



AGENDA

ASTORIA PLANNING COMMISSION

April 26, 2016

6:30 p.m.

2nd Floor Council Chambers
1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. March 22, 2016
4. PUBLIC HEARINGS
 - a. Conditional Use CU16-03 by Rickenbach Construction for Trish Bright to locate indoor family entertainment Museum of Whimsy on the first and second floor of an existing meeting space at 1215 Duane in the C-4, Central Commercial zone.
 - b. Amendment A16-01 by the Community Development Director to amend the Astoria Development Code, Article 9 - Administrative Procedures, City Wide.
 - c. Amendment A16-02 by the Community Development Director to amend the Astoria Development Code housing section to encourage more infill and redevelopment of existing residential lots as part of a larger affordable housing strategy, City Wide.
5. REPORT OF OFFICERS
6. PUBLIC COMMENTS (Non-Agenda Items)
7. ADJOURNMENT TO WORK SESSION
 - a. Parks & Recreation Department Master Plan – Ian Sisson

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 WORK SESSION

Astoria City Hall
March 22, 2016

CALL TO ORDER:

President Pearson called the work session to order at 5:30 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: Community Development Director Kevin Cronin and Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

OLD BUSINESS:

Item 1 (a): Code Amendment Updates

Director Cronin presented the Staff report, which included emails, articles, and proposed Code amendments. At the dais, Commissioners had copies of a case study on townhouses and row houses. He noted that Staff has begun using a zoning checklist during pre-application conferences to help applicants understand what is expected when they submit an application. The Commission and Staff discussed the proposed amendments to Articles 3 and 9, as follows:

- The Commission was concerned that the on-site signs would create additional work for staff. Director Cronin explained that no state law requires notices to be posted on site, but many jurisdictions do. Currently, only property owners are sent notices, so renters are unaware of public hearings unless they see the notices on the City's website. Posting notices on site increases the City's transparency. The on-site signs will be made of weather resistant materials and anchored so they will not be blown away. They will only be posted during the time the application is active. Various methods will be used to affix the signs, depending on what works best at each site.
- The Commission agreed that the language proposed for Section 3.020(2) (a) was a bit ambiguous. It seemed to state that a detached garage could not be converted to an accessory dwelling unit (ADU), but an ADU could be built above a detached garage.
- Single-family lots with tiny homes would still have to comply with lot coverage standards. If a lot were large enough to accommodate multiple tiny homes, another section of the Zoning Code would apply.
 - A tiny home could be manufactured on or off site, but must be less than 500 square feet and must be placed on a foundation. Tiny homes will not be allowed to sit on wheels, which will separate tiny houses from recreation vehicles.
- Row houses are built to look identical to each other, but townhouses have different architectural features and designs. Director Cronin showed photographs and described which features defined Columbia Landing as townhouses and Martin Townhomes as row houses. Higher lot coverage will be necessary for these types of housing units. The case study showed that both townhouses and row houses work well in Astoria because the form of the buildings can fit the site. Both urban and neighborhood settings can accommodate these units.

Director Cronin reviewed the proposed changes to residential zoning codes, which are intended to help fulfill the housing needs in Astoria. He asked the Commission to consider the housing study as they discussed the proposed amendments. He noted that residential zones have maximum density standards and most property owners have reached their density limits.

The Commissioners discussed the recommended lot coverages, which Commissioner Easom said he liked. The discussion continued, as follows:

- Astoria has a lot of 9,000 and 10,000 square foot lots and current Codes offer no incentive to partition those lots, which would require a variance. Staff has seen a significant demand for these variances. The recommended lot coverage would allow a 9,000 square foot lot to be divided. Townhouses and row houses have lot coverages that are different from multifamily dwellings because the townhouses and row houses will

be larger than apartments. Commissioner Moore noted that a duplex could be referred to as two row houses. However, the duplex could be 5,000 square feet, but two row houses could be 5,500 square feet. Director Cronin stated he would reconsider those lot coverage recommendations.

- Reducing the size of duplexes to 5,000 square feet could potentially allow single-family homes to be converted to duplexes. Staff has not seen a demand for this type of development, but this recommendation would provide an incentive to redevelop a vacant or underutilized home. He explained that parking has been a stumbling block for many projects because off-street parking is required.
- Commissioner Moore suggested the recommended lot coverage in the R-3, high-density zones be lowered to 2,500 square feet so that a 5,000 square foot unit could be divided. If two townhomes or row houses were allowed on 5,000 square foot lot, why would the City not allow two single-family units on a 5,000 square foot lot? Director Cronin explained that even though the recommendations are more flexible, there are still other standards that must be met. In order for Astoria to continue to provide new housing, the new housing will have to include multi-family dwellings.
- Director Cronin confirmed that Article 2 on Page 12 should state the minimum lot size for a multi-family development in the R-3 zone would be 5,000 for the first unit, plus 1,000 square feet for each additional unit.
- Lot coverages for multi-family units are different from row houses and townhouses because multi-family units are typically built on a single lot managed by a property manager, but townhouses and row houses are built on fee simple lots and each house is owned by separate individuals. Condominium owners own the unit, but not the land, and pay into the ownership of common areas. While townhouses and row houses have owners associations, the property owners own the land and the building. The recommended lot sizes allow Staff to calculate the number of units allowed on a lot and track density in each zone.

The Commissioners agreed that the recommended Code amendments were ready for a public hearing. Director Cronin asked the Commission to discuss the recommended standards for vacation rentals.

Commissioner Spence asked why vacation rentals were recommended in commercial zones only. The Commission recently reviewed an application for a bed and breakfast in a residential zone. Even though the Applicant had been cited, he continued to advertise his rental units.

Director Cronin explained that vacation rentals could be operated by someone other than the property owner. However, home stay lodgings must be managed by the property owner and the property owner must live on the property. Bed and breakfasts are required to provide a morning meal and the manager must live on the property, but the manager could be someone other than the property owner. Unfortunately, vacation rental is typically used to define all types of lodgings. The sharing economy has revolutionized this industry and third-party websites allow property owners to manage these properties with ease. He confirmed that the recent application was for a conditional use permit to allow a bed and breakfast, which the Commission denied.

- Staff is not recommending any changes for these lodgings, but Staff does not have the time to enforce the existing Codes. He suggested a safety inspection program be added to the City's Code. Anyone who operates a business from their home should have a fire extinguisher, smoke alarm, first aid kit, a tsunami map, and basic emergency information. The City could charge a small fee for Staff time to conduct a quick inspection.
- Astoria has about 45 postings on the third-party websites and Staff will confirm that each property complies with the laws. However, there are property owners who are not using those websites. He confirmed that home stay lodgings have to pay hotel taxes, but property owners who are renting out their entire home for three days are in violation. Unless Staff receives complaints, the City cannot enforce current Codes. Every jurisdiction is dealing with enforcement issues.
- When Staff receives evidence that a property owner is in violation, Staff sends a letter. If the property owner does not comply, a second notice is sent. If the property owner still does not comply, they must appear before a judge in municipal court, who can issue fines. If the owner does not pay the fines, the City can take other measures.

President Pearson confirmed Commissioners had no further comments for Staff.

PUBLIC COMMENT:

Unidentified Speaker said he was number 49 on the lodging list. He believed the property owners were being unjust by failing to pay for lodging permits. There are numerous lodgings that are illegal and do not pay taxes. The City of Eugene has spent a fortune on their track and field complex, which was funded by lodging taxes.

Cannon Beach and the surrounding areas are making a lot of money. But Astoria has strict regulations and very limited parking. He has a lodging permit; however, it is impossible to tell if he is hosting family or renting to a vacationer. He has had neighbors complain when his brother visits from out of town. It is more difficult for the City to keep track of the lodging permits than bed and breakfasts. But it would be great if the City could encourage home stay lodgings because the tax revenue would be great for the City.

ADJOURNMENT TO REGULAR MEETING:

There being no further business, the work session was adjourned at 6:19 pm to convene the regular Astoria Planning Commission meeting.

APPROVED:

Community Development Director

DRAFT

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
March 22, 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: Community Development Director Kevin Cronin, Planner Nancy Ferber, and RARE AmeriCorps Planner Ian Sisson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Pearson asked for approval of the minutes of the February 23, 2016 meeting. Commissioner Innes moved that the Astoria Planning Commission approve the minutes as presented; seconded by Commissioner Easom. Motion passed unanimously.

PUBLIC HEARINGS:

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

ITEM 4(a):

AEP16-02 Amendment to Existing Permit AEP16-02 for Subdivision Permit SP06-02 by Dale Barrett for Fred Van Horn to relocation the fire access and parking easement on the existing plat at 433-435-441 30th Street in the C-3, General Commercial zone.

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

Vice President Easom declared that he represented many people on the application and stepped down from the dais.

President Pearson asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. The only correspondence was an email from Fred Van Horn, which was included in the Staff report. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Spence said he drove by the site twice and looking at the picture, he could not tell where the easement and parking would be shifted. There is parking in front of the dental building and the units on Columbia Crossing, as well as parking along 30th Street. He asked for clarification about the proposal.

Planner Ferber explained the old easement provided parking right next to the building, which she pointed to on a photograph. The Applicant has proposed to switch the access to the parking so that emergency vehicles can get through to nearby homes. Commissioners noted that this would move the parking to a parking area already designated for the dental office.

