SURVEY B-147A.

MONUMENT NOTES
ALL LOTS ARE ORIGINAL BOUND ON THE DATE FROM
THE CALCULATED POINTS UNLESS OTHERWISE NOTED.
ACCORD TO THE PLAN FOR THE CONSTRUCTION OF
THE COLUMBIA LANDING TRACT, THE MONUMENTS
WERE PLACED AT THE CORNERS OF THE LOTS.
(1) FOUND WITH THE MONUMENT '118 & ASSOC. INC.'
(2) FOUND WITH THE MONUMENT '118 & ASSOC. INC.'
(3) FOUND WITH THE MONUMENT '118 & ASSOC. INC.'
(4) FOUND WITH THE MONUMENT '118 & ASSOC. INC.'
(5) FOUND WITH THE MONUMENT '118 & ASSOC. INC.'

STATE OF OREGON
COUNTY OF CLATSOP
I, DALE R. GARNETT, LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY RECORD AS FILED IN THE CLATSOP COUNTY CLERK'S OFFICE.

PROFESSIONAL
LAND SURVEYOR
DALE R. GARNETT
CLATSOP COUNTY, OREGON
NO. 118
EXPIRES DATE: FEBRUARY 25, 2008

HILB oak
LAND SURVEYING & CONSULTING
1111 1/2 N. CLATSOP ST.
ASTORIA, OR 97103
PHONE: (503) 325-3477
FAX: (503) 325-3478
WWW.HILB-OAK.COM

COLUMBIA LANDING

NW 1/4 OF SECTION 9 T8N R3W W.M.L. CITY OF ASTORIA, CLATSOP COUNTY, OR

SHEET 1 OF 4

FEBRUARY 25, 2008

NARRATIVE
 THIS SURVEY WAS CONDUCTED AS A DEFERRED REVISIT OF THE SUBJECT PROPERTY DESCRIBED IN THE PREVIOUS SURVEY. THE SURVEY WAS CONDUCTED IN CLATSOP COUNTY, OREGON, ON FEBRUARY 25, 2008. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ORS 215.000, 215.005, 215.010, 215.015, 215.020, 215.025, 215.030, 215.035, 215.040, 215.045, 215.050, 215.055, 215.060, 215.065, 215.070, 215.075, 215.080, 215.085, 215.090, 215.095, 215.100, 215.105, 215.110, 215.115, 215.120, 215.125, 215.130, 215.135, 215.140, 215.145, 215.150, 215.155, 215.160, 215.165, 215.170, 215.175, 215.180, 215.185, 215.190, 215.195, 215.200, 215.205, 215.210, 215.215, 215.220, 215.225, 215.230, 215.235, 215.240, 215.245, 215.250, 215.255, 215.260, 215.265, 215.270, 215.275, 215.280, 215.285, 215.290, 215.295, 215.300, 215.305, 215.310, 215.315, 215.320, 215.325, 215.330, 215.335, 215.340, 215.345, 215.350, 215.355, 215.360, 215.365, 215.370, 215.375, 215.380, 215.385, 215.390, 215.395, 215.400, 215.405, 215.410, 215.415, 215.420, 215.425, 215.430, 215.435, 215.440, 215.445, 215.450, 215.455, 215.460, 215.465, 215.470, 215.475, 215.480, 215.485, 215.490, 215.495, 215.500, 215.505, 215.510, 215.515, 215.520, 215.525, 215.530, 215.535, 215.540, 215.545, 215.550, 215.555, 215.560, 215.565, 215.570, 215.575, 215.580, 215.585, 215.590, 215.595, 215.600, 215.605, 215.610, 215.615, 215.620, 215.625, 215.630, 215.635, 215.640, 215.645, 215.650, 215.655, 215.660, 215.665, 215.670, 215.675, 215.680, 215.685, 215.690, 215.695, 215.700, 215.705, 215.710, 215.715, 215.720, 215.725, 215.730, 215.735, 215.740, 215.745, 215.750, 215.755, 215.760, 215.765, 215.770, 215.775, 215.780, 215.785, 215.790, 215.795, 215.800, 215.805, 215.810, 215.815, 215.820, 215.825, 215.830, 215.835, 215.840, 215.845, 215.850, 215.855, 215.860, 215.865, 215.870, 215.875, 215.880, 215.885, 215.890, 215.895, 215.900, 215.905, 215.910, 215.915, 215.920, 215.925, 215.930, 215.935, 215.940, 215.945, 215.950, 215.955, 215.960, 215.965, 215.970, 215.975, 215.980, 215.985, 215.990, 215.995, 216.000.

SURVEYOR'S CERTIFICATE

I, DALE K. WAZZEL, PLS., SURVEYOR, HAVE PERSONALLY AND INDIVIDUALLY EXAMINED THE LAND REPRESENTED ON THE ATTACHED PLAN OF SURVEY AND HAVE FOUND THAT THE SAME IS ACCURATELY REPRESENTED THEREON. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ORS 215.000, 215.005, 215.010, 215.015, 215.020, 215.025, 215.030, 215.035, 215.040, 215.045, 215.050, 215.055, 215.060, 215.065, 215.070, 215.075, 215.080, 215.085, 215.090, 215.095, 215.100, 215.105, 215.110, 215.115, 215.120, 215.125, 215.130, 215.135, 215.140, 215.145, 215.150, 215.155, 215.160, 215.165, 215.170, 215.175, 215.180, 215.185, 215.190, 215.195, 215.200, 215.205, 215.210, 215.215, 215.220, 215.225, 215.230, 215.235, 215.240, 215.245, 215.250, 215.255, 215.260, 215.265, 215.270, 215.275, 215.280, 215.285, 215.290, 215.295, 215.300, 215.305, 215.310, 215.315, 215.320, 215.325, 215.330, 215.335, 215.340, 215.345, 215.350, 215.355, 215.360, 215.365, 215.370, 215.375, 215.380, 215.385, 215.390, 215.395, 215.400, 215.405, 215.410, 215.415, 215.420, 215.425, 215.430, 215.435, 215.440, 215.445, 215.450, 215.455, 215.460, 215.465, 215.470, 215.475, 215.480, 215.485, 215.490, 215.495, 215.500, 215.505, 215.510, 215.515, 215.520, 215.525, 215.530, 215.535, 215.540, 215.545, 215.550, 215.555, 215.560, 215.565, 215.570, 215.575, 215.580, 215.585, 215.590, 215.595, 215.600, 215.605, 215.610, 215.615, 215.620, 215.625, 215.630, 215.635, 215.640, 215.645, 215.650, 215.655, 215.660, 215.665, 215.670, 215.675, 215.680, 215.685, 215.690, 215.695, 215.700, 215.705, 215.710, 215.715, 215.720, 215.725, 215.730, 215.735, 215.740, 215.745, 215.750, 215.755, 215.760, 215.765, 215.770, 215.775, 215.780, 215.785, 215.790, 215.795, 215.800, 215.805, 215.810, 215.815, 215.820, 215.825, 215.830, 215.835, 215.840, 215.845, 215.850, 215.855, 215.860, 215.865, 215.870, 215.875, 215.880, 215.885, 215.890, 215.895, 215.900, 215.905, 215.910, 215.915, 215.920, 215.925, 215.930, 215.935, 215.940, 215.945, 215.950, 215.955, 215.960, 215.965, 215.970, 215.975, 215.980, 215.985, 215.990, 215.995, 216.000.

