

**A G E N D A**  
**ASTORIA PLANNING COMMISSION**

***Astoria City Hall Council Chambers, 1095 Duane Street, Astoria***

**Tuesday, November 26, 2013**

*Immediately Following the Traffic Safety Committee Meeting at 7:00 p.m.*

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. October 22, 2013
4. PUBLIC HEARINGS
  - a. Permit Extension for Conditional Use CU03-04 by Elisabeth Nelson for a temporary use permit for one year, to August 26, 2014, to operate the Astoria Conservatory of Music in the existing church structure at 1103 Grand Avenue in the R-3, High Density Residential zone. Staff recommends approval with conditions.
  - b. Conditional Use CU13-06 by William & Pamela Myers to locate and live in a motor home as a temporary use for up to one year while renovating the adjacent house at 218 Franklin. The motor home would be parked in the driveway within the 2nd Street right-of-way on the west side of the dwelling at 218 Franklin in the R-2, Medium Density Residential zone. Staff recommends approval with conditions.
  - c. Conditional Use CU13-07 by Anthony Deluz to operate a one-bedroom bed and breakfast with an on-site manager in an existing multi-family dwelling at 1320 Franklin in the R-3, High Density Residential zone. Staff recommends approval with conditions.
  - d. Parking Variance V13-16 by Anthony Deluz for Barbara & Stephen Lee from the required one off-street parking space for a one bedroom bed and breakfast to provide one leased space within 300' of the site for an existing multi-family dwelling at 1320 Franklin in the R-3, High Density Residential, Zone. Staff recommends approval with conditions.
  - e. Conditional Use CU13-08 by Marty Bumstead to repair the existing radio towers at 1002 W. Marine and 1006 W. Marine in the A-4, Aquatic Natural and C-3, General Commercial zone. Staff recommends approval with conditions.
5. ADJOURNMENT
  - The Planning Commission will adjourn to a Work Session for Transportation System Plan Update

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall  
October 22, 2013

### CALL TO ORDER:

President Innes called the meeting to order at 7:06 p.m.

### ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, David Pearson, Al Tollefson, Kera Huber, and Zetty Nemowill

Commissioners Excused: Thor Norgaard

Staff Present: Community Development Director / Assistant City Manager Brett Estes, Planner Rosemary Johnson, and City Attorney Blair Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

Item 3(a): September 24, 2013

President Innes asked for approval of the minutes of the September 24, 2013 meeting. Commissioner Nemlowill moved to approve the minutes as noted; seconded by Commissioner Cary. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

### NEW BUSINESS

Director Estes stated that from 2007 through 2009, the City of Astoria completed the Riverfront Vision Plan, which addresses land use, environmental, and transportation issues along the Columbia River waterfront from Smith Point to the Alderbrook neighborhood. The riverfront has been divided into four areas to ease references and implementation and also because planning each area requires a unique approach. The Riverfront Vision Plan was approved by City Council in 2009 and since then has been used to receive grants that have funded the extension of the River Trail. The Riverfront Vision Plan will be incorporated into the Transportation System Plan (TSP) currently in process. Development Code and Comprehensive Plan language must be developed in order to implement the Riverfront Vision Plan. In 2012, the City applied for a Transportation Growth Management Program (TGM) grant to implement two of the plan areas. City Council established the goal of beginning implementation of the Riverfront Vision Plan through Code and Comprehensive Plan language adoption, and recommended that the Civic Greenway Plan Area be the first plan area to be implemented. The Civic Greenway area extends east from the Maritime Museum to 39<sup>th</sup> Street. This Code review will be conducted as part of an intergovernmental agreement between the State of Oregon and the City of Astoria. The City was awarded the grant, which provides Astoria with an allocation of consultant time, rather than funding. Matt Hastie with Angelo Planning Group has been working with the City on the Riverfront Vision Plan since the plan started to be developed. After Code and Comprehensive Plan language is developed for the Civic Greenway Plan area, language will be developed for the Bridge Vista Plan Area, which extends from Smith Point, through the Port to about 2<sup>nd</sup> or 3<sup>rd</sup> Street. Conditions must be met, including special Planning Commission meetings. He briefly explained the process of developing Code and Comprehensive Plan language in Astoria.

Item 5(a): Work Session on Riverfront Vision Plan Implementation – Development of Code and Comprehensive Plan Language for the Civic Greenway Plan Area.

Matt Hastie, Angelo Planning Group, presented his memorandum on the Code Evaluation for the Civic Greenway Area via PowerPoint, noting his presentation would provide the Commission a cursory look at the proposal and that opportunity for a more detailed discussion would be provided in future meetings. He explained that land use and Code related recommendations in the Riverfront Vision Plan were used to identify potential approaches, preliminary recommendations and discussion questions associated with key topics noted on page 2. The memorandum also includes initial feedback received from the State and City Staff about the



recommendations. The Planning Commission was invited to provide feedback to assist Staff and the consultants in drafting some potential amendments to the Development Code which would be reviewed in upcoming meetings.

Key discussion topics were presented with feedback from the Commission and responses from Staff and Mr. Hastie as follows:

- **Preserving Views Over-Water with a “Blueway” Zone** – Protect views from the bank of the river and the far shore by limiting over-water development. Limits uses to primarily water dependent and associated uses. Staff confirmed that building any of the proposed uses is feasible. Property owners in the area have expressed some interest in developing an overwater marina with a small bait and snack shop.
  - Allowing such development makes sense but size limitations could be prohibitive to a good project in the Blueway Zone. How would size limitations come into play?
    - Staff noted that height, mass or scale of the structure or amount of frontage developed over the water could all be important. The Riverfront Vision Plan discussed having such uses, but Staff sought the Commission’s opinion about the appropriate scale.
  - Reading that height would be limited on the bank where the river water meets the Riverwalk was a relief. Comprehending the full interplay of linear exposure, size and height was difficult.
  - Getting feedback from property owners was requested.
  - The Blueway Zone includes a combination of publicly and privately owned lands. The Commission agreed the zone should be applied to the entire area to receive feedback.
- **Access to Water and Open Space** – Preserve visual and physical access to the water both on land and over water through requirements and incentives. What should trigger the requirements?
  - The Riverfront Vision Plan recommended the Blueway Zone primarily for the Civic Greenway Plan Area.
  - The Riverfront Vision Plan could be adopted as an overlay zone to keep it from getting lost in different areas of the Development Code.
  - Incentives should only be provided for existing structures or development, not for new construction.
  - Generalizing for an entire area is difficult, but easier on a case by case basis, so it is too early to make a recommendation.
- **Preservation of Views** – Preserving river views from various locations: walking along the shore, from a street or pathway traveling towards the river, and from the hill where the water can be seen over buildings. The Riverfront Vision Plan only addresses land from the shoreline to the highway. Height, landscaping, setbacks and step backs all affect view corridors.
  - President Innes and Commissioners Tollefson and Nemlowill liked Staff’s height recommendation of a maximum base height of 28 feet with up to 45 feet possible with a variance.
  - After visiting several locations to actually see the view corridors of the river, Staff suggested 50 feet wide was adequate for a good view corridor. There are pros and cons to having zero or minimal setbacks along the right-of-way, so a good mix of development and view corridor requirements should be considered, as well as the benefits and trade-offs to pedestrians, for example.
  - A building right on the property line is fine if a 50 foot right-of-way exists.
  - Any recommendation by the Commission must be defensible; knowing the basis for the requirements is important.
  - The Commission would be provided visual examples of both adequate and inadequate rights-of-way throughout the planning area to help the Commissioners visualize what view corridors may be appropriate for Astoria. Staff would also see how rights-of-way are less than 50 feet as the issue could come up in other areas of the Riverfront Vision Plan.
- **Design Standards or Review** – developing architectural design requirements or review guidelines to ensure compatibility with historical or existing architecture in the area. Planner Johnson briefly described how design requirements are reviewed by the Astoria Design Review Committee.
  - While using the design review requirements from the Gateway Overlay Zone would be the easiest approach, other options could include developing an alternate set of design requirements for commercial and mixed-use buildings and review options for residential uses.
    - While a design review process could be used for residential uses, a set of clear and objective standards for residential development is also needed. These specific standards do not require any discretion to determine if the standards are being met, such as requiring front porches, or a certain percentage of windows on the front façade, etc. Clear and objective standards are required because residential uses must be able to be implemented through an administrative review process, rather than coming before a board or commission.