Commissioner Spence said the apartments should have sufficient parking, but the parking lot was full. He noted that the original permit required a 25-foot wide egress to accommodate emergency vehicles. He asked if there

was a mistake on the original plat or if the building encroached into the 25-foot right-of-way. He could see on the photograph that it was a tight space for emergency vehicles because there was parking on both sides of the right-of-way. Director Cronin understood that something transpired between the original plat approval in 2006 and today. Staff is simply trying to accommodate what was done during that time to ensure adequate emergency access. Planner Ferber confirmed that the Fire Chief has reviewed this application and found it acceptable. This proposal is a much less expensive alternative than requiring a sprinkler system.

Commissioner Spence said he was satisfied since the Fire Chief had approved the request.

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

Dale Barrett, 4253 A Highway 101 North, Gearhart, presented drawings of the proposed project at the dais. He noted the drawings were not 100 percent accurate, but showed where the parking and new easement would be on the same aerial photograph that was displayed on the screen. The new easement will be up against the building, but the parking spaces have already been in place for quite some time. To correct the situation to fit the existing parking, the lot created when the Columbia Landing subdivision was created will have to be replatted. The structure in the photograph is the remainder of the Columbia Landing residences. The last lot abuts against the parking. The Fire Department said the area had to remain clear, so all of the parking would have to be moved to the other side. He worked with City Staff and found the best thing to do would be to adjust the 25-foot fire lane. The Staff report includes small versions of the proposed replat, which requires this public hearing. The proposal is to move the fire lane from up against the townhome buildings out into the existing driving lane. The original plat specified 25 feet and he would simply like to move it. The packet shows where the proposed easement will be located. It will be no problem for a fire truck to fit and the Fire Chief has indicated the proposal is acceptable. The parking area will be switched to the west side and the 6-foot wide walkway easement will remain unchanged. The only easements being moved will be the parking easement and the ingress/egress. The packet also shows the existing conditions of the plat prior to the proposed changes. Once this request is approved, the Public Works Director and County Surveyor will have to approve the changes because the fire lane was on the previous plat.

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

President Pearson said Staff did a great job preparing a thoroughly researched report. Director Cronin added that Rosemary Johnson assisted with this application.

Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Amendment to Existing Permit AEP16-02 by the Dale Barrett; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

Vice President Easom returned to the dais.

ITEM 4(b):

CU16-02 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.

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.

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

Nicholas Palazzo, 643 10th Street, Astoria, stated he did not have a presentation, but would answer questions.

Vice President Easom confirmed that the relocation of the daycare center was not related to the Applicant's business.

Commissioner Spence understood marijuana growing required a lot of heat and electricity and said he was concerned about the safety of heat in the basement of the building. He confirmed that the Fire Chief had reviewed and approved the application and therefore, he was satisfied.

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

Vice President Easom said he believed this was a good use of a basement area. Commissioner Fitzpatrick stated the request appeared to meet the criteria and he agreed it would be a very efficient use of the space.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU16-02 by Nicholas Palazzo; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

President Pearson read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Innes reported that the City of Gearhart uses the legal notice section of the *Daily Astorian* as a mechanism for reminding citizens to remove noxious vegetation. She suggested Astoria post reminders that citizens must take care of the sidewalks.

Commissioner Fitzpatrick asked if Staff could review the derelict building ordinance because several people have asked him how the ordinance is enforced. Director Cronin explained Astoria had a vacant building ordinance and a derelict building ordinance. Both ordinances allow the City to take action on derelict properties. Staff is working on a list of properties that need to be cleaned up and will not look for additional properties until the backlog is caught up. He briefly discussed the property at 559 Alameda, which continuously changes ownership through the foreclosure process. Citizens with concerns should be directed to Director Cronin because Astoria does not have a designated code enforcement officer.

Commissioner Fitzpatrick said 936 Grand recently changed ownership. A debris box was placed on the property and the owners hired someone to remove trash from the interior of the house. However, much of the debris was not removed. The Commission and Staff discussed this house and the adjacent properties on Grand. Director Cronin stated he would look into the issue.

Commissioner Spence and Director Cronin discussed Astoria's need for a code enforcement officer. Staff did not anticipate additional funds for an officer, but the City would be recruiting a new building official soon. The entire Community Development Department would work together on the issues.

Director Cronin said in January, Commissioner Fitzpatrick recommended code enforcement at a property on the corner of 8th and Harrison. He reported that the issues with the hedge had been resolved.

NEW BUSINESS: None

OLD BUSINESS:

Item 7(a): Parks Master Plan Update

Ian Sisson, 1263 Commercial Street, Astoria, introduced himself and noted that Astoria has never had a comprehensive master plan for the Parks Department. He updated the Commission on the Parks Master Planning process with a PowerPoint presentation that included a timeline, scope of work, details of community

outreach, and next steps. The Citizens Advisory Committee (CAC), appointed by the Mayor to oversee the project, is currently reviewing the draft master plan. After the CAC and Parks Advisory Board have approved the master plan, the Planning Commission will review, and hopefully approve and recommend City Council adopt the plan.

Director Cronin asked which public involvement strategy has been the most successful. Mr. Sisson said the City received almost 900 responses to the online surveys, which were announced on Facebook, in press releases, at City Council meetings, on the radio, in emails, and on flyers placed at all Parks facilities. The survey was incentivized by providing park passes.

STATUS REPORTS:

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.

The Commission and Staff briefly discussed the details of the project.

PUBLIC COMMENTS: None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:07 pm.

APPROVED:

Community Development Director

April 20, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, CITY PLANNER

SUBJECT: CONDITIONAL USE REQUEST (CU16-03) BY RICKENBACH CONSTRUCTION INC FOR AN INDOOR FAMILY ENTERTAINMENT [MUSEUM OF WHIMSY] ON THE FIRST AND SECOND FLOORS WITHIN AN EXISTING MEETING SPACE AREA LOCATED AT 1215 DUANE IN THE C-4, CENTRAL COMMERCIAL ZONE.

I. Project Summary

- A. Applicant: Michelle Dieffenbach
Rickenbach Construction
37734 Eagle Lane
Astoria, OR 97103
- B. Owner: Walter and Trish Bright
Blue Mars LLC
13868 NE 65th Place
Kirkland, WA 98034
- C. Location: 1215 Duane Street; Map T8N, R9W, Sec 8CD, Tax Lot 1700; Lot 1 of Block 66, Subdivision McClure
- D. Zone: C-4, Central Commercial Zone
- E. Request: Family entertainment – Museum of Whimsy and Associated Meeting Space
- F. Previous Applications: Amendment to CU 05-12 to increase tourist loading units to four with the addition of three bedrooms, and adding a meeting facility (conference center) on the first floor. The Historic Landmarks Commission recently approved the addition of a steel gate on the Duane Street Entrance (EX16-02).

II. BACKGROUND

A. Subject Property

The site is located on the south east corner of Duane St. and 12th St. The



Site: 1215 Duane Street

subject property is a classic American Renaissance building from 1923, and is significant for its association to architect John E. Wicks. The structure is three full stories with one partial elevation exposed, and below grade city owned, public parking to the south.

B. Adjacent Neighborhood

The site is surrounded by existing commercial development. To the south and southeast is a city owned parking lot and public restroom building. To the west is another city owned parking lot and the site of the proposed Heritage Square redevelopment. To the east is the vacant Falcon/Charter Cable building. To the north across Duane Street is Columbia Travel with the Hotel Elliot on the northwest corner.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on April 5, 2016. A notice of public hearing was published in the *Daily Astorian* on April 19, 2016. Comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.435 (2) concerning Conditional Uses permitted in the C-4 Zone lists "Indoor family entertainment" which is defined under Section 1.400 as:

"Indoor family entertainment: A facility which provides entertainment for persons of all ages, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, and similar facilities."

Finding: Planning Staff has classified the proposed change of use and/or addition of a museum on site as "indoor family entertainment," which is listed as a conditional use for the C-4 zoning district. The City has previously determined that museums are similar in nature to "indoor family entertainment" for the museums in the C-4 zoning district under CU 05-020 for the auto museum at 1233 Exchange. A similar application was approved under CU 95-04 for a children's museum in the A-2 zoning district.

- B. Section 2.445 Other Applicable Use Standards. (C-4: Central Commercial Zone)

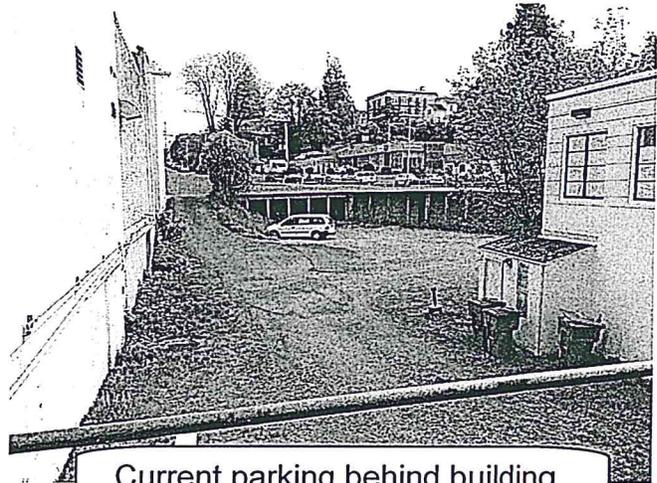
- i. Section 2.445 (1 – 5)

Finding: Not applicable to the proposed project.

- ii. Section 2.445 (6) All uses with access, parking, or loading areas will comply with standards in Article 7.

