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# AGENDA

## ASTORIA PLANNING COMMISSION

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July 26, 2016  
6:30 p.m.  
2<sup>nd</sup> Floor Council Chambers  
1095 Duane Street · Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. June 28, 2016
4. PUBLIC HEARINGS
  - a. Conditional Use CU16-07 by Katrina and Aaron Gasser to utilize a finished bedroom and bath in the basement for a homestay lodging at 774 Alameda in the R-1, Low Density Residential zone.
  - b. Conditional Use CU16-08 by Jeremy Towsey-French to locate a ciderworks (light manufacturing) and small taproom in an existing commercial building at 1343 Duane Street, Suite B in the C-4, Central Commercial zone
5. STATUS REPORTS / ANNOUNCEMENTS
  - a. Parks Master Plan
  - b. Museum of Whimsy
  - c. Astor West Urban Renewal District Expansion Open House July 28, 2016
  - d. August 2, 2016 Planning Commission Meeting
6. REPORT OF OFFICERS
7. PUBLIC COMMENTS (Non-Agenda Items)
8. ADJOURNMENT

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

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
June 28, 2016

### CALL TO ORDER:

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

### ROLL CALL:

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

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

### APPROVAL OF MINUTES:

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

### PUBLIC HEARINGS:

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

### ITEM 4(a):

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

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

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

President Pearson asked Staff to present the Staff report.

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

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

Commissioner Moore asked if the legality of the operation was a review criterion. Planner Ferber said distributing marijuana would trigger a review by the Oregon Liquor Control Commission (OLCC) and the Police Department. However, the Applicant would just be growing plants. Staff cannot create conditions of approval for illegal activities, so illegal activities are not reviewed. City Attorney Henningsgaard further explained that possessing and growing marijuana is illegal under federal law, but is decriminalized under State law. He did not know how the decriminalization process would apply to research and development.

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

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

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

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

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

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

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

Commissioner Mitchell asked what Ms. Stevens' concerns were.

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

President Pearson called for the Applicant's rebuttal.

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

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

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

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

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

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

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

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

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

President Pearson read the rules of appeal into the record.

ITEM 4(b):

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

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

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

President Pearson asked Staff to present the Staff report.

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

Ian Sisson, Parks and Recreation Planner, 1555 W. Marine Dr., Astoria, presented the updates made to the draft Master Plan and Staff report, and a memorandum summarizing the modifications made since the last hearing. The Citizen Advisory Committee and Parks Advisory Board unanimously voted to recommend that City Council adopt the Plan.

Vice President Easom said the Citizen Advisory Committee and Parks Advisory Board raised the priority level of staffing and maintenance. He asked if this was reflected in the revised Plan. Mr. Sisson stated that the Plan

communicates the priorities to decision makers in several ways. The implementation strategy prioritizes projects by recommendation completion dates for each action item. The recommendations are composed of narrative text and action items. Additionally, the Plan includes a matrix displaying the recommendations, projects, action items, and target completion dates. The executive summary also lists top priorities.

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

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

President Pearson called for public comments.

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

acreage. The park system should not be sliced and diced in order to deal with the issues. The Parks Department is responsible for many things he does not consider parks, yet their budget continues to decrease. The City should focus on ways to cut back on the non-park responsibilities that have been assigned to the Parks Department.

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

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

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

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

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

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

Vice President Easom said Mr. Hague made many good points. The City can never have enough open space and green space. He believed an oversupply of parks relative to population was immaterial. Land is not made, so the City must utilize what it has wisely. He agreed with Mr. Hague and was not in favor of selling park lands. He supported utilizing park lands in different ways while maintaining them. Once the properties are gone, they can never be recaptured. Even with a lack of buildable lots, Astoria's population will continue to grow. The City needs to preserve and protect what it has. He would approve this request with comments in opposition of selling park lands and hoped Council would consider the comments.

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

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

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

#### REPORTS OF OFFICERS/COMMISSIONERS:

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

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

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

Commissioner Innes said in this particular case, she felt like she could ask questions. She believed Commissioners did ask questions. It was regrettable that the Applicant did not have a long range plan, which put Staff in an unfavorable position. However, she believed it would not have been appropriate to continue the hearing until a long range plan was presented.

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

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

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

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

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

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

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

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

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

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

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

#### PUBLIC COMMENTS:

George Hague, 1 3<sup>rd</sup> Street, Astoria, said his letters to the Planning Commission were buried in the end of the 88-page Staff report. It would be nice if Commissioners were notified where public comments were located within the reports. He suggested Commissioners read public comments first and then review the Staff's reports. Sometimes, Commissioners miss the public comments because they are behind 80 pages of material. He walks around the city every day and has noticed that some of the large garbage bins around town need to be updated. Other cities set standards for those types of containers. The large doors are sometimes left open, but some cities provide bins with side doors that make dumping easier. At some two- and three-story buildings, like hotels, large slats are placed over the bins so that people looking down do not see into the garbage. He believed Astoria should adopt these standards, maybe over a ten year period. Staff should encourage business and property owners to fix and update the bins. Also, he asked the Planning Commission to consider where the Sunday Market would be located if a new library were built on Heritage Square. He has looked at the plans and understood all of the work that went into the plans. The City probably needs multi-family units above the library, but where would the residents park and where would the Sunday Market go? If the building were just a library, no cars would be parked at that location on Sundays, allowing the market to be located there. He hoped the Planning Commission and Staff could find a solution. As more multi-family units are built, the City will need more parks.