- The Commission could provide the option of a design review process to allow the applicant more flexibility to do something different in their project. Design review cannot be the only path for the approval of a residential use.
- If the Commission wanted something different than what is in an existing overlay zone, specific design types or design elements could be identified that must be incorporated into the design of future buildings in the area.
- Although not discussed in the Riverfront Vision Plan, having a specific theme can enable the City to be more prescriptive. Not having a specific theme can be challenging when trying to reflect, potentially, a variety of different elements.
- Another route is to identify four or five design types, as far as specific materials, architectural details, etc., that reflect the different types of desired designs/architectural elements for the area.
- A synopsis and examples of the Gateway Overlay Zone design would be presented at the next meeting to familiarize the Commission with its requirements.
- **Residential Zone Change and Development Standards** – Consider rezoning three parcels between Mill Pond and Safeway from commercial to residential to help satisfy the City's shortage of residential land and housing.
  - If the Civic Greenway is developed, the City's shops would be relocated. The former landfill site, where the sports complex is being constructed, is being considered for relocation. The infrastructure is being established for a new shop site, but no plans have been put in place as to when the relocation would occur.
  - Zoning that encourages cluster and lower cost housing should be implemented.
  - The necessity of the rezoning was questioned as lower cost housing may be difficult because housing in the area is expensive. The proposed housing will be too expensive for those who work in Astoria.
    - During the Riverfront Vision Plan process, some community members advocated for small, cluster-type housing in the area. City Council has always believed a higher and better use should be in that area, rather than storing pipes and impounded cars along the riverfront.
    - The Housing Needs Analysis showed the City has a residential housing deficit and though employment lands were tight, there is no deficit.
    - The overall deficit is in R-1 housing; but R-3 housing, smaller single-family attached units, is also needed. R-3 does not require a big area. With the new zone, cluster housing could meet the single family requirement on smaller lots in the area. Not all of the residential deficit will be addressed on the riverfront.
    - The Riverfront Vision Plan is a starting point having recommended that housing be allowed in the area. Now, how housing should be done, what forms of housing make sense, and how Code language can be crafted to allow the housing desired, must be decided.
  - A true civic greenway needs more than just commercial uses within it, so the rezoning is an interesting idea.
  - More details about the types of housing, what it looks like, and comparisons of what the current and new zoning would allow will be presented at the next meeting.
- **Landscaping Requirements** – Restoring the river bank by planting native plants and improving the appearance of both the riverside and landside of the River Trail.
  - Modifying existing standards in Chapter/Article 4, Columbia River Estuary and Shoreline Regional Standards, to address specific plant types, height and density made sense.
  - Landscape standards could potentially be included in a waterfront overlay zone, but the Civic Greenway Area may have different requirements than other areas along the riverfront. Using a hybrid approach, with the standards in the Code chapters as well as referenced in the base zones was possible.
    - The pros and cons of using an overlay zone and how it could be implemented would be discussed at the next meeting.
  - Buffering and enhancing the land side of the trail should be considered, but not along the entire riverfront due to the different character of each section. Including these standards in Chapter/Article 2 made sense because Chapter 4 only addresses land 50 feet from the shoreline.
  - Landscape requirements should be triggered not only by new development, but also by exterior expansions and renovations to existing uses based on percentage thresholds regarding the improvements' value compared to the existing structure's value. Such thresholds are already being utilized in the Code, and will be a better option than using a dollar amount threshold.
- Determining whether some recommendations for the Civic Greenway Area are appropriate for other riverfront areas is difficult to judge at this point, but it is important to consider as Staff begins writing Code methods. The standards may just need to be applied in a different way.



- Having more information about which standards could apply to the entire waterfront and which should specifically apply to the Civic Greenway would be helpful.
- Discussing what could apply to the entire area would help the public better understand what is intended and for Staff to effect compliance. The entire riverfront should be considered so that appropriate recommendations can be more easily implemented in several areas.

Mr. Hastie invited the Commissioners to pass any further comments to Director Estes, adding that preliminary Code recommendations would be drafted and presented to the Planning Commission through a series of upcoming work sessions where more detail and specific issues would be discussed.

Item 5(b): Receipt of Public Comment on Riverfront Vision Plan Implementation – Development of Code and Comprehensive Plan Language for the Civic Greenway Plan Area.

Sarah Meyer, 555 Rivington, Astoria said she attended a tsunami and earthquake preparedness seminar about a month ago. She was concerned that nothing has been mentioned about the houses or development along the riverfront being inundated with water.

Juanita Price stated she and her family came to Astoria in 1964 and asked how many people knew about the Murase Plan. Astoria had turned its back on the river and Mr. Murase developed a plan to discover the river. His first project was the 6<sup>th</sup> Street river viewing platform, which Ms. Price wrote about in *Oregon Coast Magazine*. The Riverfront Vision Plan, as presented at this meeting, cuts off the vision of the river. The four-mile Riverwalk was developed in increments and took a long time to complete. Many of the City's current projects are cutting off the view of the river.

Carol [Inaudible], 3930 Abbey Lane, Astoria, agreed with Ms. Price, adding she has only owned property in Astoria for 1½ years. The word development scares her to death; it has many negative connotations. With regard to landscaping, she noted that as she was walking along the area near the yoga studio and Safeway, she noticed an area where someone has been caring for feral cats. The area is nicely done and the houses are nice, but the area is not entirely clean, which is okay with her. She does not want the area to be beautified and purified. She likes the rough side and rustic past of Astoria and does not want that character taken away. She did not want Astoria to become another tourist town.

Robert Stricklin, 90603 Highway 101, Warrenton, stated that the idea of a vision to the layperson usually entails some type of imagery. He recalled a meeting at the middle school when a landscaper and architect were involved in the consulting process. The public brought in many pictures of their vision for the riverfront. He was unsure if those photos were thrown away or if Mr. Hastie still had the hundreds of graphics. A vision is not simply a code writing process, it has a graphic element. It would be great if part of Oregon Planning Goal 1, Citizen Involvement, included some of the graphic material that provided a real sense of vision of Astoria's waterfront.

- There are ways of developing housing and design for anyone in the city to live in, with low income residents living two blocks away from the super wealthy. This may be a fresh idea for Clatsop County, but it is not a fresh idea to have people of mixed incomes live together.
- The areas indicated in blue on Figure 9 are owned by the people of the State of Oregon and is administered by the Department of State Lands, according the public policy of the adjoining jurisdiction. If Astoria has a clear policy about the plan, Astoria's policy will be superior to any first right of refusal to lease from the Department of State Lands. It is important for Astoria to figure out what it wants as public policy and have it reviewed by City Attorney Henningsgaard and the Department of State Lands, as they will not approve anything contrary to a clearly created public policy.
- He noted the choice of canopy versus lawn with regard to view corridors is a false choice; more than two design options are possible.
- The City of Astoria has been through a visioning process due to a grant from the Ford Foundation. He is proud of this because St. Paul, Boston Chinatown, and Hollywood have also received grants from the Ford Foundation, which were meant to empower these cities; however empowerment at that level was not really Astoria's style.
- He believed it was important to figure out what the city wants to see happen with housing by being honest and continuing the public discussion. The public process has been tacked on to the tail end of a series of meetings and it is not too late to bring back others who were part of the process early on so the Commission had a real vision of what people would like to see, not just a vision of a code.