Finding: Per Section 7.062 (C), uses located within the C-4 zone are not required to provide off-street parking. With regards to minimum loading space requirements, Section 7.160 (C) requires one (1) or more loading spaces for total gross floor areas over 5,000 square feet. The proposed change of use will be located on the first and second floors, which are approximately 8,800 square feet total. One loading space with a minimum width of 12' by 55' in length and height of 14' is required.

- iii. Section 7.105 states that "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.

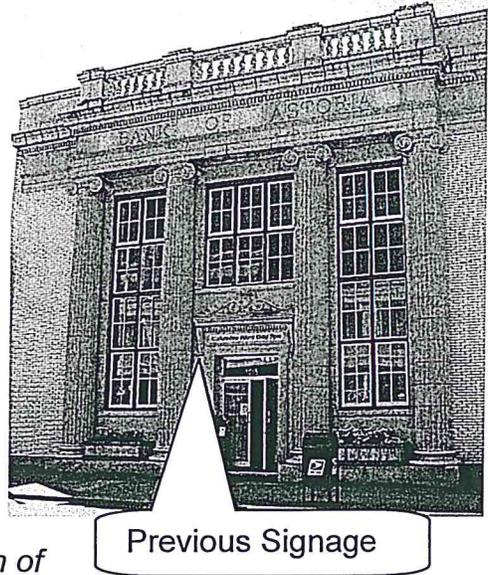
Finding: That applicant will need to provide for bicycle parking space(s) as this is a change of use consistent with Article 7, Table 7.105 (Commercial). The applicant shall submit a plan for review and approval by the planner. The spaces shall be installed prior to occupancy and can be located in the sidewalk furnishing zone.

- iv. Section 2.445 (7) Conditional Uses will meet the requirements in Article 11.

Finding: See Article 11 review and findings below in this Staff Report.

- v. Section 2.445 (8) Signs will comply with requirements in Article 8.

Finding: The applicant proposes to erect a new sign to be mounted to the façade of the building directly above the front door in the same location of the previous sign permit approval. The applicant proposes to use the existing sign from the Cupcake Parlor and repaint it for use with the museum. The new proposed replacement sign is 7 feet wide by 10 feet tall (70 sq. ft.). The proposed replacement sign is subject to Section 8.060 (A) – Sign Permit Required, which states “A sign permit is required for the erection of any new sign or the structural alteration of an existing sign, except those signs that are exempt in Section 8.040. A sign permit is required for modification or alteration of the sign face, or any portion of the sign or supporting structure.”



Upon review of Section 8.040 (Exempt Signs), Staff finds that the proposed replacement sign does not fit one of the listed exemptions, so a sign permit application and approval is required prior to the placement of any new sign on the building façade.

vi. Section 2.445 (9 – 11)

Finding: Not applicable to the proposed project.

E. 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. Comprehensive Plan Section CP.055(4) concerning the Downtown Area Policies states that “The City encourages the reuse of existing buildings prior to the expansion of commercial zones.”

Finding: The Old US Bank building was constructed in 1923 after the downtown fire of 1922. The location of the proposed conditional use within the existing underutilized building supports this CP policy.

2. Comprehensive Plan Section CP.020(6) concerning Community Growth Plan Strategy states that “The City encourages historic preservation generally, the restoration of reuse of existing buildings. However, these structures must be improved in a timely manner.”

Finding: The Old US Bank building is designated as historic in the Downtown National Register Historic District. For many years, the use of the building had been limited, but within the last few years the building has undergone extensive internal renovation in order to provide code compliant space for the existing uses currently approved for this location. The proposed conditional use request will help the current owners fully utilize the building as well as generating funds to help maintain this unique and historic structure heading into the future. The proposed project is consistent with this CP strategy.

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

Finding: The building is located within the downtown area. The proposed conditional use will add an additional use to an otherwise underutilized portion of the building as well as add to the vitality of the downtown area. The proposed use will provide a service to the community with the addition of the museum, which Staff finds is an addition to the unique cultural nexus of similar museums located in the downtown area. Based on the overall review of this conditional use permit request, Staff finds that the proposed use can be conditioned in a manner that meets the intent of the purpose for the C-4 zone. The proposed conditional use is consistent with this CP strategy.

Overall Finding: The request is consistent will all applicable strategies of the City of Astoria Comprehensive Plan.

- F. 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."*

Applicant's Comment: The previous Conditional Use Permit for this building was granted for a Banquet Room on the first floor and a meeting space/single use transient housing on the second level. The change to a museum family entertainment with associated meeting space has very similar demands as the Banquet Room. The front entrance is accessible to the public. Public parking along the adjacent streets is available for

handicap parking. There will be additional private parking located adjacent to 1303 Exchange Street for use by both customers and employees.

The downtown district has other museum buildings close to the district edges. The addition of a museum at this location adjacent to the Heritage Square, Liberty Theater and other historical venues will be an asset to the downtown district and will not be in competition with any existing businesses.

The museum hours will be 10:00 am to 4:00 pm daily. It will be closed one day a week, which has not been determined yet. The meeting and reception space will be available from 6:00 pm to 9:00 pm. The museum/meeting space will have a retail gift shop and candy counter for museum visitors. The museum exhibits will be whimsical items from the 1850's up to today.

The museum will have a sign mounted on the façade directly above the door at the same location the previous sign was approved and located. The plan is to use the existing sign from the Cupcake Parlor and repaint it for use with the museum. The sign is 7 feet wide by 10 feet tall.

Finding: The proposed use is appropriate for this location as a conditional use. The site is located in the Downtown area and accessed by way of a City sidewalk and street. The C-4 zone is a retail and service area that is conducive to this type of use. Customers would have easy access to the building in the downtown area by way of public transportation, walking, or personal vehicle.

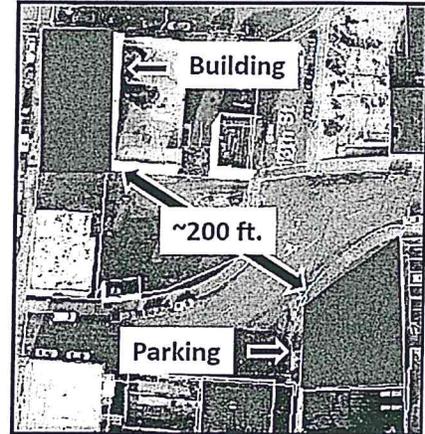
While many zones would allow this use, the location is underutilized and can easily accommodate the proposed conditional use. The primary entrance for the building will be from 12th Street. The use will have little impact on the immediate area, as there will be no exterior changes to the existing structure. Accessibility to the structure via off-street parking is being proposed to be located in an adjacent parking lot off Exchange Street.

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."*

Applicants Comments: The change from a Banquet Room to Museum will have no greater effect, if not less than effect on any transportation activities, The building has public access along Duane and 12th Street for access to the building. The museum will not house a large collection and

will not turnover new collections that would require temporary loading areas. The refuse and recycling collection is handled along 12th Street and will continue in this area. There will be no change to the traffic movement in this area as it well served by all modes of transportation.

Finding: The site is 50' x 95' and the building encompasses the entire site. Total gross floor area is estimated at 9,500 square feet. The site is in the C-4 Zone and off-street parking is not required, however the applicant has proposed to provide off-street parking to accommodate their customers.



The proposed off-street parking will be located on Tax Lot 14,000 off of Exchange Street to the southeast, approximately 200 feet away. The proposed off-street parking area is approximately 6,500 square feet in size and is owned by the applicant. Based on the standard found in Section 7.110 (D)(1) calls for full size spaces to be 9.5' by 20' long, which is approximately 190 square feet. The proposed off street parking area is approximately 6,500 square feet and can accommodate up to 34 large parking spaces. Under Section 7.100 (Recreational Categories, sub-use "museum") calls for one (1) space for every 600 square feet of gross floor area, for a total of approximately 16 parking spaces. The proposed off-street parking area appears to have ample area available to accommodate the conditional use request, but is not required.

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."*

Applicants Comments: The change in use will have no additional effect on the public utilities that are available on site.

Finding: Existing utilities on site are capable of providing the necessary capacity to adequately ensure that current sewer and water service provided by the City is sufficient. Additionally, there is no historical record on file with the City that indicates existing utilities on site are inadequate in size or that existing uses have impacted service capacity for the immediate area. The proposed change in use will have no effect to existing stormwater drainage from the site to city facilities in the immediate area. Impacts to city services such as fire and police protection are not anticipated to be greater than which currently exists.

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.”

Applicants Comments: The change of use will require no change to the structure or site.

Finding: No new construction is proposed as part of this conational use request, which would result in existing topography, soils, or other physical characteristics of the site being altered in a manner that would warrant a special study and/or report.

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.”*

Applicants Comments: No site changes will be required for the change in use.

Finding: The existing building is situated on the property in a manner which leaves no available area to provide landscaping, buffers, setbacks, berms, or other means of separating the conditional use request from adjacent uses. The proposed change of use will be fully contained within the existing building, which is adequate to maintain separation from adjoining buildings and uses located in the immediate area.

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. One loading space with a minimum width of 12' by 55' in length and height of 14' shall be required. If additional parking is requested, the applicant shall comply with parking standards in Article 7.
3. A minimum of one (1) bicycle space is required. The applicant shall submit a plan for review and approval by the planner as a condition of approval.
4. Applicant shall submit a sign permit application for review and approval prior to installing the proposed 7' x 10' sign on the building's façade. A building permit is also required.
5. A maximum occupancy load sign for 49 persons shall be installed and posted per Building Official requirement.