BOUNDARIES AT THE NORTH POINT, A 50' BEARING WITH YELLOW PLASTER CON SPURRING "18.5 A. 1855C. 185" AT THE INTERSECTION OF THE SOUTH LINE OF THE CITY OF ASTORIA'S BALDWIN NORTH-OF-WAY AND THE EASTWEST NORTH-OF-WAY LINE OF 23TH STREET;

THENCE NORTH 79°18'40" EAST A DISTANCE OF 308.71 FEET;

THENCE SOUTH 33°24'15" WEST A DISTANCE OF 174.50 FEET;

THENCE SOUTH 33°24'15" EAST A DISTANCE OF 99.75 FEET;

THENCE SOUTH 33°24'15" WEST A DISTANCE OF 74.10 FEET;

THENCE SOUTH 58°37'15" WEST A DISTANCE OF 30.13 FEET;

THENCE NORTH 33°24'15" WEST A DISTANCE OF 45.00 FEET;

THENCE NORTH 58°37'15" WEST A DISTANCE OF 150.10 FEET;

THENCE NORTH 33°24'15" WEST A DISTANCE OF 278.19 FEET TO THE POINT OF BEGINNING

CONTAINING 1.14 ACRES MORE OR LESS

SITUATED IN THE NORTHEAST QUARTER OF SECTION 9, T4N, R3W, W.M.L. CITY OF ASTORIA, COUNTY OF CLATSOP, STATE OF OREGON.

DECLARATION

I, DALE K. WAZZEL, PLS., SURVEYOR, HAVE PERSONALLY AND INDIVIDUALLY EXAMINED THE LAND REPRESENTED ON THE ATTACHED PLAN OF SURVEY AND HAVE FOUND THAT THE SAME IS ACCURATELY REPRESENTED THEREON. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ORS 215.000, 215.005, 215.010, 215.015, 215.020, 215.025, 215.030, 215.035, 215.040, 215.045, 215.050, 215.055, 215.060, 215.065, 215.070, 215.075, 215.080, 215.085, 215.090, 215.095, 215.100, 215.105, 215.110, 215.115, 215.120, 215.125, 215.130, 215.135, 215.140, 215.145, 215.150, 215.155, 215.160, 215.165, 215.170, 215.175, 215.180, 215.185, 215.190, 215.195, 215.200, 215.205, 215.210, 215.215, 215.220, 215.225, 215.230, 215.235, 215.240, 215.245, 215.250, 215.255, 215.260, 215.265, 215.270, 215.275, 215.280, 215.285, 215.290, 215.295, 215.300, 215.305, 215.310, 215.315, 215.320, 215.325, 215.330, 215.335, 215.340, 215.345, 215.350, 215.355, 215.360, 215.365, 215.370, 215.375, 215.380, 215.385, 215.390, 215.395, 215.400, 215.405, 215.410, 215.415, 215.420, 215.425, 215.430, 215.435, 215.440, 215.445, 215.450, 215.455, 215.460, 215.465, 215.470, 215.475, 215.480, 215.485, 215.490, 215.495, 215.500, 215.505, 215.510, 215.515, 215.520, 215.525, 215.530, 215.535, 215.540, 215.545, 215.550, 215.555, 215.560, 215.565, 215.570, 215.575, 215.580, 215.585, 215.590, 215.595, 215.600, 215.605, 215.610, 215.615, 215.620, 215.625, 215.630, 215.635, 215.640, 215.645, 215.650, 215.655, 215.660, 215.665, 215.670, 215.675, 215.680, 215.685, 215.690, 215.695, 215.700, 215.705, 215.710, 215.715, 215.720, 215.725, 215.730, 215.735, 215.740, 215.745, 215.750, 215.755, 215.760, 215.765, 215.770, 215.775, 215.780, 215.785, 215.790, 215.795, 215.800, 215.805, 215.810, 215.815, 215.820, 215.825, 215.830, 215.835, 215.840, 215.845, 215.850, 215.855, 215.860, 215.865, 215.870, 215.875, 215.880, 215.885, 215.890, 215.895, 215.900, 215.905, 215.910, 215.915, 215.920, 215.925, 215.930, 215.935, 215.940, 215.945, 215.950, 215.955, 215.960, 215.965, 215.970, 215.975, 215.980, 215.985, 215.990, 215.995, 216.000.

DALE K. WAZZEL, PLS.

ACKNOWLEDGMENTS

STATE OF OREGON > S.S.
 COUNTY OF CLATSOP > S.S.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2008.

NOTARY PUBLIC > SURVIVOR

NOTARY PUBLIC > PLS.

MY COMMISSION EXPIRES: _____

STATE OF OREGON > S.S.

COUNTY OF CLATSOP > S.S.

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NOTARY PUBLIC > PLS.

APPROVALS:

APPROVED THIS _____ DAY OF _____, 2008.

COUNTY OF CLATSOP

NOTARY PUBLIC > SURVIVOR

APPROVED THIS _____ DAY OF _____, 2008.

COUNTY OF CLATSOP

NOTARY PUBLIC > SURVIVOR

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NOTARY PUBLIC > SURVIVOR

APPROVED THIS _____ DAY OF _____, 2008.