Director Estes clarified that the Ford Foundation cancelled the entire program due to the economic downturn in 2008; the City of Astoria did not turn its back on the project. The City wanted to continue to participate.

Vicki Baker, 3015 Harrison, Astoria, believes the City has done a wonderful job preserving access to the river with the Riverwalk. She would like to see the City emphasize the whole view of the river as much as possible in all parts of the Riverfront Vision Plan. She wants limited development on the river side and encouraged development on the land side of the Riverwalk. All citizens benefit from having access to and a view of the river. Tourists love walking on the Riverwalk and looking at the river, which should be a priority for all of the zones in the plan.

Jim Stoffer, 5107 Cedar Street, Astoria, said that lighting has not been discussed. He has noticed a lot of careless lighting along the water, which seems to destroy the beautiful darkness that is available. Contemporary thought suggests that urban areas benefit from lighting that is more sophisticated and he has noticed some in recent development projects in Astoria. He wanted to make sure that night lighting is included in the conversation.

Shel Cantor, 1189 Jerome, Astoria, recalled a Riverfront Visioning meeting at the Maritime Museum that had between 50 and 100 attendees. At the end of the presentation, the overwhelming majority of public comments were negative. Those at the meeting were told that comments written on the comment cards would be taken into consideration as clearly there was a need to make some revisions. At the next meeting, which was an open house, he asked what changes had been made to the plan since the last presentation. He recalled being told that no changes had been made because the plan had not been adequately communicated and that was the problem. Mr. Cantor understood the Riverfront Vision Plan has been approved by City Council but no open election has been held for the city to approve the plan. He asked if any other attempts have been made to determine whether the general public approves of the plan. Director Estes could not recall the situation Mr. Cantor described, but stated that all of the comments received at all of the meetings were sent to the citizen advisory committee, who provided direction on whether or not to make changes to the plan.

Mr. Canter asked if the majority of citizens in Astoria have approved the plan, or is the City moving forward without citizen approval. Director Estes responded that individuals who testified before the Planning Commission and City Council said that while issues and concerns still existed, they supported the plan as they believed the process was fair. He noted that some people who made that public comment were at tonight's meeting and had made those statements. Public hearings were conducted and, upon hearing testimony that the process was fair, the Planning Commission and City Council voted to approve the Riverfront Vision Plan in 2009.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, stated she was on the Riverfront Vision Committee. Community and Committee input led her to believe that no overwater development other than docks was wanted within the Civic Greenway Zone. The consensus was to prohibit any development that would obscure any view, so she was surprised to hear discussion about overwater development. The only overwater development discussed by the Committee was to take place in the Urban Core Area, which is closer to downtown. She is deeply opposed to any overwater development, but if any should occur, it should be in the Urban Core Area. No overwater development should be allowed in the Civic Greenway Area. Everyone is aware of the world-class spectacular view that Astoria has of the River. People come to see the view and the City needs to do everything in its power to preserve the views. Allowing any overwater development that will block the views would be distressing and would affect future generations. She reiterated that the Committee did not seriously consider overwater development in the Civic Greenway Area, with the exception of low-lying structures like docks.

Director Estes believed the Commission's comments earlier tonight reflected the desire to have a Blueway Zone, which was a term created by the earlier Riverfront Vision citizen advisory committee. Elizabeth recalled that at the last Riverfront Vision Plan meeting, City Manager Benoit mentioned that the City was considering an area with no overwater development. She understood the citizen committee was an advisory committee with no authority to direct Staff, but overwater development was a big issue. Most of the people she spoke with at the open meetings did not want to see any more development of large buildings, like the condominiums on the east end. People were very concerned about building height. It is nice to see the hills and feel the space when walking along the riverfront.

Commissioner Nemlowill cited the proposed uses that would be allowed in the Blueway Zone, which included restaurants secondary in size to the water dependent use. Elizabeth recalled discussion about allowing boat



ramps, bait shops, docks and snack shops, but not restaurants. The area was to be a very nice, view protected area.

Patrick Wingard, 42015 Hagan Drive, Astoria, North Coast Field Representative for the Oregon Department of Land Conservation and Development (DLCD), stated he also worked on the Buildable Lands Inventory with Mr. Hastie. He complemented the City for completing the visioning process as well as the implementation process. He is always impressed and proud to be in Astoria because of how much the City cares about the riverfront and city. In his professional judgment and personal opinion, he believed Astoria has a good Vision Plan, capable Staff, and a good consultant. He knew Astoria would find the right balance and complimented and congratulated the City for breaking the plan into four segments. Many communities have gone through similar visioning processes, but did not have such an open and public process during implementation. He encouraged the City to continue moving forward with the plan and utilize Staff. As part of the project advisory team, he has offered to assist, enabling Astoria to have the support of the DLCD and Oregon Department of Transportation (ODOT). He thanked Astoria for making him feel like a part of the community that he lives and works in.

Director Estes confirmed that the memorandum discussed during the meeting is available online on the Community Development Department page on the City's website. He offered to email the memo to anyone who wanted a copy.

Elizabeth Menetrey added in response to Commissioner Nemlowill's questions about the need for more commercial space, that in the early stages of the Murase Plan with CH2M Hill, Astoria had commercial space for 20,000. To her knowledge, an adequate commercial footprint exists. Commissioner Nemlowill clarified she was referring to the more recent Buildable Lands Inventory. Questions about residential needs led her to ask if there was also a shortage of commercial land.

Item 5(c): Upcoming Planning Commission Meeting Schedule – Special meetings are needed to meet the terms of the State grant for the Riverfront Vision Plan implementation and for other cases. The meeting schedule is:

Tuesday, November 26, 2013  
Tuesday, December 3, 2013  
Tuesday, January 7, 2014  
Tuesday, January 28, 2014

President Innes noted copies of the meeting schedule are available.

Director Estes clarified public hearings are scheduled for the November 26 meeting, so the next work session to discuss the Riverfront Vision Plan would be on December 3<sup>rd</sup>. No regular December meeting will be held because it falls on Christmas Eve. Riverfront Vision Plan work sessions are scheduled for both of the January 2014 meetings, in addition to any regular public hearings.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:51 p.m.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Community Development Director /  
Assistant City Manager

## STAFF REPORT AND FINDINGS OF FACT

November 12, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: PERMIT EXTENSION REQUEST ON CONDITIONAL USE PERMIT (CU03-04)  
BY ELISABETH NELSON / ASTORIA CONSERVATORY OF MUSIC AT 1103  
GRAND AVENUE

### I. BACKGROUND SUMMARY

- A. Applicant: Elisabeth Nelson  
Astoria Conservatory of Music  
PO Box 81  
Astoria OR 97103
- B. Owner: First Presbyterian Church  
1103 Grand  
Astoria OR 97103
- C. Location: 1103 Grand Avenue; Map T8N-R9W Section 8CD, Tax Lot 5700;  
Lots 1, 2, 13, 14, Block 91, McClure's
- D. Zone: R-3 (High Density Residential)
- E. Permit: To locate a school of music as a Temporary Use in an existing  
building; approved August 26, 2003
- F. Request: For a one year extension to August 26, 2014

### II. BACKGROUND

#### A. Subject Property

The subject property is located within the R-3 (High Density Residential), on the south side of Grand Avenue at 11th Street. The building is currently used as the First Presbyterian Church and associated offices and class rooms. The adjacent church hall is located on Harrison Avenue and 11th and is used by an aerobics class.