6. Quarterly cleaning of bird guano that accumulates at the front of the building or installation of spike strips on roosting areas of the roof shall be installed to keep the front area clean and mitigate public health and safety concerns. The latter requires administrative approval for historic review compliance per Article 6.

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

MAR 15 REC'D

BUILDING CODES



CITY OF ASTORIA
BUILDING DEPARTMENT
CITY CLERK'S OFFICE

No. CU 16-03

paid 3/17/16
Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 1215 Duane

Lot 1 Block 66 Subdivision McClures

Map 8CD Tax Lot 1700 Zone C-4

Applicant Name: Rickenbach Construction Inc.
Mailing Address: 37734 Eagle Lane, Astoria, OR 97103

Phone: 425-417-6512 Business Phone: 503-325-3749 Email: trishbright@comcast.net & michelle@rcibuilds.com

Property Owner's Name: Trish Bright

Mailing Address: 13868 65th PI NE Kirkland, WA 98034-4900

Business Name (if applicable): Blue Mars LLC

Signature of Applicant: Trish Bright Michael Ruffenbach Date: 3/14/16

Signature of Property Owner: Trish Bright Blue Mars LLC Date: 3/14/16

Existing Use: A-2 Assembly - The new use would be an A-3 Assembly use which has less restrictions than an A-2 occupancy.

Proposed Use: Indoor Family Entertainment ^{to locate} on first and second floor ^{Museum of Whimsy} of being meeting space in C-4 retain use of building for meetings

Square Footage of Building/Site: 4330 sf on first floor

Proposed Off-Street Parking Spaces: 10 to 12 parking spaces adjacent to 1303 Exchange Street.

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

<i>For office use only:</i>			
Application Complete:	<u>3/17/16</u>	Permit Info Into D-Base:	<u>3/21/16</u>
Labels Prepared:	<u>3/21/16</u>	Tentative APC Meeting Date:	<u>**tentative** 4/26/16</u>
120 Days:	<u>7/15/16</u>		

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

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

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

The previous Conditional Use Permit for this building was granted for a Banquet Room on the first floor and a meeting space/single use transient housing on the second level. The change to a museum family entertainment with meeting space has very similar demands as the Banquet Room. The front entrance is accessible to the public. Public parking along the street site is available for handicap parking. There will be additional private parking located adjacent to 1303 Exchange Street for use by both customers and employees.

The downtown district has other museum buildings close to the district edges. The addition of a museum at this location adjacent to the Heritage Square, Liberty Theater and other historical venues will be an asset to the downtown district and will not be in competition with any existing businesses.

The museum hours will be 10:00 am to 4:00 pm daily. It will be closed one day a week which has not been determined yet. The meeting and reception space will be available from 6:00 pm to 9:00 pm. The museum/meeting space will have a retail gift shop and candy counter for museum visitors. The museum exhibits will be whimsical items from 1850 up to today.

The museum will have a sign mounted on the façade directly above the door at the same location the previous sign was approved and located at. The plan is to use the existing sign from the Cupcake Parlor and repaint it for use with the museum. The sign is 7'-0" wide x 10" tall.

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.

The change from a Banquet Room to Museum will have no greater effect, if not less effect on any transportation activities. The building has public access along Duane and 12th Street for access to the building. The museum will not house large collection that will be temporary and will not need loading areas. The refuse collection is handled along 12th Street and will continue in this area. There will be no change to the traffic movement in this area.

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

The change in use will have no additional effect on the public utilities that are available on site.

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

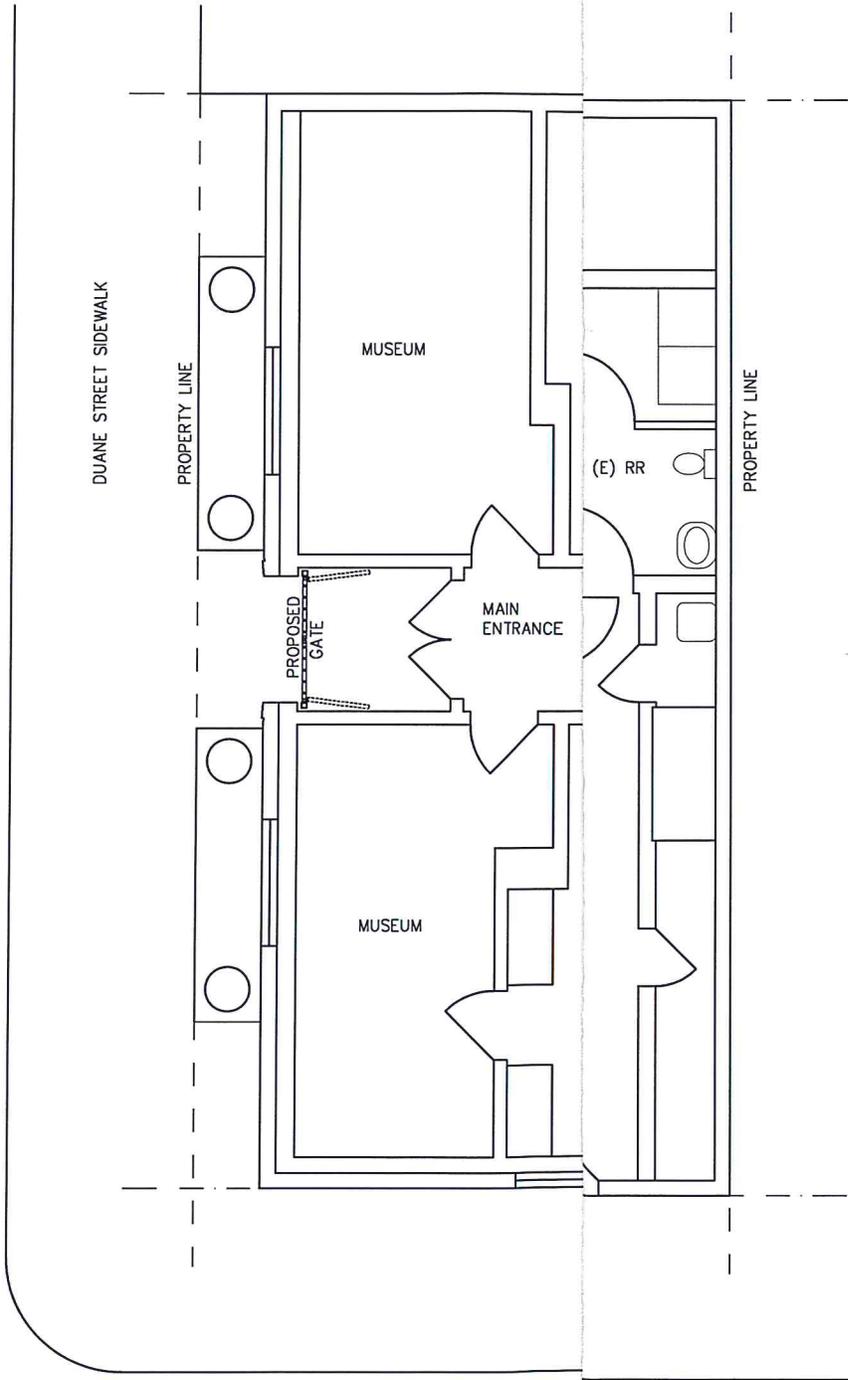
The change of use will require no changes to the structure or site.

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

No site changes will be required for the change in use.

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

This project is not a housing development.



rci **RICKENBACH CONSTRUCTION INCORPORATED**
 Office: 503.332.3748 • Fax: 503.332.8595
 3724 Edge Lane, Astoria, OR 97103
ARCHITECT: MICHELLE DIEFFENBACH

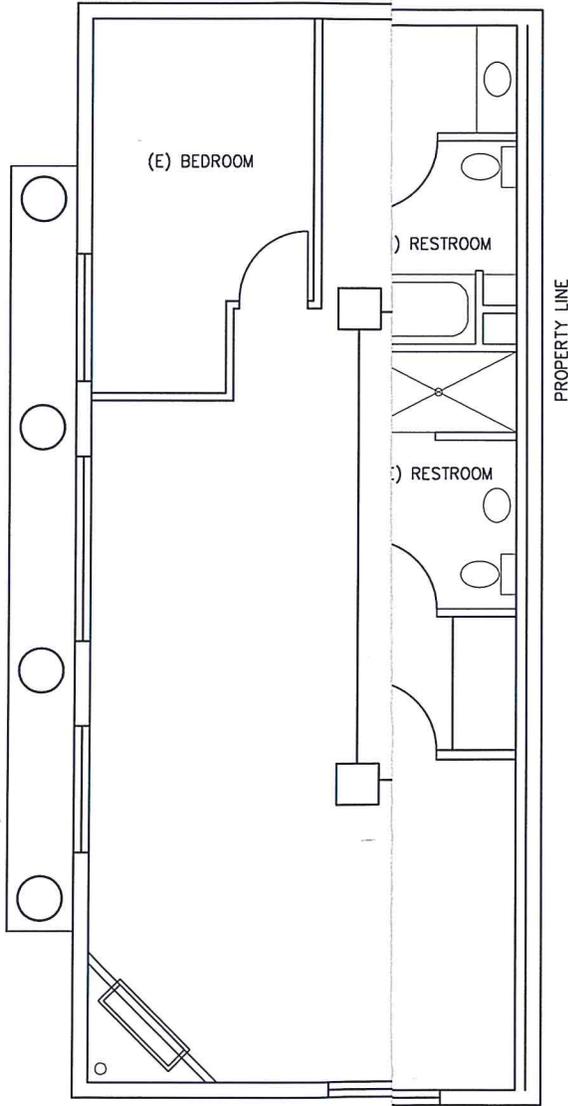
BANKERS SUITE
 1215 DUANE
 ASTORIA, OR 97103