ADJOURNMENT:

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

**APPROVED:**

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Community Development Director

DRAFT

**STAFF REPORT AND FINDINGS OF FACT**

July 19, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, PLANNER *Nancy Ferber*

SUBJECT: CONDITIONAL USE REQUEST (CU16-07) BY KATRINA AND AARON GASSER TO OPERATE A ONE BEDROOM HOME STAY LODGING IN AN EXISTING DWELLING AT 774 ALAMEDA

I. Background

- A. Applicant: Katrina & Aaron Gasser  
774 Alameda  
Astoria OR 97103
- B. Owner: Katrina & Aaron Gasser  
774 Alameda  
Astoria OR 97103
- C. Location: 774 Alameda; Map T8N-R9W Section 18BC, Tax Lots 11170; Lots 6,7, west 1/2 of 5, Block 49, Taylor's
- D. Zone: R-1, Low Density Residential
- E. Lot Size: 75' x 100' (7,500 square feet)
- F. Request: To operate a one bedroom Home Stay Lodging with the owner residing full-time in an existing single-family dwelling
- G. Previous Applications: N/A

II. BACKGROUND

A. Site:

The residence is located on the west side of Alameda Ave in the South Slope area. The house faces the street with the driveway and garage access off Alameda. The front property line is approximately 15' from the paved portion of Alameda Street. There is no sidewalk on this portion of Alameda.



B. Adjacent Neighborhood:

The neighborhood is developed with primarily single-family dwellings. This site is two houses away from the R-3 zone to the west. The Gray School Campus (GSC) is located just to the east. A



standard lot is 5,000 square feet. This site is 7,500 square feet. Most lots are larger than standard lots with a mixture of substandard lots within one block of the site.

C. Proposal:

The applicant requests a permit to allow one bedroom in the dwelling to be rented for transient lodging. The City has different classifications of transient lodging facilities. A Bed and Breakfast has three to seven guest bedrooms and a Home Stay Lodging has one or two guest bedrooms. A Home Stay Lodging facility has one or two bedrooms and requires that the facility be owner occupied. Home Stay Lodging is an outright use in most zones but requires a conditional use permit in the R-1 Zone due to the lower density of the zone. The applicant is the property owner and would live in the house at the same time as the guests. The proposed use would require one additional off-street parking space which the applicant can provide. Community Development has shared the transient room tax and business license requirements with the applicant.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on July 1, 2016. A notice of public hearing was published in the *Daily Astorian* on July 19, 2016. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 1.400 defines "Bed and Breakfast" as "Any transient lodging facility which contains between three (3) and seven (7) guest bedrooms, which is owner or manager occupied, and which provides a morning meal."

Section 1.400 defines “Home Stay Lodging” as “A tourist accommodation with no more than two (2) bedrooms available for transient rental, and which is owner occupied. Such facilities may or may not provide a morning meal.”

Section 2.025(8) allows “Home Stay Lodging” as a Conditional Use in the R-1 Zone, in accordance with Article 11 concerning Conditional Uses.

Finding: The applicant proposes to utilize their finished basement which has one bedroom and one bathroom and advertise to guests on “AirBnB.” The owners understand the requirement to reside full-time when there are guests and will block out dates when they will not be available on site. The facility is classified as a Home Stay Lodging and is being reviewed as a Conditional Use.

- B. Section 2.050(1) states that “All uses will comply with applicable access, parking, and loading standards in Article 7”. Section 7.100(H) requires two spaces per dwelling unit and one additional space per bedroom for a Home Stay Lodging.

Finding: The proposed use will be in an existing single-family dwelling with one room, in the basement, for homestay lodging use. A total of three parking spaces are required for the proposed use. Two are required for a single family dwelling, one additional parking spot is required for each room utilized as homestay lodging.



There is a one car garage and paved driveway area sufficient for two off-street parking spaces. The third space is available on a grassy patch behind the garbage cans located in the photo above.

To comply with the Development Code, the applicant is required to locate three parking spots within their property. The site has the three required spaces needed to comply with the off-street parking requirements using spaces #1, #2 and #3a on the diagram.

While this site has the space to locate a third vehicle on the grassy patch (3a), it would be unsightly to have a car parked in what would look like the front yard. There is no sidewalk in front of the house, or the remaining four homes to the north on the block. Parking a vehicle between the property line and the street would technically be in the City’s Right of Way, but would not block any developed pedestrian route, and could be considered “off-street parking from a Public Works

perspective.” Area 3b is not considered off-street parking by Planning standards, but would be a better option than parking on the grassy area. Should the sidewalk be developed in this area, parking a third vehicle beyond the property line would no longer be an option and the third spot would need to be located at 3a.

The assistant City Engineer confirmed locating a third vehicle in the driveway (3b) would be approved by Public Works as long as there is no sidewalk constructed.



The applicant can provide the required on-site parking.

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

1. Comprehensive Plan Section CP.220(6) concerning Housing Policies states that *“Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities.”*

Section CP.206(1), Economic Development Goal 7 and Goal 7 Policies, *“Goal: Encourage successful home-based businesses”* states that the City will *“Encourage home occupations, cottage industries and activities which have little impact on the surrounding neighborhoods through the City’s Development Code.”*

Finding: This neighborhood is single-family residential with no other non-residential uses within a block of the site other than the school across Alameda Avenue to the east and the church located at Alameda and Chelsea St. A small transient lodging facility is considered as a compatible use within a residential area. Due to the low density of the R-1 Zone, all transient lodging facilities require review as a conditional use.

With the owner occupancy requirement of a Home Stay Lodging, the neighborhood is protected from the “second home” problem of vacant properties at various times of the year. The ability to have an occasional guest allows a home owner to continue living in the home and have some income and/or companionship from the transient lodging. This type of use is not a “vacation rental” that would have a larger impact to the neighborhood with different guests and no owner in the home.

Increased traffic associated with transient lodging on a street could intrude on the neighborhood. However, with a one bedroom facility, the number of vehicle trips would be sporadic and not on a daily basis. With a single-family dwelling, the number of vehicle trips would include multiple trips daily. Use of the home for transient lodging would be a low impact use of the single-family home. The impact from one additional vehicle in the neighborhood on an occasional basis would be minimal.