SHEET INDEX

SHEET 1
 MAGNUS, SURVEYOR'S CERTIFICATE
 DECLARATORY ACTION, EXEMPTIONS,
 COMPENSATION AND APPROVALS

SHEET 2
 PLAN, SURVEYOR'S NOTES, LEGEND & NOTES
 AND CURVE TABLE

SHEET 3
 BASIS OF BOUNDARY TIEPOINTS NOTES

SHEET 4
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 5
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 6
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 7
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 8
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 9
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 10
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 11
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 12
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 13
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 14
 CALCULATIONS OBTAINED OR OF RECORD

SHEET 15
 CALCULATIONS OBTAINED OR OF RECORD

March 14, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, CITY PLANNER

SUBJECT: CONDITIONAL USE REQUEST (CU16-02) BY NICHOLAS PALAZZO TO LOCATE A MARIJUANA GROWING SITE AT 2911 MARINE DRIVE AS LIGHT MANUFACTURING WITHIN AN EXISTING BUILDING.

I. Background

- A. Applicant: Nicholas Palazzo
2911 Marine Drive # D
Astoria, OR
- B. Owner: 2911 Marine LLC-Kirk Fausset
89529 Green Mountain Road
Astoria OR 97103
- C. Location: 2911 Marine Drive; Map T8N-R9W Section 9CB, Tax Lot 900;
North 97' L6; Block 3, Shively's.
- D. Zone: C-3, General Commercial Zone
- E. Lot Size: 4,850 square feet (.10 acre) Building is 3,150 square feet.
- F. Request: To locate light manufacturing (grow marijuana) in the basement of
the existing retail space in C-3 zone.
- G. Previous Applications: A day care center obtained a conditional use permit to operate in
the building in 2014, the business has since relocated.

II. BACKGROUND

A. Subject Property

The site is located on the corner of Marine Drive and 29th Street in a building that was renovated in 2000. The building is currently being utilized as a marijuana dispensary.



B. Adjacent Neighborhood

The neighborhood is developed with a variety of uses, including a bar, restaurants, offices and the medical marijuana facility. Single-family dwellings are located south along 29th Street. Multi-family dwellings are located in the Mill Pond area across Marine Drive, along with other commercial businesses. The 65' wide right-of-way is improved to 45' wide with sidewalks and on street parking on both sides of the street. 29th Street is also 60' wide, although it is not developed to its full width.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on March 1, 2016. A notice of public hearing was published in the Daily Astorian on March 1, 2016. Comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.395(7) concerning Conditional Uses permitted in the C-3 Zone lists "Light Manufacturing" which is defined as:

An enterprise involved in the manufacturing of goods or products which require minimal primary processing and which have minimal off-site impacts in terms of noise, glare, odor, air and water pollution. Processing, fabricating, assembly or disassembly of items takes place wholly within an enclosed building, and requires only a small amount of raw materials, land area, power, are easy to transport, and does not require large automated production lines. Facilities typically have less environmental impact than those associated with heavy industry. Examples include food products, brewery, distillery, clothing, electronics, wood working, etc. (Amended by Ordinance 14-03, 4-21-14)

Finding: The growing and processing operation meets the definition of light manufacturing in that it involves minimal processing, has little or no off site impacts, and is proposed entirely within an enclosed building. The operation will be located in the basement of the existing building. This definition has been

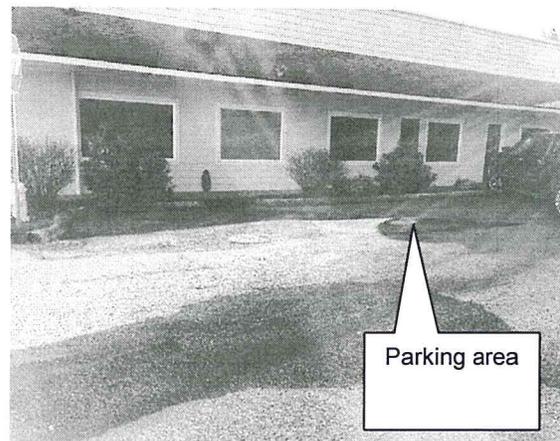
applied to recent establishment of breweries and a similar grow facility at 401 Industry that was recently approved by the Planning Commission (CUP 15-05).

- B. Section 2.185(1) states that *“All uses will comply with applicable access, parking, and loading standards in Article 7”*.

Section 7.100 concerning Minimum Parking Space Requirements identifies parking spaces for light manufacturing as one space per 2 employees on the largest shift.

Finding: The proposed use will be in an existing commercial structure in conjunction with other uses. The Farmacy will not be adding additional employees. There are 7 parking spaces available on 29th Street. At the time the building was renovated, the City permitted the developer to count the 29th Street parking as off street parking as they made the parking improvements in the right-of-way. Therefore no additional parking is required. Should the number of employees increase for the light manufacturing, the applicant shall apply for an amendment to the existing permit, or provide additional off-street parking for additional employees.

There was recently a water line break near the intersection of 29th Street and Marine Drive. The parking lot on 29th experienced water damage; the City is repairing the damage and installing a culvert. The applicant is waiting on repairs to be completed before striping the parking area.



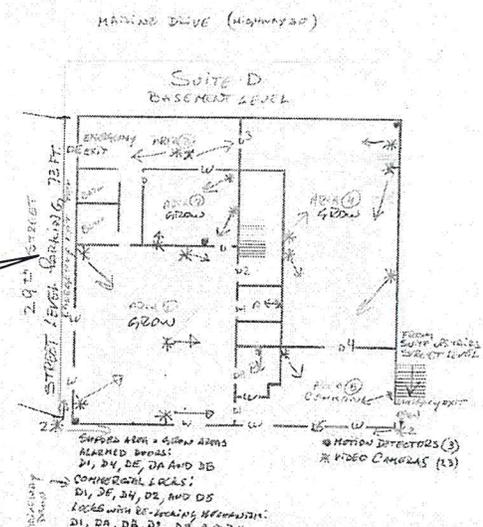
- C. Section 2.445(8) requires that signs will comply with requirements in Article 8.

Finding: No signs are proposed as part of this request. Any future sign installation shall comply with the requirements of Article 8.

- 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 proposed use

Basement plans for grow set-up. See larger document attached



will be enclosed in the building's basement and will not generate odor, dust, gas, fumes, glare or vibration. Light manufacturing operations would be a low impact operation with minimal odor, dust, etc. The operation will be using supplemental CO₂ (carbon dioxide) during growth and flowering periods. In order to do so, the basement must be "sealed," meaning that no air should be going outside, maintain odors within the site. Whenever ventilation is needed, all air out will be filtered through a large, "odor scrubber" carbon filter.

- 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. No outdoor storage is proposed at this time.

- 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 use would be in an existing building basement. The site is not adjacent to a residential zone. The applicant is planning on improving the parking lot, and maintaining existing landscaping around the building.

- 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. A surveillance camera system of over 20 cameras will be installed as a deterrent to crime.