BLUE MARS LLC
 TRISH & WALTER BRIGHT
 13868 65TH PLACE
 KIRKLAND, WA 98034
 425-417-6512

PRE-LIMINARY
 DATE: 3-15-16
 DATE REVISED: ---

DRAWN BY: MRD
 FILE NAME: ---

SHEET:
 A-1



rci **RICKENBACH CONSTRUCTION INCORPORATED**

Office: 503.325.3748 • Fax: 503.325.5105
31234 Eagle Lane, Astoria, OR 97103

ARCHITECT: MICHELLE DIEFFENBACH

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PRE-LIMINARY

DATE:
3-15-16
DATE REVISED:

DRAWN BY:
MRD
FILE NAME:

SHEET:
A-2



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

April 19, 2016

TO: ASTORIA PLANNING COMMISSION
FROM: KEVIN A. CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: AMENDMENT REQUEST (A16-01) BY COMMUNITY DEVELOPMENT DIRECTOR TO AMEND ARTICLE 9 – ADMINISTRATIVE REVIEW PROCEDURES IN DEVELOPMENT CODE

I. BACKGROUND SUMMARY

- A. Applicant: Kevin A. Cronin, AICP
Community Development Department
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Astoria Development Code to update and streamline the administrative review proecures for types of land use applications.
- C. Location: Citywide
- D. Concurrent Application: A16-02 Affordable Housing Amendments

II. BACKGROUND

Article 9 of the Development Code describes administrative procedures for reviewing land use applications. This section has not been substantially updated, but has had specific amendments to implement other adopted plans such as a historic preservation ordinance (2013), solar energy standards (2013), and the Transportation System Plan (2014). The City Council adopted a FY 15-16 goal to...“promote positive economic development through strengthening partnerships and streamlining processes.” The proposed amendments streamline and categorize types of applications for easier processing. Specifically, it creates a shared set of expectations between the applicant and city staff for how the City processes certain applications from “over the counter” review to legislative amendments such as this request.

The proposed Development Code text amendments include:

1. A new reference table that categorizes all land use applications from Type I through Type IV with differing levels of review requirements. Currently, this section is silent on types of applications and does not list the various zoning related applications that are required for review.
2. Add a section that spells out the Community Development Director's roles and responsibilities. Although these roles are commonplace in planning departments, not all customers are aware of these expectations and shine a level of transparency to the process for applicants.
3. Add a zoning checklist for incoming applicants to encourage a thorough and smooth application submittal and create a shared set of expectations from the pre-application phase to when the applicant submits a full application. A checklist does not exist and was identified as a simple tool to help both staff and applicants track the requirements for each application that may have different needs. An example is attached for reference.
4. Increase the notice radius requirement from 100 to 200 feet for most applications and add an onsite notice provision to encourage transparency and communication in the land use process. Currently, only property owners receive notice. On site notice conveys information to renters and the larger neighborhood to engage in the planning process.
5. Make miscellaneous "housekeeping" amendments related to references to the above noted amendments.

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

The Planning Commission held two work sessions open to the public on February 23 and March 22 where the Commission reviewed the purpose and intent and proposed code amendments. In accordance with Section 9.020, a notice of public hearing was published in the *Daily Astorian* on April 19, 2016. The proposed amendment is legislative (Type IV) as it applies citywide. Finally, notice of Planning Commission meetings is also broadcast via email to those on an interested parties list.

B. City Council

The City Council is expected to hold a public hearing on May 16, 2016 if the Planning Commission recommends approval of the code amendments.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020.A states that *"an amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City*

Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.”

Finding: The proposed amendments to the Development Code are being initiated by the Community Development Director.

B. Section 10.050(A) states that *“The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 9 concerning Administrative Procedures. The amendment would create new categories for all land use applications and streamline the development review process. The proposed amendments are applicable to the entire Development Code and therefore a citywide regulation. Processing as a legislative action is required.

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

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

Finding: The City Council adopted a FY 15-16 goal to streamline the development process. As part of a larger evaluation of the development review process, the Community Development Director identified needed changes to Article 9 to implement the goal and has initiated the text amendment.

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

Finding: The proposed amendments create streamlined development review standards to encourage a compact urban form. The proposed ordinance is intended to provide the guidance to help achieve these goals through the overall development review process.

3. CP.470(1), Citizen Involvement states that *“Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies.”*

Finding: The Planning Commission has held two work sessions over the last two months with notices sent to interested parties via an email list, and posted to the City website. Anyone interested in the proposed changes was encouraged to submit suggestions and comments. In addition, the proposed changes include a wider notice radius and on site notice for quasi-judicial hearings (Type III).

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

Finding: The proposed amendment does not directly address or impact land and water use needs. However, streamlining the development review process will facilitate the redevelopment of private properties and indirectly encourage the use of more land.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code as well as implements a City Council goal. Staff recommends that the Planning Commission recommend adoption of the proposed amendments to the City Council and schedule a public hearing to take public comment.

ARTICLE 9
ADMINISTRATIVE PROCEDURES

9.010	Application Information and <u>General Review</u> Procedures	9 - 1
9.015	Community Development Director Duties.....	9 - 7
9.020	Public Notice	9 - 38
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9.080	Filing Fees	9 - 183
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9.010. APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES.

A. Purpose

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

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

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

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2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the

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Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. In the case of a Quasi-Judicial zone change, a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

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4. Type IV Procedure (Legislative Review). The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

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Table 9.010 – Summary of Approvals by Type of Review Procedure		
Approvals**	Review Procedures	Applicable Regulations
Zoning Checklist Review*	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 9.010.A.4
Access to a Street	Type I	Article 3.005 and the standards of the applicable roadway authority (City/County/ODOT)
Accessory Dwelling Unit	Type I	Section 3.020
Annexation	Type IV	See Oregon Revised Statute 222
Appeal	Type II-IV	Article 9.040
Code Text Amendment	Type IV	Article 10.070
Comprehensive Plan Amendment	Type IV	Article 9.X 10.050
Conditional Use Permit	Type III	Article 11.X
Design Review (Gateway Overlay)	Type III	Article 14
<u>Historic Properties</u>		
Demolition	Type II, III	Article 6.080
Exterior Alteration	Type II, III	Article 6.050
Landmark Designation	Type III	Article 6.040
Historic District Establishment	Type IV	Article 6.030
Historic Designation Removal	Type I	ORS 197.772
New Construction	Type III	Article 6.070
Erosion Control & Grading	Type I	Article 3.305
Extension Request	Type I, II, III	Article 9.100
Home Occupation		Class A: No permit Class B: Type II See Article 3.095
Legal Lot Determination	Type I	Article 1.350
Master Planned Development[§]		
—Concept Plan	Type III	Article X
—Detailed Plan	Type III	Article X
Miscellaneous Review	Type III	Article 8.080

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Table 9.010 – Summary of Approvals by Type of Review Procedure		
Approvals**	Review Procedures	Applicable Regulations
Modification to Approval or Condition of Approval	Type I, II or III	Article 10
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Article 3.180-3.200
<u>Parking Exception</u>	<u>Type II</u>	<u>Article 7.062</u>
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type I	Article 13.200 & 13.300 Article 13.120
Property Line Adjustments, including Lot Consolidations*	Type I	Article 13.X
<u>Microwave Satellite Dish</u>	<u>Type I, III</u>	<u>Article 3.150</u>
<u>Sign</u>	<u>Type I, II, III</u>	<u>Article 8.060</u>
Site Design Review*	Type II or III	Article .X
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type I	Article 13.100 Article 13.130
<u>Wireless Communication Facility</u>	<u>Type II, III</u>	<u>Article 15.090</u>
Variance Zoning Map Change	Type II Type III or IV	-Article 12.060 Article <u>10.050, 10.070</u>

**New Additions to Administrative Procedures

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

City of Astoria
Development Code

A. Content.

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

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

B. Submittal.

A complete application and all supporting documents and evidence must be submitted at least 28 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.

C. Complete Application.

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

D. Incomplete Application.

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

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City of Astoria
Development Code

E. Multiple Requests.

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

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

F. Staff Report.

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

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

G. Pre-Application Meeting.

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

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

H. Determination of Permit Process.

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

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

I. Applications for Development Review.

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

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

City of Astoria
Development Code

application; or

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

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

J. Coordinated Review.

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

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

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

- A. Prepare application forms based on the provisions of this Code and applicable state law;
- B. Prepare required notices and process applications for review and action;

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City of Astoria
Development Code

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

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9.020. PUBLIC NOTICE.

A. Mailed Notice - Content.

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

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

City of Astoria
Development Code

submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be obtained.

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

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 4200 feet.
 - c. Conditional Use - 2400 feet.
 - d. Variance - 2400 feet.
 - e. Miscellaneous Review - 2400 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 2400 feet.
 - g. Historic District Establishment - Owners of property abutting or within the boundaries of the proposed District.

(Section 9.020(B.1.g) amended by Ordinance 13-10, 11-4-13)
 - h. Appeals - Parties to the record.
 - i. Design Review - 2400 feet.