B. Original Permit.

At its August 26, 2003 meeting, the Astoria Planning Commission (APC) approved a Conditional Use Permit (CU03-04) by Elisabeth Nelson / Astoria Conservatory of Music to locate the music school as a temporary use in the existing church facility. The Findings of Fact and conditions as approved on August 26, 2003 are hereby incorporated as part of this document.

At its October 23, 2012 meeting, the APC approved a one year extension on the permit to August 26, 2013.

The Development Code previously stated that a permit was valid for one year unless an extension was granted. In a LUBA decision for Astoria, it was determined that extensions were limited to only one extension. On April 19, 2010, the City Council amended the Permit Extension portion of the Code to allow a permit to be initially valid for two years with multiple extensions and with no maximum for the number of years a temporary use permit would be valid. Permits approved prior to adoption of the Code are subject to the amended Code.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 1, 2013 and to parties on the Record pursuant to Section 9.100.B.3.b. A notice of public hearing was published in the Daily Astorian on November 6, 2013. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

A. Development Code Section 3.240.A, Duration of Permits on Temporary Use, states that

- "1. A temporary use permit shall expire one year from the date of Final Decision unless an extension has been granted.*
- 2. Prior to permit expiration, the applicant may request extensions in accordance with Section 9.100(B.2.a & b) and 9.100(B.3 & 4). A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied."*

Finding: The original permit was issued on August 26, 2003 under the previous Code on permit extensions. The permit has received one extension each year with the most recent extension to August 26, 2013. An application for extension was received on August 23, 2013 prior to the permit expiration and therefore the permit is still valid pending review of this request.

B. Section 9.100.B.1.c, Permit Extensions, states that *"One year extensions may be granted in accordance with the requirements of this Section as follows:*

1. Permit Extension Time Limit.

- c. *No more than three permit extensions may be granted. No variances may be granted from this provision. Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation."*

Finding: The permit is for a Temporary Use and therefore is not subject to the maximum number of permit extensions.

C. Development Code Section 9.100.B.2, Permit Extension Criteria states that *"The granting authority may grant a permit extension upon written findings that the request complies with the following:*

- a. *The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and"*

Finding: No major changes have been made to the original approved project. This criteria is met.

- "b. *The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and"*

Finding: The Comprehensive Plan has been amended relative to formatting and the Buildable Lands Inventory but would not impact the proposed project approval. The Development Code sections concerning permit extensions have been amended but would not impact the proposed project approval. No other Development Code sections have been amended that are relevant to this project. This criteria is met.

Finding: The application meets the criteria to allow a one year extension to August 26, 2014.

D. Development Code Section 9.100.B.3 & 4 concerning Permit Extensions states that

*"3. Permit Extension Procedures*

- a. *Applications for permit extensions shall be submitted in accordance with the Administrative Procedures in Article 9. Permit extension requests shall be submitted to the Community Development Department prior to permit expiration.*
- b. *Public notice and procedures on applications for permit extension requests shall be in accordance with the Administrative Procedures in Article 9. However, in addition to mailed notice as required in Article 9, notice shall be provided also to those on the*



*record for the original permit, associated appeals, and associated extensions.*

- c. *The Administrative decision, public hearing, and/or Commission/Committee decision concerning a permit extension may occur after the permit would have expired but for a timely filed request for a permit extension.*

4. Appeals.

*The decision concerning a permit extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals on permit extensions shall be limited to the issues relevant to the permit extension criteria only and not to issues relevant to the original permit approval.”*

Finding: The applicant applied for the extension on August 23, 2013 prior to the expiration of the permit. Notices were mailed as noted in Section II above. The original permit was not appealed.

V. CONCLUSION

The request, in balance, meets all the applicable review criteria. Staff recommends approval of the request with the following conditions:

1. The Findings of Fact and conditions as approved on August 26, 2003 shall remain applicable to this permit extension.

The applicant should be aware of the following requirement:

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





CITY OF ASTORIA

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COMMUNITY DEVELOPMENT



Original Permit No. CU03-04 *draft rec'd 8/23/13* Fee: \$100.00 *rd cc*

**PERMIT EXTENSION & RENEWAL APPLICATION**

Property Address: 1103 Grand

Lot 1-2-13-14 Block 91 Subdivision McClure

Map 8CD Tax Lot 5700 Zone R-3 *OK*

Applicant Name: Elisabeth Nelson

Mailing Address: P.O. Box 81

Phone: 503-298-0338 Business Phone: 503-325-3237 Email: lisa@astoriainusic.com

Property Owner's Name: First Presb. Church of Astoria

Mailing Address: 1103 Grand

Business Name (if applicable): Astoria Conservatory of Music

Signature of Applicant: Elisabeth Nelson Date: 9/18/13

Signature of Property Owner: David Nielson, Pastor Date: 9/4/13

Approved Permit to be Extended: CU03-04

Date of Original Approval: 8/26/03

Proposed One Year Extension Date: 8/26/14

Reason Extension is Required: (Also address criteria listed on second page of this application)  
Continued use of site for temp use of music conservatory

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

For office use only:

Application Complete:	<u>9/18/13</u>	Permit Info Into D-Base:	<u>9/20/13</u>
Labels Prepared:	<u>9/20/13</u>	Tentative Meeting Date:	<u>11/26/13</u>
120 Days:			

City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

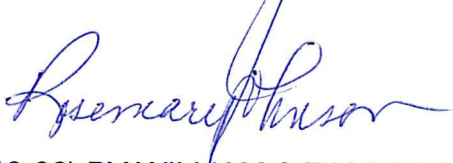
[rjohnson@astoria.or.us](mailto:rjohnson@astoria.or.us) • [www.astoria.or.us](http://www.astoria.or.us)



## STAFF REPORT AND FINDINGS OF FACT

November 13, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU13-06) BY WILLIAM & PAMELA MYERS  
FOR TEMPORARY USE AT 218 FRANKLIN AVENUE

### I. Background

- A. Applicant: William Myers  
Pamela Myers
- B. Owner: William H Myers  
Pamela J Myers
- C. Location: 213 Franklin Avenue; Map T8N R9W Section 7DD, Tax Lot 4400;  
Lot 8, Block 53, McClure, and vacated portion of 2nd Street
- D. Zone: R-2, Medium Density Residential
- E. Lot Size: Approximately 63' x 100' (6,300 square feet)
- F. Proposal: To locate a recreational vehicle as a temporary use as a dwelling  
during repair of an existing single-family dwelling on the site

### II. BACKGROUND INFORMATION

#### A. Subject Property

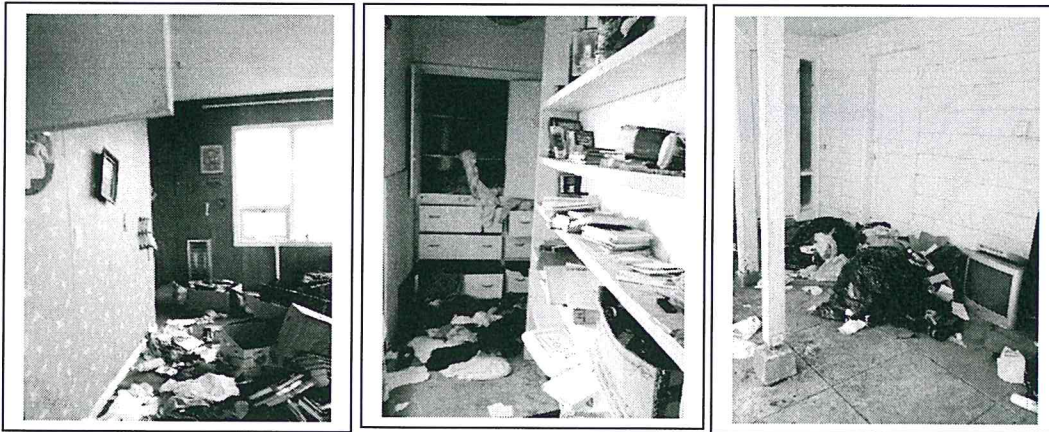
The subject property is located on the north side of Franklin Avenue on the east side of 2nd Street. The property is developed with an existing single-family dwelling. The property has been the subject of enforcement for numerous violations of the Property Maintenance Ordinance. The applicant recently purchased the property with the intention of renovating the dwelling and clearing up any violations.