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

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

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

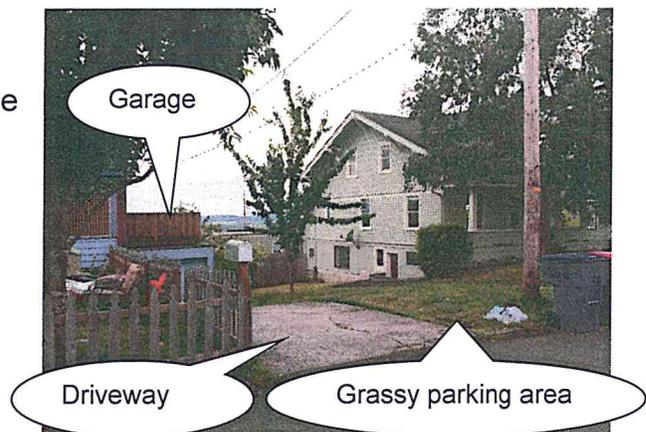
*availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.”*

Finding: The transient lodging would be located within the existing single-family dwelling. The proposed use is an appropriate use of an existing residential structure, and will utilize a finished basement. A Home Stay Lodging is conditional use in the R-1 Zone and an outright use in all other residential zones to assure that the impact on the neighborhood is reviewed. Location within a residential zone is appropriate due to the nature of Home Stay Lodging to be located in private homes. The requirement of the owner residing in the home at the same time as the guests prohibits the use as a “vacation rental” and protects the neighborhood as the owner is there to be responsible for the actions of their guests.

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

Finding: The proposed use is for one bedroom for transient use. Alameda Avenue is platted 30’ wide paved road with sidewalks on the east side. The applicant has a paved garage driveway apron that is approximately 11’ wide x 27’ deep within the property lines with an additional 18’ paved from the right-of-way to the property line.

Development is not anticipated in this area in the near future. The proposed use would not overburden the existing street system for access. The site is sufficient for the proposed use and would not interfere with the flow of traffic and/or emergency vehicles.



With a lot width of 75’, the applicant could increase the driveway apron, and paved driveway area to 25’ if they desired. This would require a driveway/right of way permit through Public Works.

The applicant has refuse and recycling collection for the home which would not be heavily impacted by the additional use. The proposed use would not create a safety issue over and above the typical residential level.



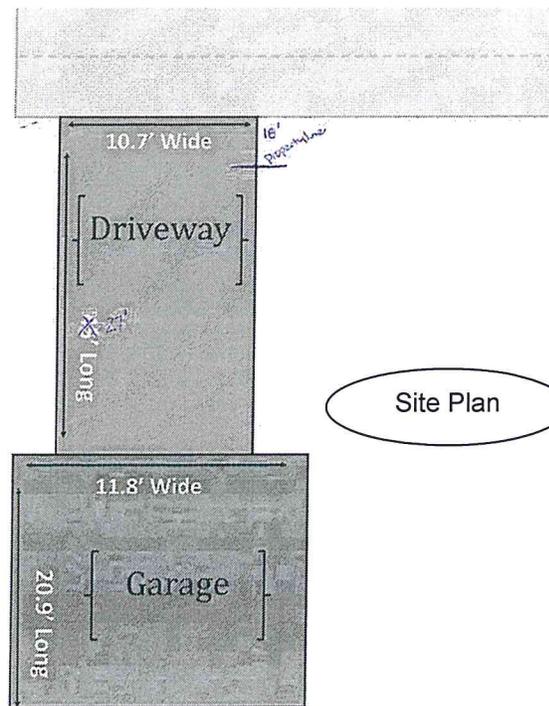
Driveway

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

Finding: All utilities are at the site and are capable of serving the use. The site is currently used as a single-family dwelling and that use would continue. The proposal is to change the use to a single-family dwelling with one bedroom Home Stay Lodging. The impact to utilities with intermittent stays by guests in one bed room would be minimal. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but it will not overburden these services.

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

Finding: The site is not within 100' of a known geologic hazard area as indicated on the City map. No new construction is proposed. The site is adequate for both the single-family residence and the use of the building by transient guests. No construction is proposed.



Site Plan

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

Finding: Single-family residential use does not require landscaping, however, the site is landscaped.

- E. Astoria City Code Section 8.045.3 concerning "Collection of Tax by Operator; Rules for Collection" states that *"Every operator renting rooms or space for lodging or sleeping purposes in this City, the occupancy of which is not exempted under the terms of this ordinance, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owed by the operator to the City."*

Finding: The applicant is required to register the transient lodging facility with the City Finance Department for collection of the transient room tax. In addition, transient lodging is considered a commercial use and requires that the owner obtain an Occupational Tax (business license) for conducting business within the City limits. The owner shall notify the Finance Department concerning any change in operation of the transient lodging.

## V. CONCLUSIONS AND RECOMMENDATIONS

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

1. The property owner shall reside in the dwelling on the same days as the transient guests.
2. Prior to operation, the applicant shall submit a hotel/motel tax form for Transient Room Tax with the Finance Department.
3. The applicant shall submit an Occupational Tax Application (business license) to the Finance Department.
4. Should a sidewalk or a pedestrian pathway be developed between the property line and the street, the applicant shall provide the third parking space on the grassy patch available within their property line.
5. Should the applicant wish to expand their paved driveway and/or driveway apron, they shall submit for a right of way permit through Public Works.
6. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission,

The applicant should be aware of the following requirements:

For any structural changes or remodeling the applicant shall obtain all necessary City and building permits prior to construction.