(Section 9.020(B.i) added by Ordinance 98-04, 5-4-98)

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Development Code

- j. Wireless Communication Facility – 500 feet.
(Section 9.020(B.1.j) added by Ordinance 13-10, 11-4-13)
- k. Solar Facility, Administrative Conditional Use – 100 feet.
(Section 9.020(B.1.k) added by Ordinance 13-10, 11-4-13)
- l. Solar Facility, Planning Commission Conditional Use – 250 feet.”
(Section 9.020(B.1.l) added by Ordinance 13-10, 11-4-13)

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

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

C. Published Notice.

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

- D. For Type III applications, at least 14 days before the first hearing, the Community Development Director or designee shall post notice of the hearing on the project site in clear view from a public right-of-way. Posting near the main entryway inside a storefront window of a commercial or industrial building visible to the public is allowable.

9.030 QUASI-JUDICIAL PUBLIC HEARING PROCEDURES AND REQUIREMENTS.

A. Procedural Entitlements.

(Adopted 10-8-92)

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STAFF REPORT AND FINDINGS OF FACT

April 19, 2016

TO: PLANNING COMMISSION
FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: AMENDMENT REQUEST (A16-02) BY COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT CODE CONCERNING USES WITHIN THE R-x AND C-x Zones.

I. BACKGROUND SUMMARY

- A. Applicant: Kevin A. Cronin, AICP
Community Development Director
City of Astoria
1095 Duane Street
Astoria, OR 97103
- B. Request: Amend the Development Code to include definitions for tiny homes and townhouses, adding standards for attached single family units, adding flexibility for front yard setback for historic building patterns, removing restrictions for accessory dwelling units (ADUs), and allowing “tiny homes” as ADUs.

Development Code Sections: Article 1: Definitions, Article 2: R-1, R-2, R-3, C-1, C-3, C-4, & Article 3: Accessory Dwelling Units
- C. Location: Citywide
- D. Zone: Multiple (see above)
- E. Previous Applications: A concurrent application (A16-01) is being heard by the Planning Commission to amend Article 9 – Procedures.

II. BACKGROUND

The Astoria Development Code (Code) outlines what is allowable in each zoning district with specific standards to implement the zone, including: density, lot size, setbacks, lot coverage, and height. In addition to purely residential zones (R-x), the Development Code encourages a compact urban form through mixed use development in traditional commercial zones (C-x) which is the historic building pattern in Astoria and the rest of the country prior to WW II. The Code also allows accessory

dwelling units - also called “mother-in-law units” or “granny flats” – in certain zones under strict conditions.

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

Regional supply is at an all-time low in every housing category and demand is at an all-time high as a result of the North Coast’s historically low unemployment rate among other factors (City/County Building Permits 2011-2016). With this backdrop, the Community Development Department has proposed a set of new zoning standards to achieve the goal of creating more housing supply. The following objectives will help achieve this goal:

- Reduce the minimum lot size from 5,000 to 4,500 SF. This will create more developable lots through 2-3 lot partitions from land that typically has a single-family detached dwelling. In many cases this is already happening through granting of 122 variances since 2009. The change codifies what is happening in practice.
- Create clear and objective standards for single family attached units (rowhouses/townhouses) for R-x zones. A case study (Attachment 2) illustrates two examples of each attached unit building type.
- Reduce minimum lots sizes for duplexes and multi-family units under certain conditions.
- Provide more flexibility in C-x zones to facilitate mixed-use development.
- Reduce the restrictions on accessory dwelling units to encourage more basement and garage conversions as well as for construction of new units built above new garages or as part of new single family detached construction.
- Allow and encourage “tiny homes” to be placed on a single family lot under certain conditions.

A summary table of the code revisions can be found on Attachment 1. The Planning Commission has held two work sessions (February 23 and March 22) to review the proposed revisions. If the APC recommends approval, the proposal will be forwarded to the City Council for consideration tentatively at their May 16, 2016 meeting.

III. PUBLIC REVIEW AND COMMENT

Planning Commission

A public notice was mailed to Neighborhood Associations and interested parties on April 5, 2016. In accordance with Section 9.020, a notice of public hearing was published in the *Daily Astorian* on April 19, 2011. The proposed amendments are legislative as they apply citywide. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

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

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

- B. Section 10.050(A) states that *“The following amendment actions are considered legislative under this Code:*

1. *An amendment to the text of the Development Code or Comprehensive Plan.*
2. *A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate.”*

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

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

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

Finding: The Comprehensive Plan and Development Code establish specific uses allowed in each zone. The evolving development pattern over the last 10 years has seen an increased need for affordable housing and a need for adaptive reuse of existing commercial properties. The

proposed amendments are aimed at addressing inconsistencies between residential and commercial zones to encourage more housing options.

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

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

Finding: The proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities and maximizes the recent investments in stormwater treatment. The R-x and C-x zones that are under review allows residential uses and the ability to utilize land more efficiently, including existing commercial buildings, and would encourage redevelopment of vacant properties and houses. It will also allow almost all parts of a commercial building to be used reducing the amount of vacant space. In addition, the City's Buildable Lands Inventory (2011) indicates the supply of residential land is at a deficit of 15 acres. The proposed changes will allow Astoria to maximize existing land within the urban growth boundary (UGB) by encouraging infill and redevelopment of underutilized properties.

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

CP.220.8 concerning Housing Policies states that *“Astoria's historic neighborhoods are recognized as some of the City's most significant assets, and should be protected through the Historic Preservation Ordinance, and other City actions to protect individual structures and neighborhoods. Wherever possible, renovation of existing structures should be carried out in lieu of demolition or new construction.”*

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

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

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

Finding: The proposed amendments in total encourage infill and redevelopment thereby encouraging a compact urban form that facilitates alternative transportation options. Residential use on most floors is allowed as an outright use in most zones. The amendments primarily would only change the parameters for lot sizes and density requirements. Therefore, the traffic impact would be minimal for any residential use regardless of the proposal as long as it is consistent with the zoning code. The proposed amendment codifies attached single family units that is already being built and apply it to R-x zones. Therefore it should not impact the transportation facilities in and adjacent to the proposed zones. Finally, the Transportation System Plan (2013) contemplated the development of a compact urban form on the overall service levels and by policy encourages infill and redevelopment. The amendment is not subject to review under the TPR.

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

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

V. CONCLUSION AND RECOMMENDATION

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

Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council for a public hearing, review, and adoption.

City of Astoria
Development Code

R-1 Zone

ARTICLE 2

USE ZONES

R-1: LOW DENSITY RESIDENTIAL ZONE

2.015. PURPOSE.

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

2.020. USES PERMITTED OUTRIGHT.

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

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

(Section 2.020.8 added by Ordinance 14-03, 4-21-14)

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City of Astoria
Development Code

R-1 Zone

2.025. CONDITIONAL USE PERMITTED.

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

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

2.030. LOT SIZE.

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

1. The minimum lot size for a single-family dwelling will be 5,000 square feet.
The minimum lot size for a duplex will be 5,000 square feet.
2. The minimum lot width for all uses will be 45 feet.
3. The minimum lot depth for all uses will be 90 feet.

2.035. YARDS.

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

Article 2 – Page 2

(Adopted 10-8-92)

City of Astoria
Development Code

R-1 Zone

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

2.040. LOT COVERAGE.

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

2.045. HEIGHT OF STRUCTURES.

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

2.050. OTHER APPLICABLE USE STANDARDS.

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

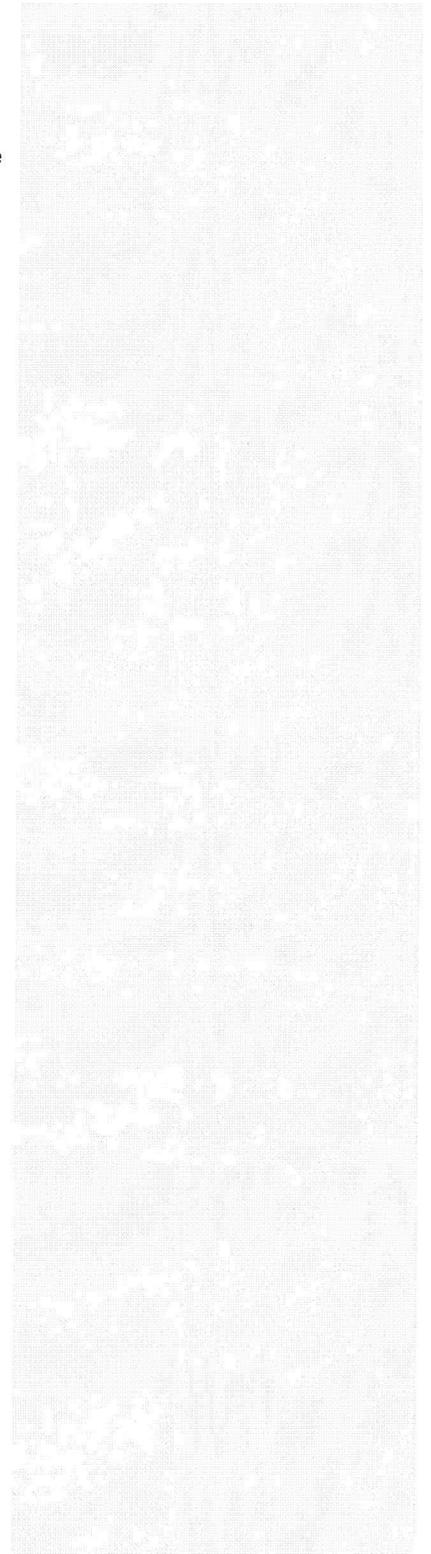
City of Astoria
Development Code

R-1 Zone

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

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

(Adopted 10-8-92)



R-2: MEDIUM DENSITY RESIDENTIAL ZONE

2.060. **PURPOSE.**

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

2.065. **USES PERMITTED OUTRIGHT.**

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

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

City of Astoria
Development Code

R-2 Zone

2.070. CONDITIONAL USES PERMITTED.

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

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

(Section 2.070.12 added by Ordinance 95-05)

2.075. LOT SIZE.

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

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

Article 2 – Page 6

(Adopted 10-8-92)

City of Astoria
Development Code

R-2 Zone

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

2.080. YARDS.

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

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

1. The minimum front yard will be 210 feet. Zero lot line will also be considered if the predominant development pattern in the neighborhood includes zero lot line or setbacks of 5 feet or less.
2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.