The applicant proposes to locate a recreational vehicle to the west of the site within the unimproved 2nd Street right-of-way to use as their dwelling during repair of the existing single-family dwelling. The dwelling is not livable in its

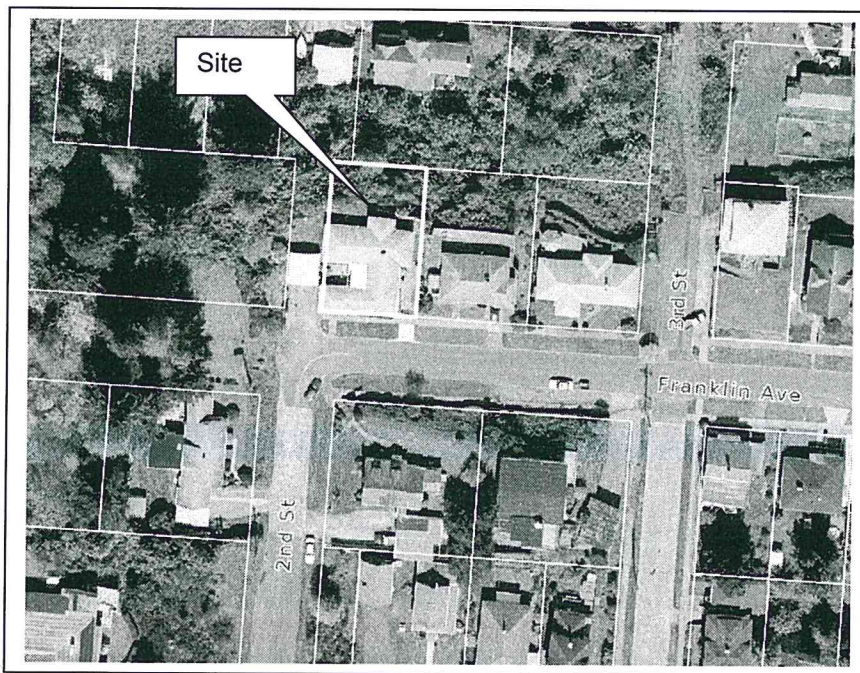


current condition. Use of the right-of-way would require a License to Occupy permit from the City Council.



B. Adjacent Neighborhood

The neighborhood is developed with single-family dwellings with larger than standard sized lots. Franklin Avenue in this area is a neighborhood street but does serve to connect the downtown/Central neighborhood to the west side of Astoria via West Grand Avenue.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 1, 2013. A notice of public hearing was published in the Daily Astorian on November 6, 2013. Any comments received will be made available at the Planning Commission meeting.



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

- A. Section 2.070(11) allows *"Temporary use meeting the requirements of Section 3.240"* as a Conditional Use in the R-2 Zone, in accordance with Article 11 concerning Conditional Uses.

Finding: The proposed use is classified as a temporary use and is being reviewed as a Conditional Use.

- B. Section 3.240 concerning Temporary Use Provisions states that *"Temporary Uses are those which involve minimal capital investment, and which comply with the following standards:*

A. Duration of Permits.

1. Time Limit.

*A temporary use permit shall expire one year from the date of Final Decision unless an extension has been granted.*

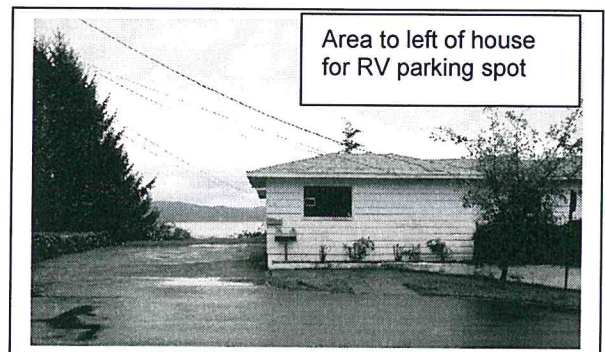
2. Permit Extensions.

*Prior to permit expiration, the applicant may request extensions in accordance with Section 9.100(B.2.a & b) and 9.100(B.3 & 4). A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied.*

B. Security.

*The Planning Commission may require that the applicant furnish the City with a performance bond or other negotiable instrument up to, and not to exceed, the value of the improvements or the cost of removal of the improvements, whichever is greater. This requirement may be made in order to assure that any conditions imposed are completed in accordance with the plans and specifications as approved by the Planning Commission, and the standards established in granting the use."*

Finding: The unit is a recreational vehicle (RV) and is proposed to be located within the unimproved 2nd Street right-of-way just west of the site. The site was paved previously as a parking stall for the previous owners.





If use exceeds one year, the applicant would need to obtain an extension to the permit prior to its expiration. The RV would not be permanent and could easily be removed at any time. Due to the mobile nature of the RV, a performance bond would not be necessary.

- D. 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.

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

Comprehensive Plan Section CP.220(8) 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: This neighborhood is mostly single-family residential. The outward appearance and primary use of the existing structure would be single-family residential. An RV unit may be parked on the site, however City Code Section 5.900 prohibits the unit from being used as a living unit unless approved by the City. The applicant is requesting a temporary use permit to use the RV as a living unit during repair of the existing single-family dwelling for up to one year.

It is not an incompatible use as the lot is larger than standard and there is an unimproved right-of-way adjacent to the site. The RV would only be occupied by one family. The RV should be hooked up to electric rather than use a generator to prevent unnecessary noise intrusion in the neighborhood.

While the structure is not designated as historic, it was built in 1947 and could be eligible for historic designation. Repair of this structure should be considered rather than any demolition or new construction. The applicant is proposing to repair the existing structure. The request meets this criteria.



- E. Section 11.030(A) requires that *"before a conditional use is approved, findings will be made that the use (except housing development) 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;*

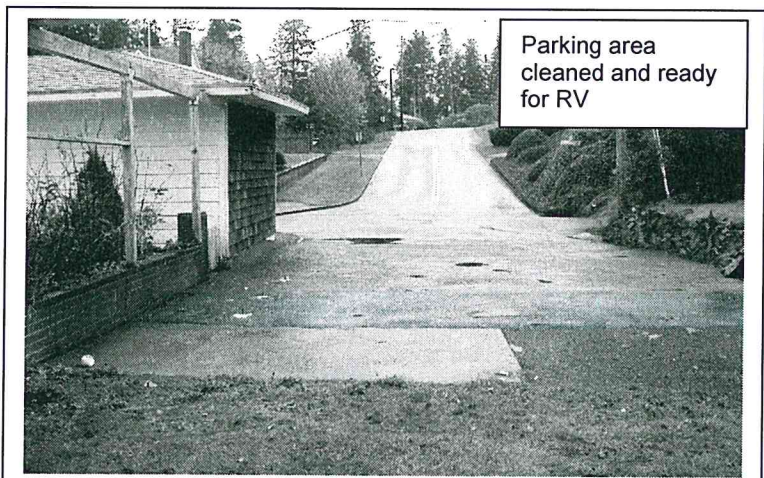


*availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: The location of the RV on the site adjacent to the home being repaired would allow the owners to perform the work and maintain the grounds of the house as they would if they were living in the house. There are no zones in Astoria that allow RV's and the applicants would need to locate the unit outside of the City limits.