CITY OF ASTORIA  
 Founded 1811 • Incorporated 1856  
 COMMUNITY DEVELOPMENT

CITY OF ASTORIA

JUN 14 REC'D

BUILDING CODES

No. CU 16-07

Fee: \$250.00 Paid ✓

**CONDITIONAL USE APPLICATION**

Property Address: 774 Alameda Ave Astoria Oregon 97103

Lot 6,7 west 1/2 of 5 Block 49 Subdivision Taylor's

Map 18bc Tax Lot 11170 Zone R-1

Applicant Name: Katrina and Aaron Gasser

Mailing Address: 774 Alameda Ave Astoria Oregon 97103

Phone: 503-338-9220 Business Phone: 503-338-9220 Email: gasser.katrina@jobcorps.org

Property Owner's Name: Katrina and Aaron Gasser

Mailing Address: 774 Alameda Ave Astoria Oregon 97103

Business Name (if applicable): \_\_\_\_\_

Signature of Applicant: [Signature] Date: 6/14/16

Signature of Property Owner: [Signature] Date: 6/14/16

Existing Use: Residential

Proposed Use: Homestay Lodging <sup>to use</sup> ~~room in basement~~ <sup>finished</sup> ~~to utilize a finished bedroom~~ <sup>to utilize a finished bedroom, bath in basement for homestay lodging</sup>

Square Footage of Building/Site: \_\_\_\_\_

Proposed Off-Street Parking Spaces: Driveway and Garage

**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>6/18/16</u>	Permit Info Into D-Base:	<u>6/23/16</u>
Labels Prepared:	<u>6/23/16</u>	Tentative APC Meeting Date:	<u>7/26/16</u>
120 Days:	<u>10/16/16</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.

Homestay lodging, plan to be on site whenever guest is booked, will fit the character of our neighborhood, off street parking.

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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.

Guest stay will not impact street, access to sidewalks, or other transportation activities. Guests will use off street parking.

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

This homestay lodging will not be a burden to water and sewer facilities etc.

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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.

No change to topography is planned or anticipated.

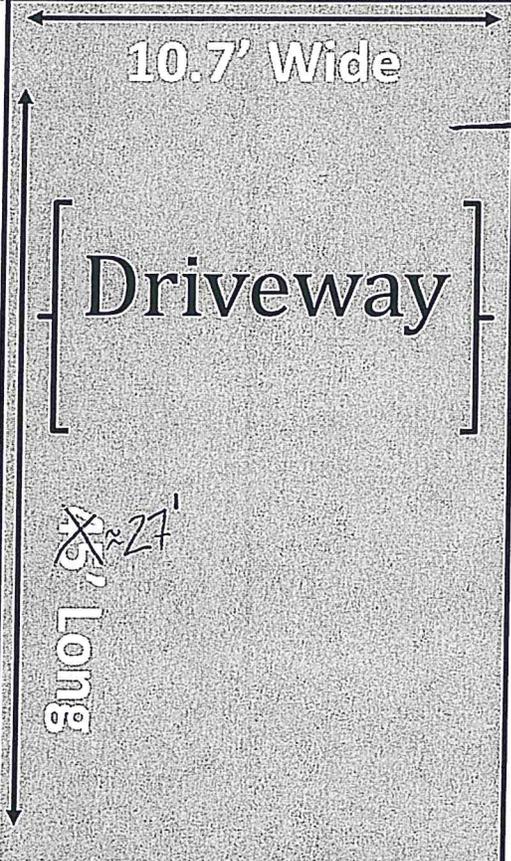
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11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

Homestay lodging will contain appropriate amount of landscaping etc.

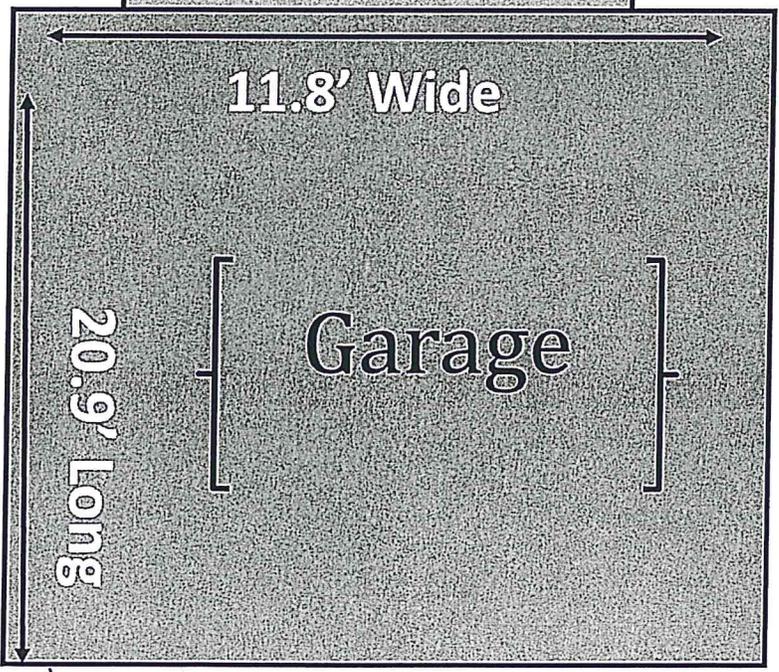
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11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.



18'  
Property line

Gasser  
774 Alameda Ave  
Parking layout  
5/20/16  
R-1



VAR to PC

- If Alameda widened in future VAR would be void

0Q - ~~all~~ <sup>on</sup> Street parking  
on front of hsr  
Confirm

\$250 VAR plus Commission

247.9'

## STAFF REPORT AND FINDINGS OF FACT

July 19, 2016

TO: Astoria Planning Commission

FROM: Nancy Ferber, Planner 

SUBJECT: Conditional Use Request (CU16-08) by Jeremy Towsey-French, Reveille Ciderworks to locate a cider production facility (light manufacturing) and taproom within an existing building at 1343 Duane St.