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

(Section 2.080 amended by Ordinance 95-05)

2.085. LOT COVERAGE.

Buildings will not cover more than 45 percent of the lot area.

2.090. HEIGHT OF STRUCTURES.

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

City of Astoria
Development Code

R-2 Zone

2.095. OTHER APPLICABLE USE STANDARDS.

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

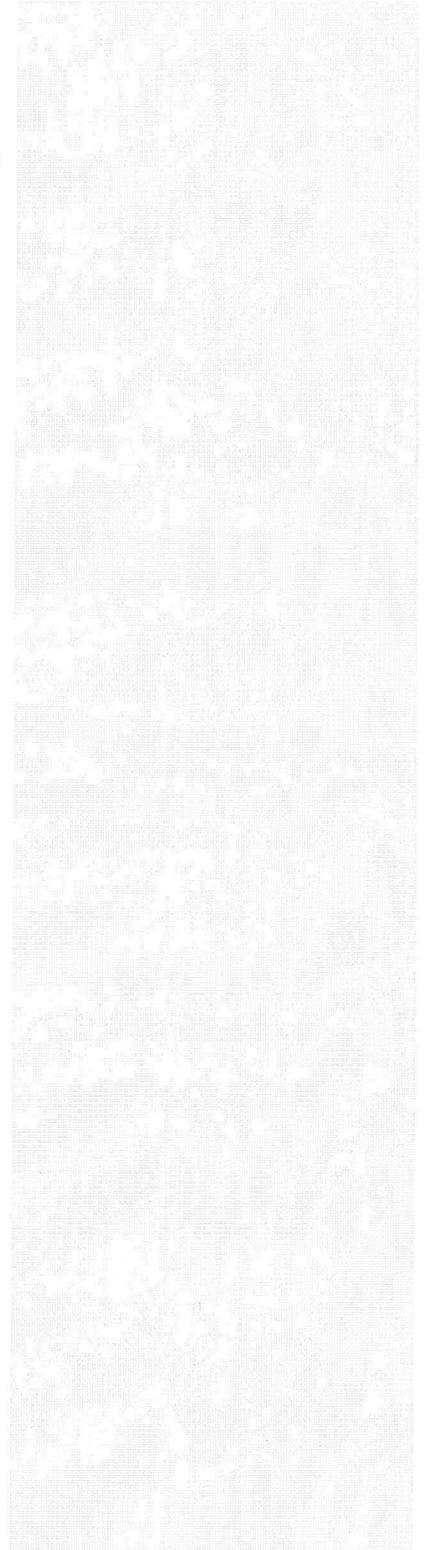
Group housing resident density is limited to two (2) residents per 1,000 square feet of total gross floor area. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site under a valid Home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

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Development Code

R-2 Zone

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

(Adopted 10-8-92)



R-3: HIGH DENSITY RESIDENTIAL ZONE

2.150. PURPOSE.

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

2.155. USES PERMITTED OUTRIGHT.

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

1. Single-family dwelling.

2. Two-family dwelling (Duplex).

3. Rowhouses and townhouses

34. Multi-family dwelling.

45. Accessory dwelling unit.

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

56. Family day care center.

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

78. Home stay lodging.

89. Manufactured dwelling in an approved park.

910. Manufactured home. See Section 3.140.

101. Residential facility or residential home.

12. Transportation facilities.

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

City of Astoria
Development Code

R-3 Zone

2.160. CONDITIONAL USE PERMITTED.

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

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

(Section 2.160.11 added by Ordinance 95-05)

2.165. LOT SIZE.

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

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

City of Astoria
Development Code

R-3 Zone

- 34. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus 1,500 square feet for each unit in excess of one up to 26 units per acre.
- 45. The minimum lot width will be 45 feet.
- 56. The minimum lot depth will be 90 feet.

2.170. YARDS.

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

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

- 1. The minimum front yard will be 20 feet. Zero lot lines will be considered if the predominant development pattern in the neighborhood includes no setbacks or setbacks of five feet or less.
- 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
- 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.

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

(Section 2.170 amended by Ordinance 95-05)

2.175. LOT COVERAGE.

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

2.180. HEIGHT OF STRUCTURES.

No structure will exceed a height of ~~35~~42 feet above grade.

2.185. OTHER APPLICABLE USE STANDARDS.

City of Astoria
Development Code

R-3 Zone

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

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

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

C-1: NEIGHBORHOOD COMMERCIAL ZONE

2.300. PURPOSE.

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

2.305. USES PERMITTED OUTRIGHT.

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

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

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C-1 Zone

(Section 2.305.9 added by Ordinance 14-03, 4-21-14)

2.310. CONDITIONAL USES PERMITTED.

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

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

2.315 YARDS.

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

2.320. LOT COVERAGE.

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

2.325. LANDSCAPED OPEN AREA.

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

2.330. HEIGHT OF STRUCTURES.

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

2.335. OTHER APPLICABLE USE STANDARDS.

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

Article 2 – Page 15

(Adopted 10-8-92)

City of Astoria
Development Code

C-1 Zone

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

C-3: GENERAL COMMERCIAL ZONE

2.385. PURPOSE.

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

2.390. USES PERMITTED OUTRIGHT.

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

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

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C-3 Zone

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

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

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

2.395. CONDITIONAL USES PERMITTED.

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

1. Animal hospital or kennel.

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C-3 Zone

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

2.400. LOT COVERAGE.

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

2.405. LANDSCAPED OPEN AREA.

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

2.410. HEIGHT OF STRUCTURES.

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

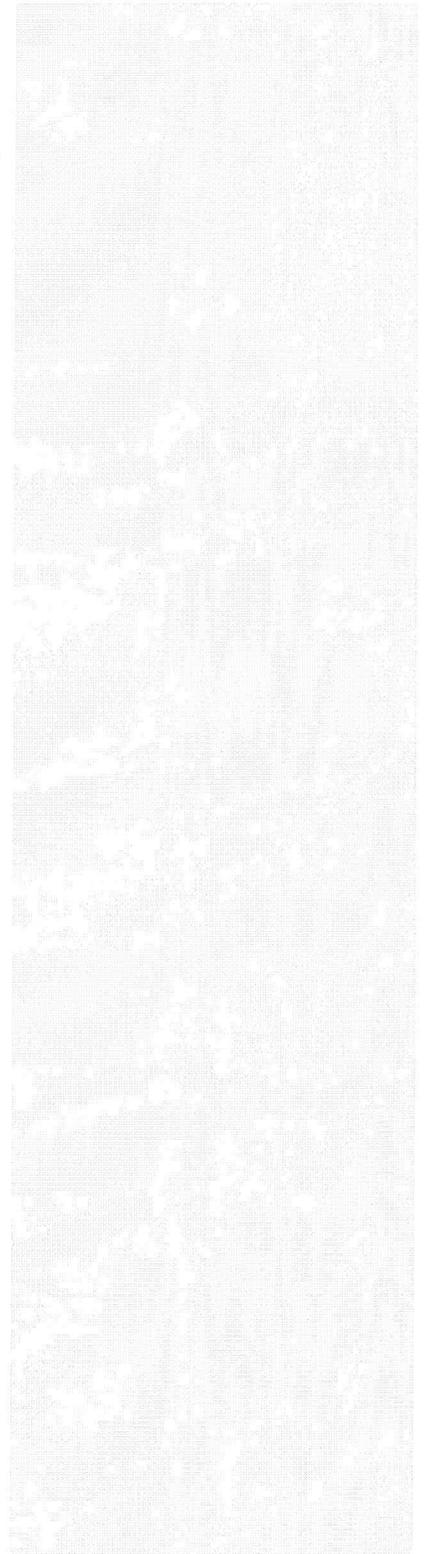
2.415. OTHER APPLICABLE USE STANDARDS.