- 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 adequate maneuvering space on 29th street for loading and unloading. Loading and unloading, if needed, can be done using the driveway down to the basement.

- I. Section 11.020(B.)(1) states that *"the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan."*

1. CP.075.3, Uppertown Area Policies, states that *“New or expanded commercial or industrial uses along Marine Drive between 23rd and 33rd Street will, whenever feasible, limit their traffic access points to side streets or common driveways.”*

Finding: Access to the site will be from the parking spaces on Marine Drive, 29th Street, and the applicant’s parking lot on 29th Street. Anticipated impact to the neighborhood would not be significantly different.

2. CP.200.1, Economic Development Goal 1 and Goal 1 Policies, states that *“The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities. 1. Encourage, support, and assist existing businesses.”*

Finding: The applicant has an existing retail dispensary at the location. The applicant proposes expanding their operation to include a grow facility, considered light manufacturing. In addition, the applicant has a business license and Oregon Liquor Control Commission Land Use Compatibility Statement pending for retail marijuana sales.

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

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

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

Finding: The proposed use is an appropriate use of an existing building. The applicant has been operating a marijuana dispensary at the site, which easily accessible, although it is not intended to be accessed by persons other than the workers. It is appropriate at the proposed location in that it will utilize an existing building and provide additional economic activity. Staff is aware of other retail, and production marijuana establishments.

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

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.

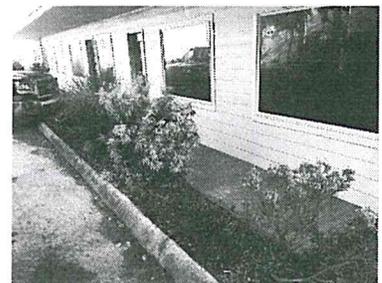
Per table 7.105- Commercial uses require 1 bike space per primary use, or 1 per 10 vehicle spaces.

Finding: The site is adequately paved and accessible from Marine Drive and 29th Street, and has adequate parking and loading area on the north and west sides of the building. The site is fully serviced by a sidewalk on Marine Drive. The proposed use is not expected to negatively impact traffic flow based on the number of employees and expected visitors and vendors.

With the change of use for the new light manufacturing, 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.

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

Finding: All utilities are at the site and are capable of serving the use. As with all new or increased businesses and development, there would be incremental impacts to police and fire protection but it would not overburden these services. The operation will be “eco-friendly,” and will include some draining from one hydroponic system but not a very significant amount, at approximately 75 gallons a month. Efficient and low heat LED lights will be used, significantly reducing the use of electrical power. The site has sprinklers installed, as well as a central monitored alarm system that covers security alarms and includes motion detectors.



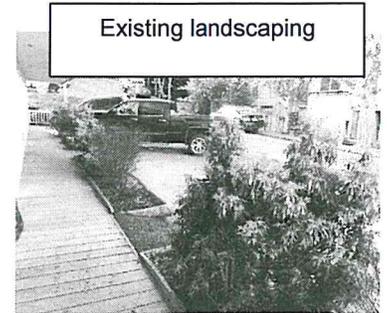
4. Section 11.030(A)(4) requires that “the topography, soils and other physical characteristics of the site are adequate for the

use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

Finding: No new construction is proposed. Public Works is installing a new culvert and repairing water damage from a recent water main break.

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

Finding: No construction is proposed other than potential use of an already developed area for parking. The applicant will maintain the existing landscaping on site.



V. CONCLUSIONS AND RECOMMENDATIONS

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

1. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. Any future exterior lighting or signage shall be reviewed by the Planner for compliance with the standards of Development Code Section 11.110.D and Section 8.
3. 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.
4. Should the number of employees increase for the light manufacturing, the applicant shall apply for an amendment to the existing permit, or provide additional off-street parking for additional employees.

The applicant should be aware of the following requirements: The applicant shall obtain all necessary City and building permits prior to the start of operation.

CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

CITY OF ASTORIA

FEB 11 REC'D

BUILDING CODES

Fee: \$250.00

CC
2-12-16

No. CU 16-02

CONDITIONAL USE APPLICATION

Property Address: 2911 Marine Dr. #D

Lot ~~900~~ 900 Block ~~900~~ 900 3 Subdivision -

Map 809-09-CB Tax Lot 900 Zone C-3

Applicant Name: Nicholas Palazzo for The Pharmacy, LLC

Mailing Address: 2911 Marine Dr. #D Astoria, OR 97103

Phone: 503 791-2466 Business Phone: 503 325-3276 Email: npogllc@gmail.com

Property Owner's Name: Kirk Fausset

Mailing Address: 2911 Marine Dr. #A, Astoria, OR 97103

Business Name (if applicable): The Pharmacy Gardens, LLC

Signature of Applicant: *Nicholas Palazzo* Date: 2-6-16

Signature of Property Owner: *Kirk Fausset* Date: 2/6/16

Existing Use: Empty basement

Proposed Use: Light Manufacturing → to locate light manufacturing (grow marijuana) in basement of existing retail space in C-3 Zone

Square Footage of Building/Site: 3,500 sq ft, lot 4,849

Proposed Off-Street Parking Spaces: 7 Existing parking spaces on side of building

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:	2/11/16	Permit Info Into D-Base:	2/11/16
Labels Prepared:	2/12/16	Tentative APC Meeting Date:	March 22, 2016
120 Days:	6/10/16		

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.

The existence of the operation will not impact the currently available parking as no customers will be allowed inside the operation, and current The Pharmacy employees will care for the operation. We currently have no other site in our plans as this is the appropriate location to keep the operation best in control.

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.

A floor plan depicting the proposed site and its surroundings is attached. This is truly a light manufacturing, and there will be no need for modifications to the building. Loading and unloading—if ever needed—can be done using the driveway down to the basement.

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

The operation will be eco-friendly. There will be some drainage from one hydroponic system, but not very significant, at approximately 75 gallons a month. The remaining plants will use a drip hydroponic system that has no water waste, as the plants consume what they are given. Efficient and low heat LED lighting will be used, significantly reducing the use of electrical power, and heat related fires. The site has sprinklers installed, as well as a centrally monitored alarm system that covers security alarm (with motion detection) and fire (heat and smoke, both). A surveillance camera system of over 20 cameras will be installed. Close proximity to the Police Department, along with security features will produce a deterrent to crime, as it has been since we open.

Additionally, the operation will be using supplemental CO2 during growth and flowering periods. To accomplish this task, the basement must be “sealed”, meaning that no air should be going outside, maintaining odors within the site. Whenever ventilation is needed, all air out will be filtered through a large “odor scrubber” carbon filter.