### I. SUMMARY

- A. Applicant: Jeremy Towsey-French  
Reveille Ciderworks  
1343 Duane Street  
Astoria, OR 97103
- B. Owner: Astoria Station, LLC (Tax Lot 15000)  
Warren Williams  
PO Box 476  
Astoria, OR 97103
- C. Location: 1343 Duane Street; Map T8N R9W Section 8CD, Tax Lot 15000;  
Lots 3, Block 117, Shively.
- D. Zone: C-4, Central Commercial
- E. Lot Size: approximately 84 x 125 (10,500 square feet), site location is  
approximately 647 square feet
- F. Proposal: To locate a cider production facility (light manufacturing) and  
small taproom in an existing commercial structure.
- G. Previous Applications: At the February 2016 APC Meeting, a similar conditional use  
permit was approved for Reach Break Brewing to operate a  
brewery and taproom on the south half of the building. Prior  
applications for the site have included business permits for food  
carts, farmers' markets, and interior building improvements. At its  
May 27, 2008 meeting, the APC approved a conditional use for  
this building to allow mini-storage in the basement and  
warehousing/distribution in the basement and ground floor.

## II. BACKGROUND INFORMATION

### A. Site:

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

Currently, Reach Break Brewery is moving into the south half of the building, and preparing to open their brewery and taproom in Summer 2016.

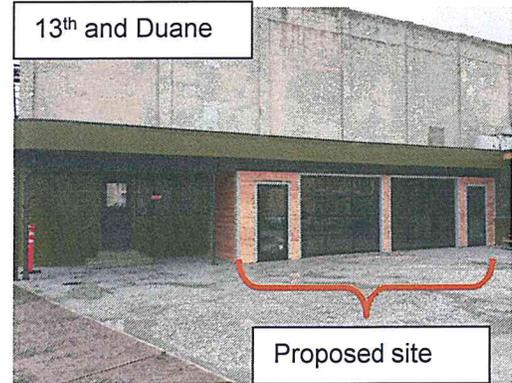
The property is located between 13<sup>th</sup> and 14<sup>th</sup> Streets and Duane and Exchange Streets in a developed area. The site is sloped up from the west to east, with frontage on the west side toward 13<sup>th</sup> street. There is a parking



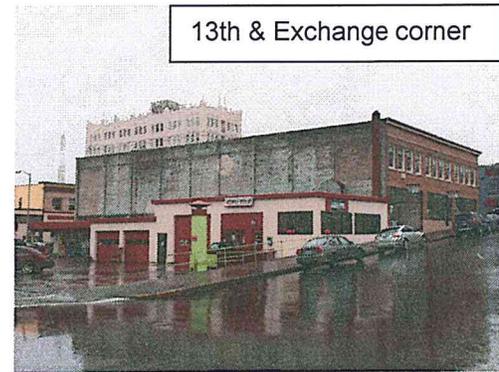
lot on the west side of the building off 13<sup>th</sup> street and was formerly the location of a farmers' market that operated on Thursdays. The parking lot was recently resurfaced in preparation for food carts and improved pedestrian access to the Reach Break Brewery. Providing off-street parking is not required in the C-4 zone.

B. Neighborhood:

The property is located in the Downtown Historic District and is bounded on the north by the C-4 Zone with JCPenny and retail along 13<sup>th</sup>, to the east is the Norblad hotel/hostel, Fernhill Glass, and Fort George Brewery. On the south across Exchange St. is the Astoria Co-Op Grocery, and Providence medical offices. To the west are Pilot House Distilling and the Columbia Travel offices.

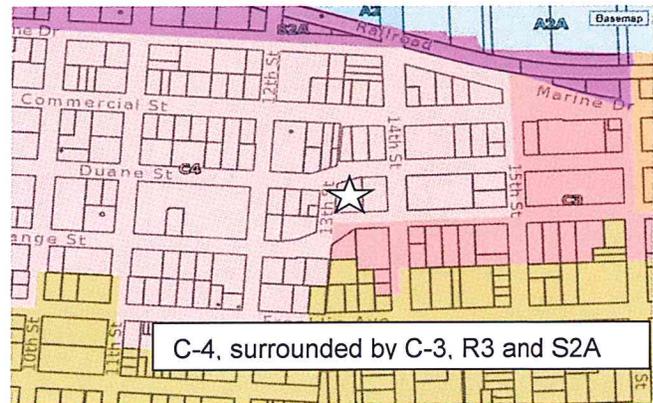


City streets border the site on the north, west, and south sides. Duane Street is a two-lane, one-way street going west that runs parallel with the north property line of the site. 13<sup>th</sup> Street is a two-lane, two-way street that runs parallel with the west property line of the site. This is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



C. Proposal:

The applicant is proposing to locate their cider production operation (appx 647 square feet) into the north end of the building that was most recently occupied by Astoria Indoor Garden Supply. The taproom (included in the 647 square footage) would be a small seating area, with most of the square footage dedicated to production. Food carts are proposed for the parking lot area to maintain a pedestrian friendly feel of the neighborhood and offer food service without investing in a commercial kitchen.



The taproom (included in the 647 square footage) would be a small seating area, with most of the square footage dedicated to production. Food carts are proposed for the parking lot area to maintain a pedestrian friendly feel of the neighborhood and offer food service without investing in a commercial kitchen.

The site is currently zoned C-4(Central Commercial) – an eating and drinking establishment is an outright permitted use. Incorporating the cider making,

which is considered light manufacturing, would be in conjunction with the outright use of retail sales.

### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on July 1, 2016. A notice of public hearing was published in the *Daily Astorian* on July 19, 2016. Any comments received will be made available at the Planning Commission meeting.

### IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

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

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

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

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

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

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

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

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

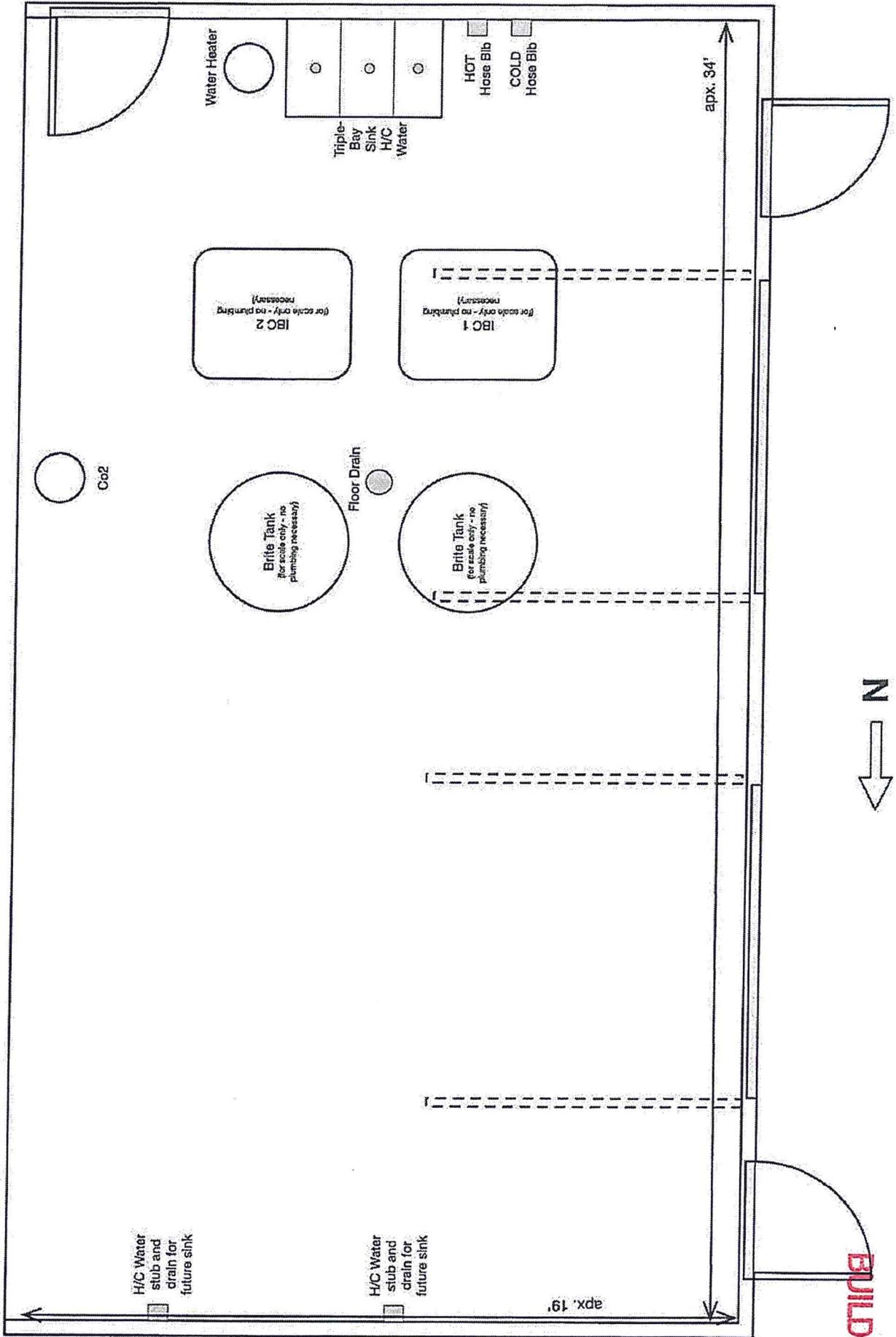
- D. Section 11.110(A) concerning Light Manufacturing, Nuisances states that *“No use shall generate odor, dust, gas, fumes, glare or vibration beyond the property line or site boundary.”*

Finding: The cider production would generate some odor common to the fermentation process. This is generally not considered extensive or an amount that would be considered a nuisance. Any use that would potentially exceed that which is anticipated in this request would be referred to the APC for additional review and consideration. The raw materials - unrefined apple juice - will be sourced externally and created offsite by the applicants' orchard partners. There will be no mash production on-site. Light manufacturing operations would be a low impact operation with minimal odor, dust, etc.

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

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

See site plan on the next page.

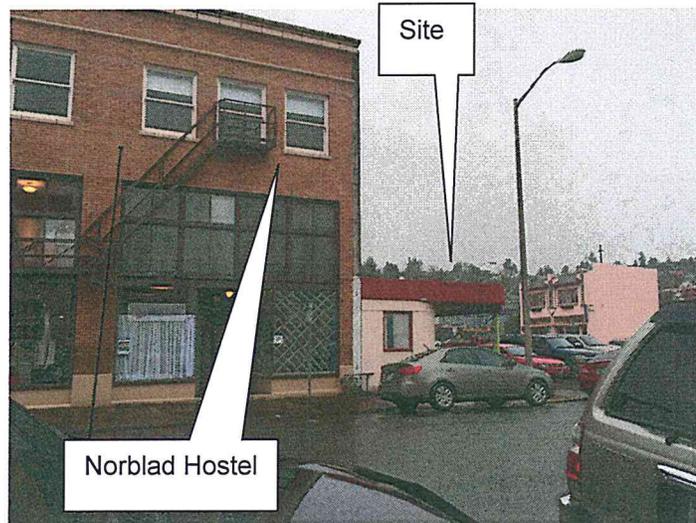


← DUANE ST. →

BUILDING COI

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

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



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

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

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

Finding: There is ample maneuvering space on the site for loading and unloading. The building has a parking lot on the west side of appx 48’ in depth. The property owner recently resurfaced the lot, in hopes of making it more

pedestrian friendly. Food carts, similar to what has been set up in the past, are also proposed in the parking lot. See rendering on the following page.

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



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



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

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

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

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

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

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

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

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

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

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

The possible use of this building for a cider production site and eating/drinking establishment would support economic health of the area by adding to the growing cluster of breweries and distilleries, giving

Astoria a competitive edge in the craft brewing/distilling field and promoting the City as a destination for tourists.