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

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C-3 Zone

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



C-4: CENTRAL COMMERCIAL ZONE

2.425. PURPOSE.

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

2.430. USES PERMITTED OUTRIGHT.

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

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

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C-4 Zone

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

2.435. CONDITIONAL USES PERMITTED.

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

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

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C-4 Zone

11. Conference Center.

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

2.440. HEIGHT OF STRUCTURES.

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

2.445. OTHER APPLICABLE USE STANDARDS.

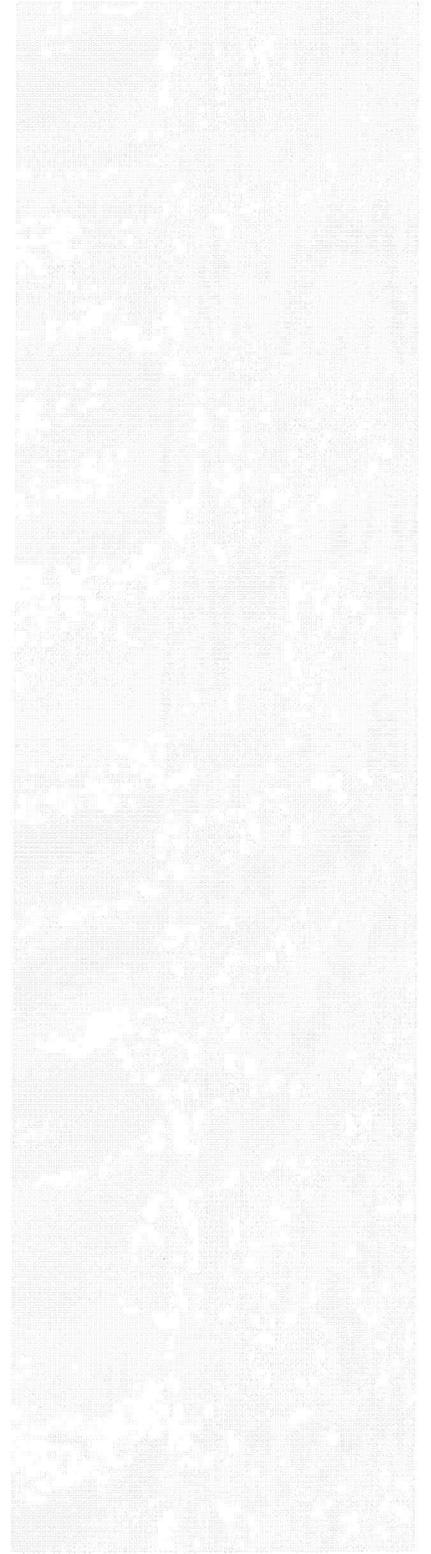
1. Drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle are not allowed for uses permitted in this zone, unless the facilities are in conjunction with a financial institution.
2. Outdoor sales and/or service areas over 100 square feet in size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

City of Astoria
Development Code

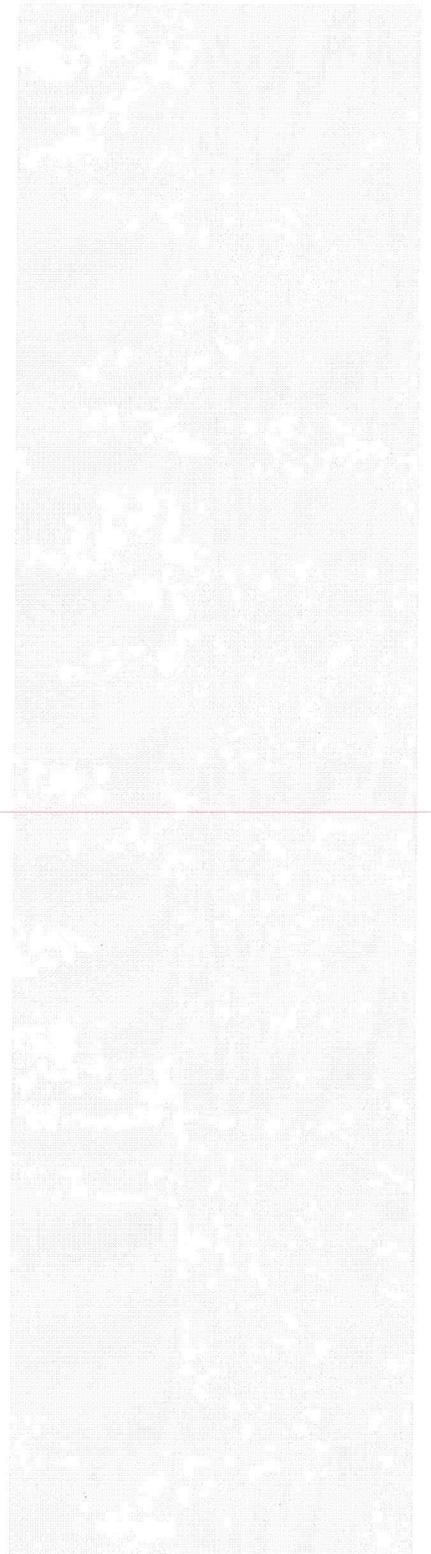
C-4 Zone

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

(Adopted 10-8-92)



City of Astoria
Development Code



(Adopted 10-8-92)

3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

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

B. Standards.

1. Size.

a. Primary Structure.

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

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller.

2. Creation of the Unit.

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

b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. ~~The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing~~

service to communication devices such as telephone, television, and other communication devices.

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

3. Location of Entrances for Main House.

In addition to the main entrance, one entrance to the house for the ADU may be located on the side or rear of the house. An additional entrance shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion.

4. Zones in Which Permitted.

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

5. Owner Occupancy.

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

6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,00 square feet as required in Article 2. ~~There is no minimum lot size for other zones.~~

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7. Off-Street Parking Requirements.

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

8. Age of Home.

~~An Accessory Dwelling Unit may be allowed in homes originally constructed a minimum of 50 years prior to the application for the Accessory Dwelling Unit.~~

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C. Permits.

1. Permit Required.

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

2. Expiration of Permit.

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

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or
- b. The subject lot ceases to provided the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:
 - a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.

- b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
 - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".
2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
- a. The permit review shall be in accordance with Article 9 concerning Type II administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; -and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and
 - 3) That the granting of the permit will not create a safety hazard.
3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040.

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

Additions to Definitions Section of Development Code

Article 1: Section 1.400

Tiny Home: An accessory dwelling unit that is less than 500 square feet, a manufactured dwelling constructed off site according to Section 1.400, and either certified by HUD manufactured dwelling standards for permanent living or through

Comment [KC1]: Proposed additions to the Development Code require additions to the definition section.
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Recreation Vehicle Industry Association safety standards for temporary living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

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

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Attachment 1: A 16-02: Development Code Update

Affordable Housing Text Amendment

Number of related permits issued

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

Zoning Matrix Overview: Existing v. Proposed Standard

Residential Zone/ Type	Existing Standard	Proposed Standard	Notes
<i>R-1: Low Density</i>			
SFR Lot Size	5,000	5,000	No change
Duplex	None	5,000	Conditional use
Townhouses	N/A	No change	Limited lots available
Height*	28 feet	No change	
<i>R-2: Medium Density</i>			
SFR Lot Size	5,000	4,500	Encourage partitions
Duplex	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 2,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	Up to 16 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,500 (2 nd ...)	Up to 16 units/acre
	28 feet	36 feet	Up to 3 stories
<i>R-3: High Density</i>			
SF Detached Lot Size	5,000	4,500	Encourage partitions
Duplex (Two Family)	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 1,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	26 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,000 (2 nd ...)	16 units/acre
Height	35 feet	42 feet	Up to 4 stories
ADUs	R-1 (CUP), R-2, & R-3	Outright in all R Zones	More flexibility with types and conversions
Townhouses	N/A	R-2 (CUP) & R-3	New building type
Rowhouses	N/A	R-2 (CUP) & R-3	New building type outside Mill Pond
<i>Short Term Rentals</i>			
Homestay Lodging	R-1 (CUP), R-2, R-3	No change	Owner occupied
Bed & Breakfast	R-2/R-3 CUP	No change	Owner or manager with breakfast meal served
Vacation Rental	None (Commercial Zones only)	No change	No owner occupied requirement

*Building story = 10' 6" per floor for multifamily

Attachment 2

Townhouse v Rowhouse: Two Astoria Case Studies

Market View Townhomes (Rowhouses @ 1133 Franklin)

- Zoning: C-4 Central Commercial (Downtown District); Conditional use for multi-family above commercial.
- 6 unit rowhouses on individual lots and one common lot for rear access to carports.
- Similar architectural style and same color
- Density: 6 units X 666 SF = ~ 4,000 SF – Common Area = 8,712 SF = 12,712 SF
- 12,712 SF X 16 units per acre (R-2 Zone) = 4.7 or 5 units per acre
- Parking: Ground floor garages accessed from Grand Ave

Columbia Landing Townhomes (29th Ave & Log Bronc Way)

- Zoning: C-3 General Commercial – Multi-family outright permitted
- 4 unit townhouse project on individual lots and a common area
- Differing architectural styles, but same color
- No required minimum or maximum density standard in Commercial Zones
- Density: 49,657 SF lot – 20 lots = 24,296 (Min: 1,386 up to Max: 2,036 for AVG 1,711 SF fee simple lots)
- 20 townhouse units X 24,296 SF = 11 units/acre
- Parking: Garages accessed from Maritime/Expedition Ln

Buildable Lands Inventory (2011)

Zone	Land Need/ Supply = Surplus/(Defecit) in Acres	Percentage of Supply	Notes
R1	115.4 / 25.2 = (90.2)	11.4%	Shortage of R1 – Single family
R2	51.2 / 75 = 23.8	34%	Close to equilibrium
R3	67 / 119.18 = 52.2	54%	Oversupply of R3, opportunity for different building types
Total	236.3 / 220.86 acres = (15.44)	< 1%	Global Supply UGB area (6,494 acres)

Takeaways

- New housing will be primarily focused in high density areas , including mixed use areas with commercial zoning because it works from a financial and land use perspective;
- The deficit is not as bad as it is portrayed by homebuilders who are focused on single-family detached market business model;
- New housing types - including rowhouses/townhouses - are needed to diversify housing supply to meet changing demographics and preferences, and reality of land prices and availability;
- Design of the site and buildings are keys to successful outcomes; most of Astoria is governed by Gateway or Historic District design review guidelines; and
- Parking and slope are the biggest land use obstacles to redevelopment.