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.

There will be no construction involved.

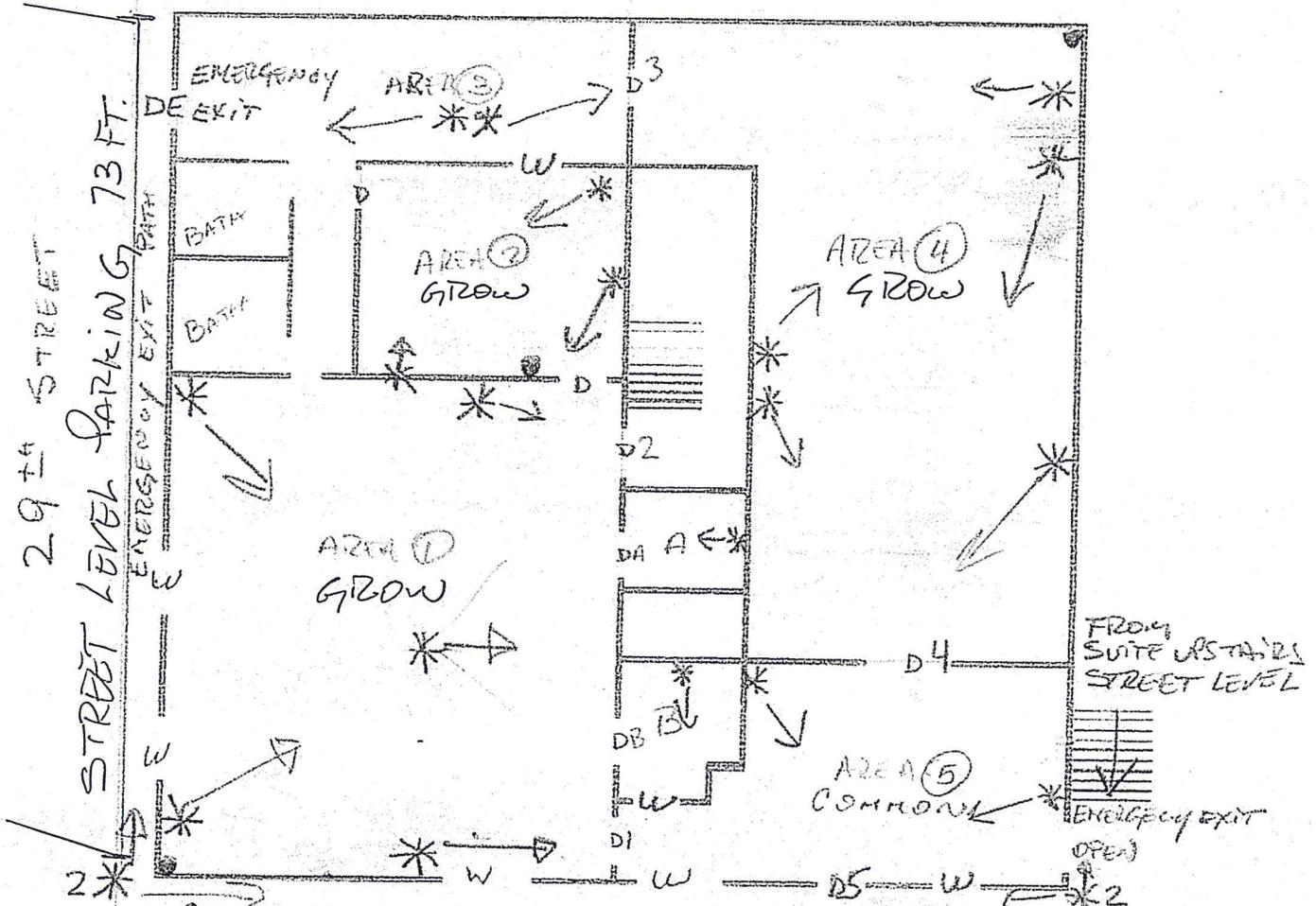
11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

No modifications to the current layout is planned.

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

MARINE DRIVE (HIGHWAY 30)

SUITE D
BASEMENT LEVEL



SHADED AREA = GROW AREAS

ALARMED DOORS:
D1, D4, DE, DA AND DB

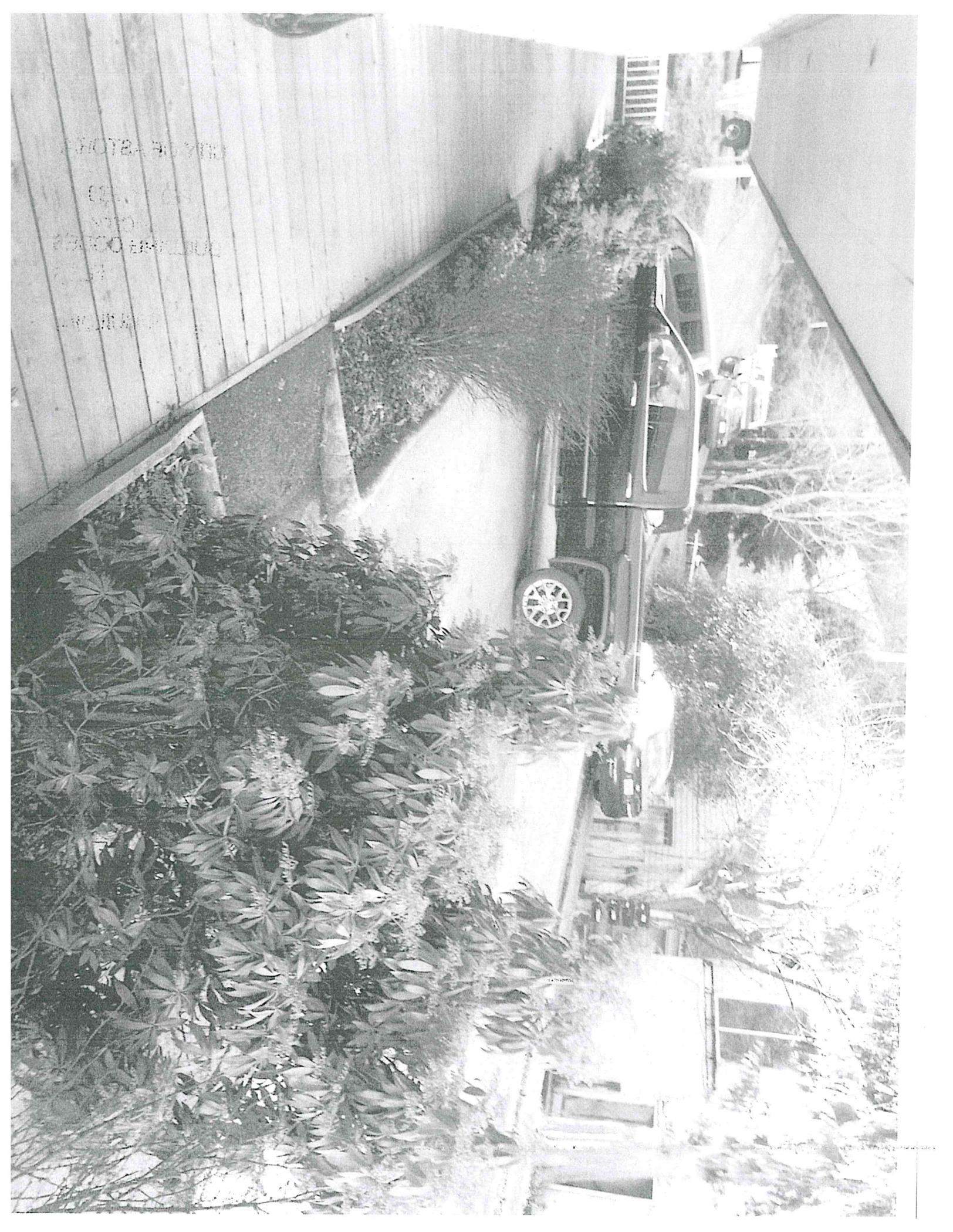
COMMERCIAL LOCKS:
D1, DE, D4, D2, AND D5