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 site has ample parking for the residence. Use of the lot by a single-family would not change. The area, including the unimproved right-of-way is large enough for the RV unit to be located off the paved street and away from immediate view from Franklin Avenue. It would be visible from 2nd Street. It would not impact any traffic. The applicant would continue to utilize the curbside garbage collection facilities of the main house. They have also rented a dumpster for the remodel work debris.



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: The house is not being lived in at this time. The addition of the RV unit would not increase utility uses at this site. The RV is self-contained and would not be hooked up to the existing water and sewer lines of the house. The applicants plan to utilize the restroom facilities within the house. No new City connections would be required. The renovation of this dwelling would reduce the need for fire and police protection that is



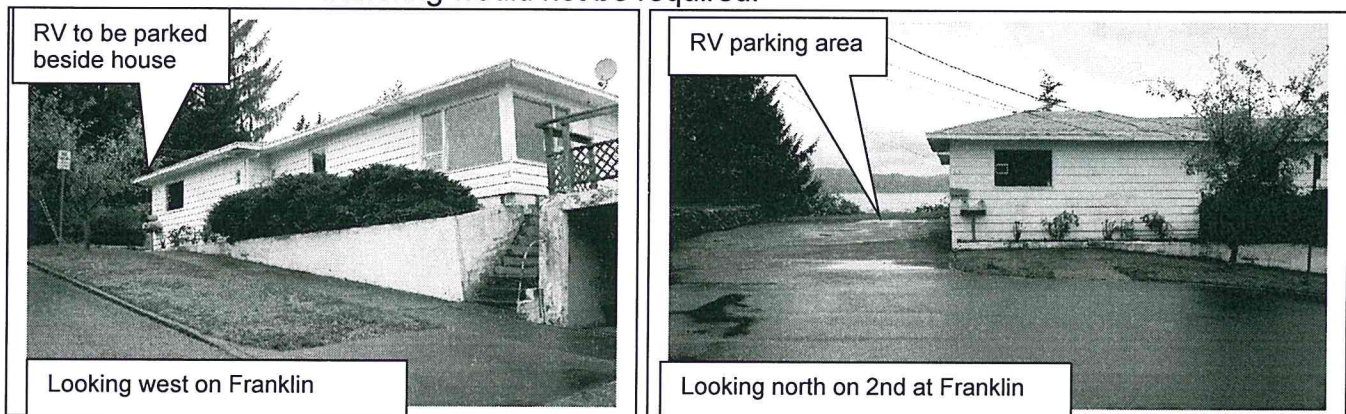
currently needed due to the condition of the vacant, derelict building, and unwanted transient use of the site.

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: There is a paved area within the unimproved 2nd Street right-of-way that was previously used for parking with a former carport. The site is adequate for the proposed use and no grading is proposed.

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

Finding: The RV would be placed on the side of the lot to separate it from other uses in the neighborhood. While visible from 2nd Street, the vehicle would be located back from the street which creates a buffer. Additional buffering would not be required.



## V. CONCLUSIONS AND RECOMMENDATIONS

The request meets all applicable review criteria. 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.

Staff recommends approval of the request based on the findings of fact above with the following conditions:

1. The RV shall be hooked up to electric if power is required and shall not use a generator.
2. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

3. The RV shall not be used as living quarters upon the completion of the home repairs to a stage that would allow occupancy of the house.
4. Any utility connections to the RV shall be removed within 30 days of occupancy of the house.





CITY OF ASTORIA  
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COMMUNITY DEVELOPMENT



No. CU 13-06

Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 218 Franklin  
Lot 8 & created portion of 2nd St. Block 53 Subdivision McChure  
Map 7DD Tax Lot 4400 Zone R-2

Applicant Name: William & Pamela Myers

Mailing Address: [REDACTED]

Phone: [REDACTED]

Business Phone: [REDACTED]

Email: [REDACTED]

Property Owner's Name: Same -

Mailing Address: \_\_\_\_\_

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

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

✓ Signature of Property Owner: William H Myers

Date: 10/7/13

Existing Use: 3FD two-family dwelling

Proposed Use: two-family dwelling - temp use to live in motorhome

Square Footage of Building/Site: for up to one year to restore/rehab house per 5,905 if approved by APC no LTO required

Proposed Off-Street Parking Spaces: in right-of-way of unimproved 2nd St.

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

For office use only:

Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>11-26-13</u>
120 Days:			



**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.

*residential use, need to be close to house for clean up  
no public campgrounds in Astoria; would need to commute  
from Portland or from Warrenton campgrounds & pay for spot;*

- 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.

*2nd Street is unimproved r-o-w & has been used as the driveway  
& parking spot for this property; a dumpster will be  
located on 2nd ROW for trash during clean up.*

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

*trailer is self contained - will use bathroom facilities  
in house; minor cooking on site; will not hook up to  
water or sewer; may want to hook up to house elec.  
if approved by Bldg Official & Elec Inspector*

- 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.

*unimproved r-o-w - No site work proposed.*

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

*N/A.*

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

*Temp Use -  
less than one year; no permanent structure;  
No capital improvement to site*



## Rosemary Johnson

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**From:** Sherri Williams  
**Sent:** Thursday, November 14, 2013 4:26 PM  
**To:** Rosemary Johnson  
**Subject:** FW: Planning Commission Public Notice

FYI

*Thanks!*

*Sherri*

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**From:** Arline LaMear  
**Sent:** Thursday, November 14, 2013 2:59 PM  
**To:** Sherri Williams  
**Subject:** RE: Planning Commission Public Notice

Hi Sherry,

This is to notify the Astoria Planning Commission that we support Conditional Use CU13-06 by William & Pamela Myers to locate and live in a motor home as a temporary use for up to one year while renovating the adjacent house at 218 Franklin. This house has been a blight on the neighborhood for years. We are delighted that the Myers have purchased the home and are working so hard to bring it up to standard. They have hauled away several dumpster loads of junk, have trimmed the bushes, mowed the lawn and cleaned out the garage. It is such an improvement. We wholeheartedly support the location of a motor home adjacent to the house at 218 Franklin Ave.

Thank you,  
Arline & Cliff LaMear  
288 Franklin Ave.