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

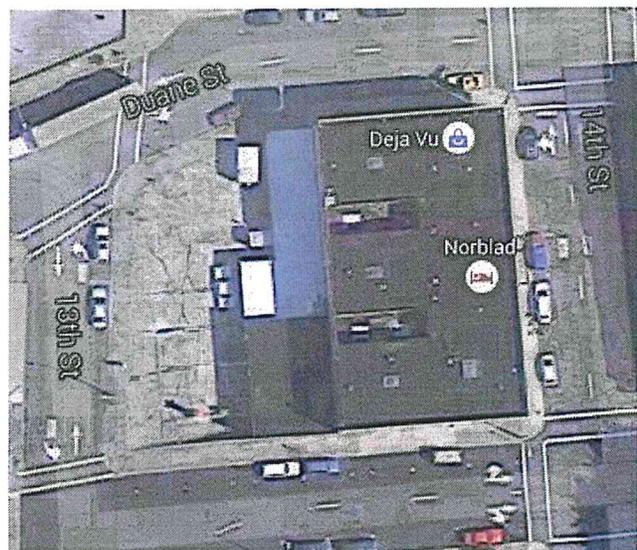
Finding: The request is in compliance with the Comprehensive Plan.

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

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

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

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



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

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

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

Finding: The site is accessible from three streets that abut the site on the north, west, and south. On street parking is available on both sides of all streets that surround the site. It is one of only a few buildings in the downtown area that has some off-street parking. Section 7.180 of the Development Code states, “Uses in the C-4 Zone are not required to provide off-street parking or loading.” The parking impact of the light manufacturing would be minimal and similar to the approved uses. Sidewalks for pedestrians, bicycle facilities, public transit are in close proximity to the site and vehicle access is readily available to the site to accommodate visitors using various modes of transportation.

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

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

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

Finding: Public facilities are available to the site. The use will not overburden water, sewer, or storm drainage. The cider production will be on a micro scale and consequently uses far less public utilities than a large manufacturing facility. Unlike large brewery operations which require creation of a mash and using a water supply, hard cider manufacturing requires raw materials be sourced externally. No mash will be produced on site, the only water needs will be for cleaning equipment.

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

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

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

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

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

## VI. CONCLUSIONS AND RECOMMENDATIONS

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

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

5. Prior to use of the building, the applicant shall obtain a building permit and/or change of occupancy permit to be reviewed and approved by the Building Official to assure that the services are adequate to accommodate the proposed use.
6. The applicant shall submit an OLCC license as per State of Oregon guidelines and a business license with the City.

The applicant should be aware of the following requirements:

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

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



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

No. CU 16-08

Check # 172  
Fee: \$250.00 ✓/NF

CONDITIONAL USE APPLICATION

Property Address: 1343 DUANE STREET, SUITE B

Lot 3 Block 117 Subdivision SHIVELY

Map T8N R9W - 8CD Tax Lot 15000 Zone C-4

Applicant Name: JEREMY TOWSEY - FRENCH

Mailing Address: 4005 NE MULTNOMAH ST., PORTLAND, OR 97232

Phone: 503-757-5987 Business Phone: Email: jeremy@reveillecider.com

Property Owner's Name: WARREN WILLIAMS

Mailing Address: P.O. BOX 476, ASTORIA, OR 97103

Business Name (if applicable): TWISTAPPEL CIDERWORKS LLC

Signature of Applicant: [Signature] Date: 6/10/16

Signature of Property Owner: [Signature] Date: 10/10/16

Existing Use: RETAIL

Proposed Use: <sup>to</sup> LOCATE CIDERWORKS (LIGHT MANUFACTURING) & TAP ROOM IN EASTSIDE <sup>Commercial</sup> SPACE.

Square Footage of Building/Site: 547 SQ. FT.

Proposed Off-Street Parking Spaces: 0

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

For office use only: * Once APC approved => send o/a to finance to deposit			
Application Complete:	6/18/16	Permit Info Into D-Base:	6/27/16
Labels Prepared:	6/23/16	Tentative APC Meeting Date:	7/26/16
120 Days:	10/16/16		C

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

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

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

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\* SEE ADDENDUM

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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.

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\* SEE ADDENDUM

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

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\* SEE ADDENDUM

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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.

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\* SEE ADDENDUM

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

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\* SEE ADDENDUM

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

**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.

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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.

- First and foremost, the space in question is only 650 square feet, producing minimal impact to surrounding businesses.
- As this site has been used for retail services in the recent past—and isn't specifically designed for other pedestrian-related uses—light manufacturing in a space of this size would produce negligible impact to the area.
- The building directly abuts Reach Break Brewing, which will serve a complimentary commercial and retail customer base.
- Easy access to commercial delivery vehicles is essential for this business. To this end, it's important to note that there are few downtown buildings that have the appropriate egress and access for the type of material delivery (inbound and outbound) required by this business. The type of egress and access available with this building is essential to the function of the business as it relies on deliveries of raw material that requires forklift or pallet jack assistance, directly into the space. In summary, with the ability to drive directly up to the overload loading doors on the building for truck-based deliveries, this building is ideal for light manufacturing operations due to the minimal impact to the streets for these functions.
- As the site is easily accessible to pedestrians, bicyclists, vehicle traffic and those using public transit (located at 14 and Commercial Street), a future micro-sized tap room will be readily accessible to the general public without any added impact to the surrounding public infrastructure and/or right-of-way.
- In conclusion, these types of uses would benefit from a downtown location due to the pedestrian traffic and the close proximity to other similar sales and services such as Reach Break Brewing, Fort George Brewery, Pilot House Distilling and Shallon Winery.

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.