LOCKS WITH RE-LOCKING MECHANISM:
D1, DA, DB, D2, DE, AND D4

● MOTION DETECTORS (3)

* VIDEO CAMERAS (23)

DRIVEWAY
DOWN



110724 90 7100
121 105
1100
25000 84000
121
11000 84000







The New York Times | <http://nyti.ms/21QHSYv>

BUSINESS DAY

Airbnb Pits Neighbor Against Neighbor in Tourist-Friendly New Orleans

By **ROB WALKER** MARCH 5, 2016

Talk to the locals in certain New Orleans neighborhoods — from the historic and genteel Garden District uptown to the dense and increasingly trendy Bywater downriver — and you can be pretty sure that one topic will come up eventually: Airbnb.

With crime, potholes and the Saints, the home-sharing economy has become one of the city’s default topics, bickered about in countless informal conversations, through snarky signs (“Won’t You B&B My Neighbor?”) and increasingly in public forums where city officials, and the citizenry, argue over what to do about it.

Everybody has an opinion. Some are distraught at revelers leaving “floors covered with vomit” in residential buildings and “short-term strangers” squeezing out long-term residents. But just as passionate are people who say renting rooms on Airbnb has brought them enough cash to rehabilitate properties or cover the mortgage after a layoff or after Hurricane Katrina. All of those arguments were made in September at a planning commission hearing on the subject — a meeting that lasted more than two hours despite a time limit on comments.

That hearing began a process that is supposed to resolve how to handle short-term rentals in New Orleans. Blurring the lines between residential and commercial land use, home-sharing platforms have created a unique and thorny regulatory problem — a “hybrid” that “doesn’t really fit into the typical boxes,” as Robert D. Rivers, the executive director of the New Orleans planning commission, puts it. The

technology design that has disrupted the hospitality industry has also disrupted civic life and public policy making.

Similar efforts to regulate home sharing are underway in Philadelphia; Portland, Ore.; Austin, Tex.; and other municipalities where short-term rental sites like Airbnb (said to be worth \$24 billion) and HomeAway (which was bought by Expedia last year for about \$4 billion) have spurred disagreement. But the issue is amplified in New Orleans, where tourism (which contributed an estimated \$6.8 billion to the local economy in 2014) butts against the pride residents take in the authenticity of their neighborhoods.

Like some other cities, New Orleans has laws that make a lot of short-term rentals illegal. In most circumstances, renting property for less than 30 days is prohibited without a special permit that few individuals have obtained, and it is punishable by fine or possibly jail time. But city officials acknowledge that New Orleans simply does not have the resources to enforce this rule — given the 2,400 to 4,000 short-term rental listings on various services. Whether short-term rentals will be permitted in some form is not in question; the numbers have already settled that. It is up to the city to adjust accordingly, and figure out how they will be allowed.

Representatives of the larger home-sharing companies have met with New Orleans officials, but they are seldom heard from in more public forums. Officials of Airbnb and VRBO (Vacation Rentals by Owner, a HomeAway brand that is popular in New Orleans) point out that they operate in so many places they cannot possibly get into the specifics of local policy; they are merely private businesses offering services to consumers. So it is up to New Orleans and other cities to devise their own regulations, and up to users to follow them. The upshot is a curious mix of ubiquity and absence: a public debate that seems to involve everyone except the parties who started it.

For the time being, the platforms operate in “a regulatory Wild West,” wrote Jeffrey Goodman, a New Orleans design consultant and self-described “planning nerd,” in the February issue of the American Planning Association magazine *Planning*. And while cities scramble to adjust, Mr. Goodman wrote, these companies “make money without proper oversight and without proper accountability.”

The surprise is that, despite the bickering and contention, the various constituencies in New Orleans have a lot of common ground. Even the most ardent proponents of short-term rentals agree that the practice should be regulated: There ought to be mechanisms to collect taxes, restrict the density of short-term rentals in certain areas, and deal with absentee owners who offer property for rent and allow rowdy guests to become neighborhood nuisances.

The trick is that the most efficient way of achieving those ends might require the services to change how they operate. A technological fix that would permit only licensed owners to list their properties online, for example, could satisfy many complaints. But the services have been unwilling to pursue those possibilities. So New Orleans will have to find another answer.

‘A Rogue Hotel’

Rob White lives in the French Quarter. Thick with 18th-century structures, the dense grid is the oldest neighborhood in New Orleans and its biggest tourist magnet. New hotels or bed-and-breakfasts have been tightly restricted or banned for many years, to preserve some degree of the residential character that is part of the attraction. Regulations for short-term rentals are even tighter here (nothing under 60 days, in theory), but the online services have provided an easy workaround to that rule, in Mr. White’s view. He says it seems that he is the only full-time resident on his block. “You know who comes in and out of there?” he said at a community meeting about a condominium building nearby. “People with their luggage.” The tourists roll in on Thursday or Friday and roll out a few days later. “It’s a rogue hotel,” he complained.