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**From:** Sherri Williams  
**Sent:** Friday, November 01, 2013 11:48 AM  
**To:** ADHDA Office; Alderbrook NH Assn; Arline LaMear; Blair Henningsgaard; Canary Lofts HOA; Dulcye Taylor - ADHA Pres; Jennifer Holen - ADHDA; Karen Mellin (External); Mill Pond HOA; Public Notices - ODOT; Russ Warr ([agworks1001@qwest.net](mailto:agworks1001@qwest.net)); [sduoos@co.clatsop.or.us](mailto:sduoos@co.clatsop.or.us); SHPO; Tryan Hartill, Editor  
**Subject:** Planning Commission Public Notice

### CITY OF ASTORIA NOTICE OF PUBLIC HEARING

The City of Astoria Planning Commission will hold a public hearing on Tuesday, November 26, 2013 immediately following the Traffic Safety Committee meeting at 7:00 p.m., at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Permit Extension for Conditional Use CU03-04 by Elisabeth Nelson for a temporary use permit for one year, to August 26, 2014, to operate the Astoria Conservatory of Music in the existing church structure at 1103 Grand Avenue (Map T8N-R9W Section 8CD, Tax Lot(s) 5700; Lot(s) 1, 2, 13, 14, Block 91, McClures) in the R-3, High Density Residential zone. Development Code Sections 2.150

## STAFF REPORT AND FINDINGS OF FACT

November 13, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: CONDITIONAL USE REQUEST (CU13-07) BY ANTHONY DELUZ TO LOCATE A ONE BEDROOM BED AND BREAKFAST AT 1320 FRANKLIN AVENUE

### I. SUMMARY

- A. Applicant: Anthony DeLuz  
1320 Franklin Avenue  
Astoria OR 97103
- B. Owner: Stephen Lee  
7006 SW Burlingame Avenue  
Portland OR 97219-2131
- C. Location: 1320 Franklin Avenue; Map T8N-R9W Section 8CD, Tax Lot 14400; south 100' Lot 9 and west 10' of south 100' Lot 10, Block 116, Shively
- D. Zone: R-3, High Density Residential
- E. Lot Size: approximately 60' x 100' (approximately 5,460 square feet)
- F. Proposal: To operate a one bedroom bed and breakfast in the existing multi-family structure

### II. BACKGROUND INFORMATION

#### A. Site:

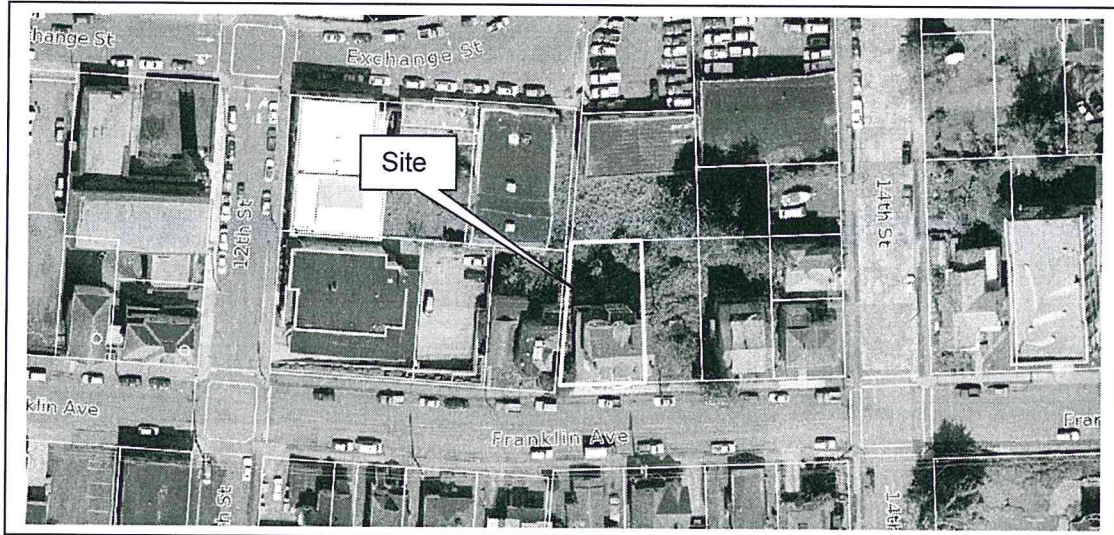
The 2.5 story building is located on the north side of Franklin Avenue between 12th and 14th Streets. It is currently operated as an apartment complex. The structure is designated as historic.



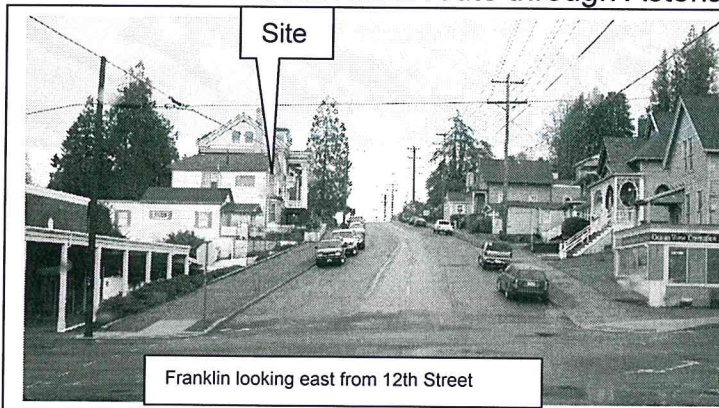


B. Neighborhood:

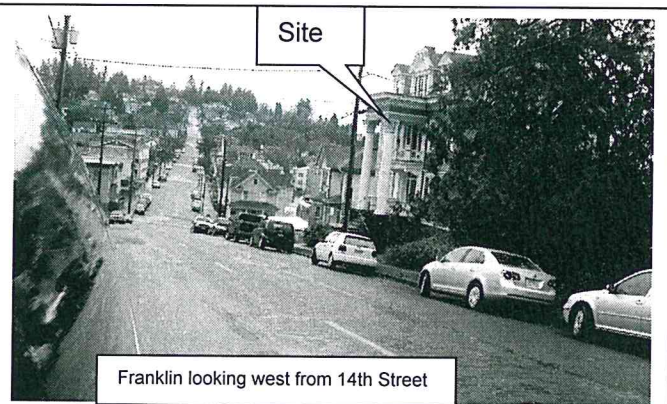
The surrounding area on Franklin Avenue is developed with a variety of uses including single-family dwellings, multi-family dwellings, a mortuary, a burial service facility. To the west is a church and day care; to the north fronting on Exchange Street is the automobile museum, Providence medical facility, natural food store, and former YMCA building; to the east and south are residential areas.



Franklin Avenue is 60' wide and developed its full width with street, parking on both sides, and sidewalks. Franklin Avenue is not a main vehicular route but does serve as a local street connecting the neighborhood to downtown. The 12th and 14th Street rights-of-way on either side of the subject property are 50' wide and developed to their full width also. 14th Street is a secondary north-south local route through Astoria.



Franklin looking east from 12th Street



Franklin looking west from 14th Street

C. Proposal:

The applicant manages the multi-family building and is proposing to provide one unit as transient lodging as a bed and breakfast. The manager would be present at the time of the guests.



The applicant cannot provide on-site parking for the bed and breakfast and has submitted a Variance application (V13-16) which will be considered at the same APC meeting.

### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 1, 2013. A notice of public hearing was published in the Daily Astorian on November 6, 2013. Any comments received will be made available at the Planning Commission meeting.

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

- A. Section 2.160(1) concerning Conditional Uses Permitted allowed in the R-3 Zone allows *"Bed and breakfast, or inn"*.

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."*

Finding: Bed and breakfast facility is allowed in any residential building and is not limited to single-family dwellings. There are nine units in the multi-family structure and only one unit would be used for transient lodging. The manager lives in one of the units and would be in residence on the same days as the guests.

- B. Section 2.185(1) requires that *"All uses with access, parking, or loading areas will comply with standards in Article 7."*

Section 7.100 concerning Minimum Parking Space Requirements states that bed and breakfast shall have 1 space per bedroom plus two for the owner/manager unit.