- Reach Break Brewing —our co-tenant and the primary tenant of the Astoria Station site— will have bicycle parking as per the requirements dictated by the City Planning Commission.
- Our business is committed with providing sufficient bicycle parking to address and perceived and/or known impact from our business. To this end, we will take direction from the City Planning Commission on whether we will need to provide bicycle parking beyond that provided by the items co-tenant, reach Break Brewing.
- The parking impact of the light manufacturing would be minimal and similar to the approved uses. Sidewalks for pedestrians, bicycle facilities, public transit are in close proximity to the site and vehicle access is readily available to the site to accommodate visitors using various modes of transportation.
- In conjunction with Reach Break Brewing and Astoria Station LLC, we will be providing minimally sufficient contribution to and management of all shared, site-based activities that impact the site's owners and our fellow site tenant's employees, customers, contractors and service providers.
- Garbage and recycling collection is provided by Recology under contract with the City. The applicant shall work with Recology on the location and size of the refuse collection area for the proposed use in the building. Solid waste disposal and recycling areas shall be screened from view.

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

- Public facilities are available to the site. The use will not overburden water, sewer, or storm drainage. Unlike beer breweries —which require creation of a mash using public water supply— hard cider manufacturing requires that raw materials be sourced externally. Specifically, the primary raw material is unrefined apple juice created offsite by our orchard partners. To this end, we will not produce a mash. Our only water needs are for cleaning of equipment. Our business will obtain an OLCC license as per State of Oregon guidelines necessary for the manufacture and sale of alcoholic beverages.

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.

- No exterior construction is proposed as part of this request. The site is not within 100' of a known geologic hazard area.

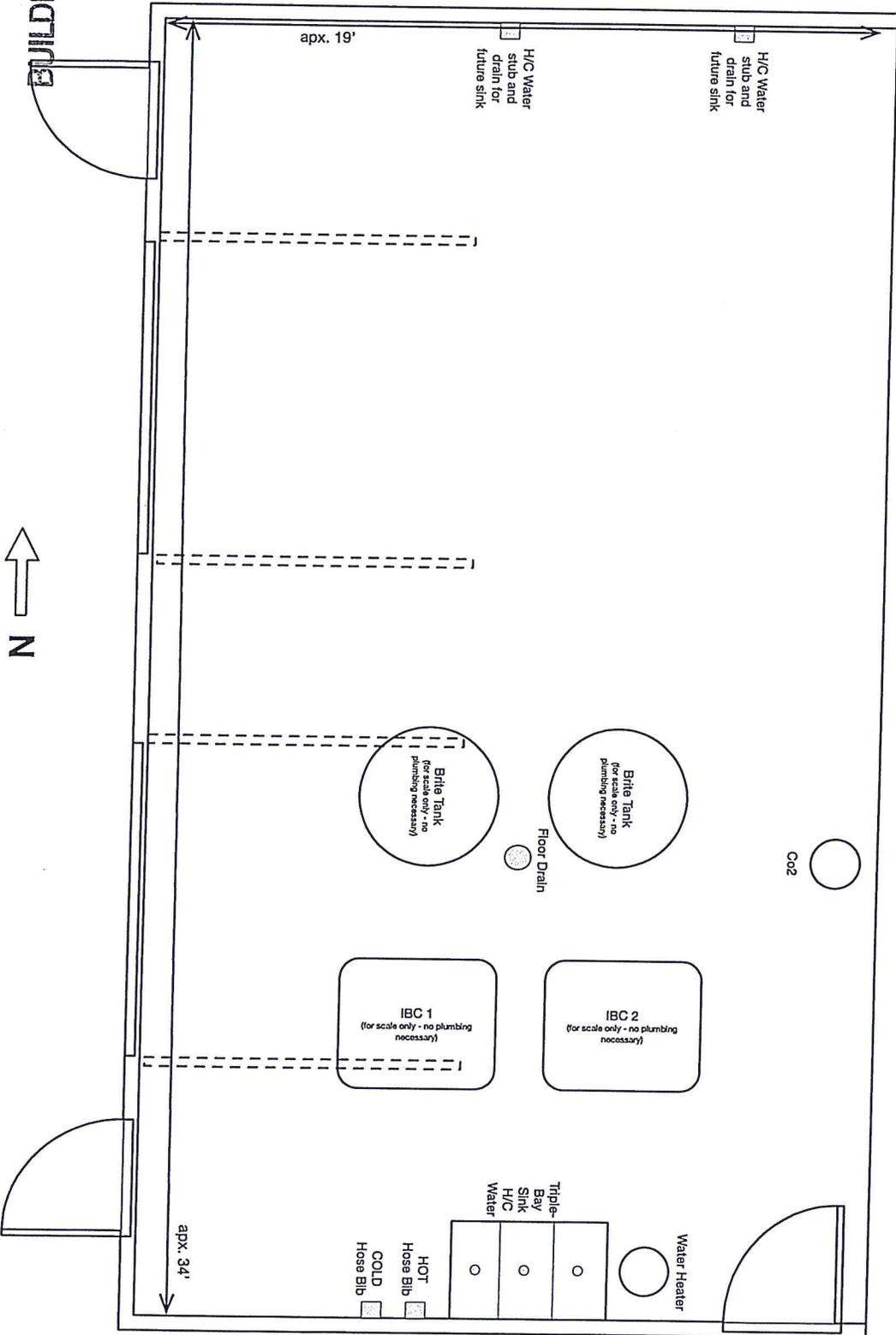
11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

- This building will not impact the existing site and uses the pre-existing exterior roofline.

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

JUN 15 REC'D

BUILDING CODES



Revelle Ciderworks  
1343 Duane Street - Suite B  
Astoria, Oregon 97103

Jeremy Towsey-French / jeremy@revellcider.com / (503) 757-5987  
Keri Towsey-French / keri@revellcider.com / (971) 212-4139

Revelle Ciderworks Facilities  
Pre-Build Plumbing Specifications

Reveille Ciderworks  
1343 Duane Street, Suite B  
Astoria OR 97103  
c/o: Jeremy Towsey-French  
Email: jeremy@reveillecider.com  
Phone: (503) 757-5987