Mr. White is a member of the Short-Term Rental Committee, not an official city entity, but a vocal coalition of preservationists, neighborhood activists, owners of traditional bed-and-breakfasts and residents of various historic New Orleans neighborhoods. Its criticism of short-term rentals predates the rise of home-sharing services, but it has become steadily louder since Airbnb’s arrival in the city in 2009, and it has included bitter complaints about the city’s failure to enforce the relevant code, which dates from the 1950s.

Deputy Mayor Ryan Berni concedes that enforcement of the short-term rental law has been “lax and difficult.” Listings on home-sharing platforms do not reveal specific names and addresses, and identifying and building cases against violators would involve considerable time and money, city officials say. In fairness, New Orleans, like most cities, has more urgent priorities — including an understaffed police force and road and infrastructure problems that would cost billions to fix. “We just didn’t feel like we had the tools to do it,” Mr. Berni said.

Stopping scofflaws would be easier if the services identified those using their tools to break the law, an argument made by critics of short-term rentals. Representatives of Airbnb and VRBO counter that turning over such information would violate their users’ privacy. A VRBO spokesman says that its users essentially pay to advertise a property, and the platform is not directly involved in resulting transactions. Mr. Rivers, of the planning commission, and a former lawyer for the city, says it is not even clear that the city has the legal standing to demand such information, and that ultimately it needs a solution involving its own data.

In recent months, Airbnb has released limited information about use of its site. For instance, it says that 92 percent of New Orleans’s hosts booked property for fewer than 180 days in the previous year, a statistic that suggests users are regular people occasionally supplementing their income. But this data release left out other important numbers — such as listings per host, which might have illuminated the multiple-property power users who may account for significant booking volume.

Mr. Goodman, the New Orleans consultant, has followed the wrangling over short-term rentals in New Orleans for a couple of years, meeting with a number of city officials — and, briefly, working as a contractor for Airbnb. He has gradually become more frustrated with the dearth of official information. In New York City, similar frustration led the state attorney general to apply legal pressure to obtain more detailed data on Airbnb hosts as part of an effort to crack down on illegal home sharing. Mr. Goodman notes that Airbnb promotes itself as an enabler of human connection and community, but leaves compliance with local laws to the users and regulators.

Airbnb declined to comment in detail about specifics of the debate in New Orleans. But Max Pomeranc, an Airbnb public policy manager whose focus includes New Orleans, responded to criticism about compliance with local laws by saying that its service is available in 34,000 municipalities around the world, making deep local involvement everywhere impractical. Mr. Pomeranc also noted that anyone signing up to be a host in New Orleans encounters a “Responsible Hosting” page encouraging compliance with local laws and various links to official city sources.

For a study intended to guide local policy makers, the New Orleans City Planning Commission ultimately relied in part on data from Inside Airbnb and the New Orleans Short Term Rental Report — third parties that have “scraped” Airbnb’s site to approximate the geographic distribution, use rate and other more detailed data. Inside Airbnb asserts, for instance, that more than 44.7 percent of New Orleans listings involve hosts promoting more than one listing; some offer 10 or more. It also concluded that 210 out of 2,646 listings are in the French Quarter. The sharing services invariably criticize such sources as unreliable. But they have yet to release parallel data of their own.

The License Debate

People have been taking in lodgers in New Orleans “for 300 years,” Christian Galvin points out. Mr. Galvin rents out a house in leafy uptown New Orleans year-round. In fact, he is a “superhost” on Airbnb, meaning he has many positive ratings from guests, and he is a member of the board of Alliance for Neighborhood Prosperity, a local group that promotes short-term rentals.

Even the alliance, a relatively sophisticated operation that is financed by dues and has its own lawyers, favors regulation. Mr. Galvin said the group expected that developing rules to legalize short-term rentals would take seven or eight months. “Just tax it, and let’s go about our day,” he said. “Why is it dragging on?”

The answer to that might be apparent in the 118-page draft study the planning commission released on Jan. 19. The document painstakingly breaks down the varieties of short-term rentals and suggests solutions like restrictions by neighborhood density (preservationists favor a total ban in the French Quarter) or

other factors (restricting year-round, non-owner-occupied rentals, of the sort that Mr. Galvin operates, in residential areas). It will take months to sort out the details. The latest twist is the consideration of a state bill to require short-term rental services to collect the same taxes as hotels and motels. But if the third-party data on short-term rentals is remotely accurate, and something like the planning commission's preliminary recommendations became enforceable laws, listings and bookings for these sharing platforms would probably decline.

Despite the polarization around the issue, many, including lawyers for the Alliance for Neighborhood Prosperity, have endorsed a simple-sounding idea: require short-term rentals to obtain some sort of official license or permit number (for a fee) and enter it in a field on the web. Enter your license number, or you are not permitted to list. Mr. Goodman, the planning activist, agreed that the platform databases were "the choke point in the system," and tweaking them to function only with a municipal license would amount to a genuine partnership with cities. "It requires the city to keep a good database, and these listing companies to honor that database," he said.

For the home-sharing services, however, this appears to be a nonstarter. According to Mr. Rivers, Airbnb and VRBO told his staff that it would be too onerous to adjust their software to accommodate every regulatory arrangement for thousands of municipalities around the world. Spokesmen for Airbnb and VRBO confirm that rewriting their platforms in this way is not practical.

The planning commission seems to have accepted that argument, and its study recommends instead that license information, with the address of an advertised property, should be included in the "narrative" section of a listing. To critics, that means people without licenses could still rent, and it would still be up to the city to ferret out those who do not follow the rules. In the few cities that have enacted analogous policies, compliance has been estimated at less than 15 percent.

Mr. Berni, the deputy mayor, while emphasizing that the planning commission report is merely a starting point, says this recommended strategy has potential. Compliant users paying for licenses could generate revenue to begin funding

enforcement. Going after a “bad operator” is a complaint-driven process, he says, and a listing that lacks a license number could give the city cleaner legal leverage.

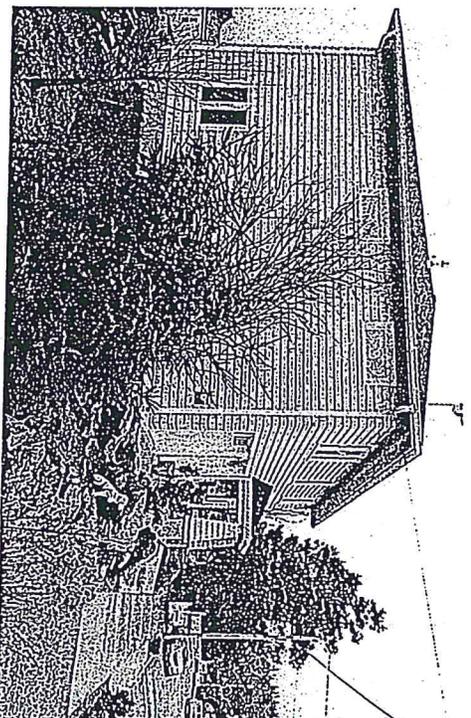
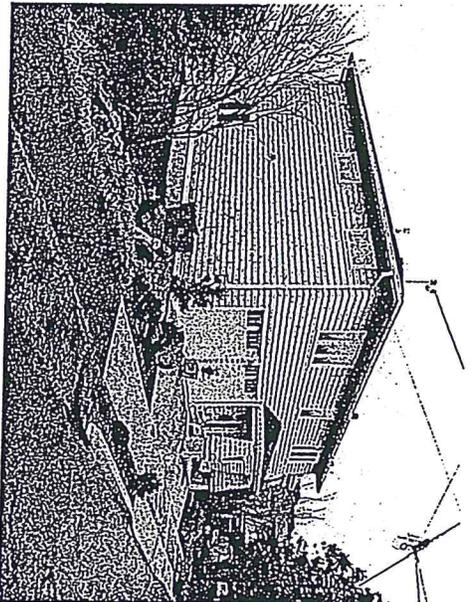
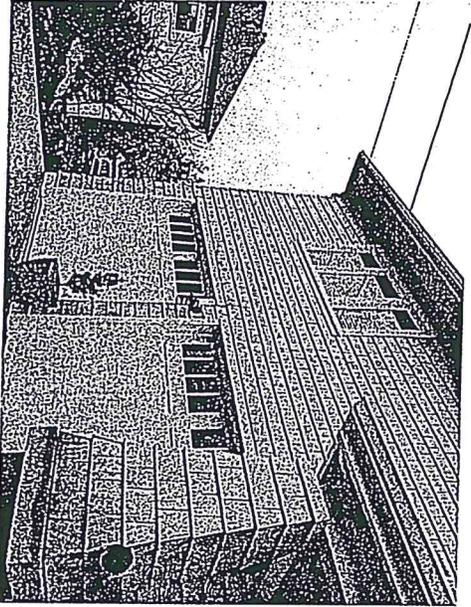
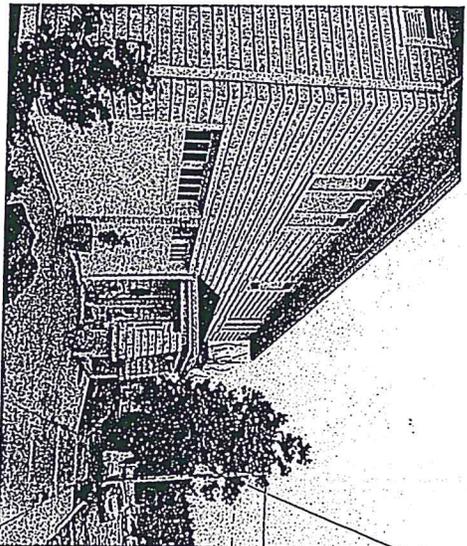
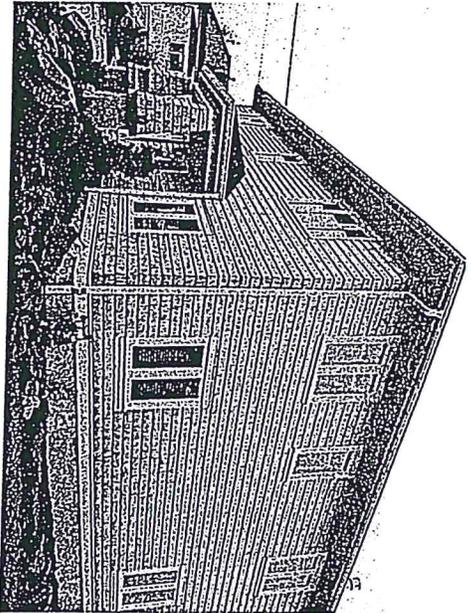
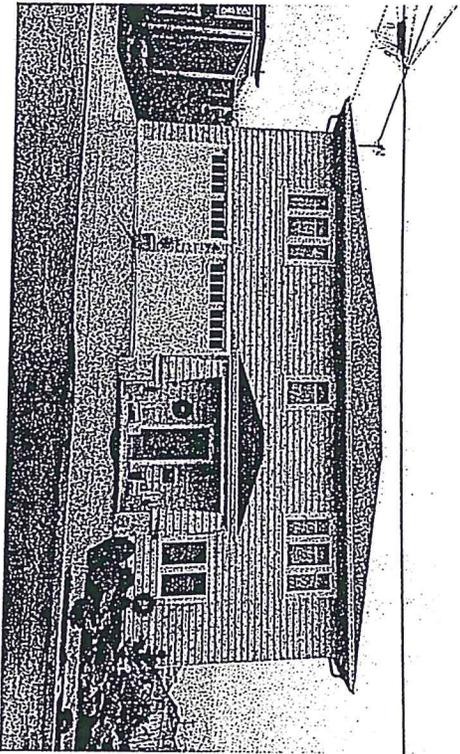
Perhaps that will work. Even Mr. Goodman expresses optimism. He notes that Airbnb in particular seems to be moving toward accepting that it is not just a responsibility-free enabler — adding more robust insurance options and, increasingly, tax-collection tools. So maybe all the local contention will lead to a productive resolution after all. “I just want to have New Orleans win on this,” Mr. Goodman says.

Correction: March 7, 2016

An earlier version of this article misstated part of the name of a group that supports short-term rentals. It is the Alliance for Neighborhood Prosperity, not the Alliance for Neighborhood Progress.

A version of this article appears in print on March 6, 2016, on page BU1 of the New York edition with the headline: A City Weighed Down by the Welcome Mat.

1542 Grand
NC15-02 and V14-18
12-29-15



NC 15-02 at 1542 Grand, 2 story residence with variance for setback, porch on south side and deck on north elevation. cedar shingles, no ornamentation, cedar apron below windows, single, paired and triples. Garage doors with glass, tapered columns with capitol molding on concrete pedestals.

12/29/15
CARRONDA - INF
Murray Fisher