Finding: The multi-family dwelling is existing and has no off-street parking spaces. The use of one of the units for transient lodging in lieu of a full-time tenant would not change the number of parking spaces required. In fact, the proposed B&B would require 0.5 space per unit less than the multi-family dwelling requirement. However, since the bed and breakfast requires a conditional use permit, parking is a consideration. The applicant has arranged for a parking space on the property owned by Hughes Ransom Mortuary at 576 12th Street. Since this space is not on the subject site, the applicant has submitted a Variance application (V13-16) from the parking requirement. The need for off-street parking or loading will be addressed in the Variance (V13-16) Findings of Fact.



- C. Section 11.020(B)(1) requires that the use comply with policies of the Comprehensive Plan.

Section CP.205(5) concerning Economic Development Policies states that *"The City encourages the growth of tourism as part of the economy. Zoning standards which improve the attractiveness of the City shall be considered including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements."*

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."*

Finding: The Home Apartments building was constructed in 1910 as a single-family residence with medical offices and clinic in the basement for Dr. Alfred Kinney and his son. The building was converted to apartments in 1917 and survived the fire of 1922. The site has been used as a multi-family dwelling facility since 1917. There is an increasing need for transient lodging especially ones located near the tourist areas such as Downtown. The building is designated as historic in the Shively-McClure National Register Historic District. Use of a multi-family dwelling at this location as a tourist bed and breakfast supports tourism as part of the economy.

The facility is not rented at 100% occupancy and the ability to use one of the units for a bed and breakfast would help with the economic occupancy of the building.

Use of the structure for one unit for tourists would not be an unnecessary intrusion on the residents of the apartments as the tourists would be held to the same standards as the guests. The manager will be present when there is a guest in the unit. The facility would not be available for rent when the manager is gone.

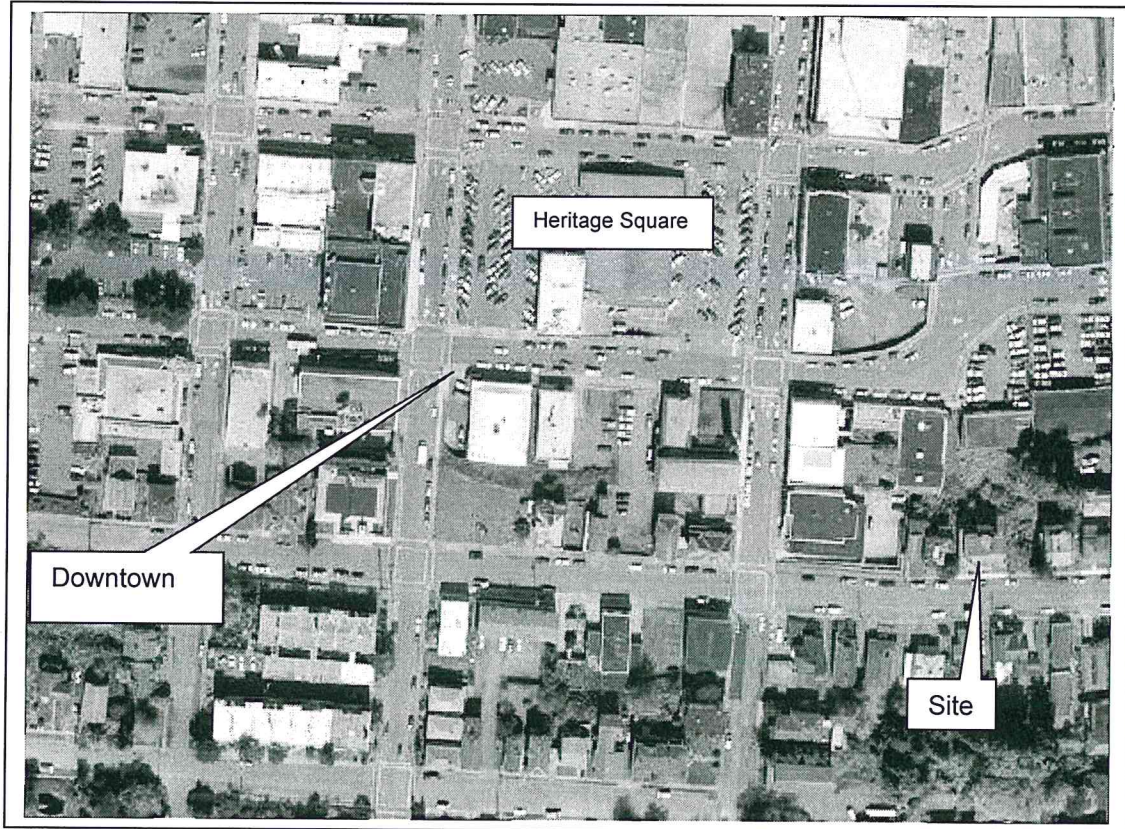
The request complies with the Comprehensive Plan.

- D. 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. The existing building was constructed and used as residences and that use would continue. The zone allows a variety of residential uses as outright. There are few residences located near a commercial zone that would be suitable for transient lodging, and therefore the



availability of locations for bed and breakfasts in close proximity to Downtown Astoria is limited. Other transient lodging includes motels and hotels which provide single rooms with limited amenities such as kitchens but do not require that the owner/manager reside in the facility. Bed and breakfast facilities are mostly located in residential zones and provide lodging but, with limited other amenities. This facility would provide lodging with a kitchen amenity which is not normally available with bed and breakfast facilities.



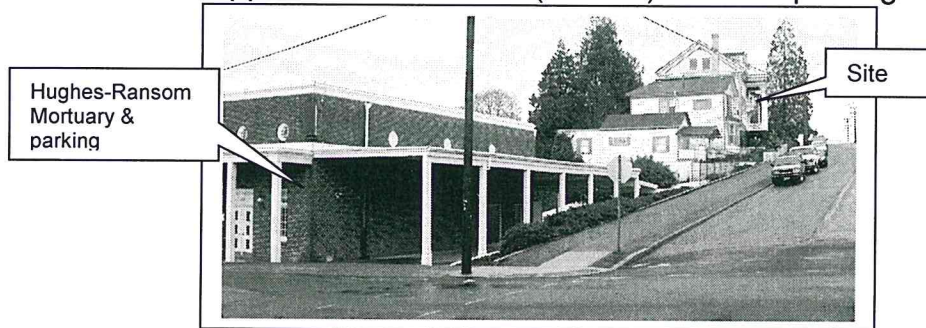
The actual room available for rent could change depending on the unit available and not rented as an apartment. The conditional use would be limited to the one unit. The proposed use at this site provides a good location close to downtown and other tourist-related services and attractions. This site is ideal for this type of transient lodging.

- E. 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 site is accessible from Franklin Avenue via 12th and 14th Streets. On-street parking is available on both sides of Franklin Avenue. Only



one space would be required for the transient unit which is less than the 1.5 required for the unit if rented long term. The applicant has arranged for a parking space with Hughes Ransom Mortuary to the west on 12th Street. He has also applied for a Variance (V13-16) from the parking requirements.



Franklin Avenue is platted 60' wide and improved its full width including road, parking on both sides, and sidewalks. There are some commercial operations in the general area including one religious institution, bed and breakfast, and two mortuaries. Franklin Avenue is easily accessible but is not major through street. Loading and unloading for guests would be from the on-street parking.

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. Garbage collection is provided by Recology (Western Oregon Waste) under contract with the City.

The Building Inspector has indicated that there may need to be some upgrades to the building to accommodate transient guests as this is a change in use classification for building codes purposes. Therefore, prior to start of operation as a bed and breakfast, the applicant shall work with the City Building Inspector and County Electrical Inspector concerning any needed changes to the facility.

- F. 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 impacts of transient guests on these services would be less than the existing full-time residents. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but the proposed use will not overburden these services.

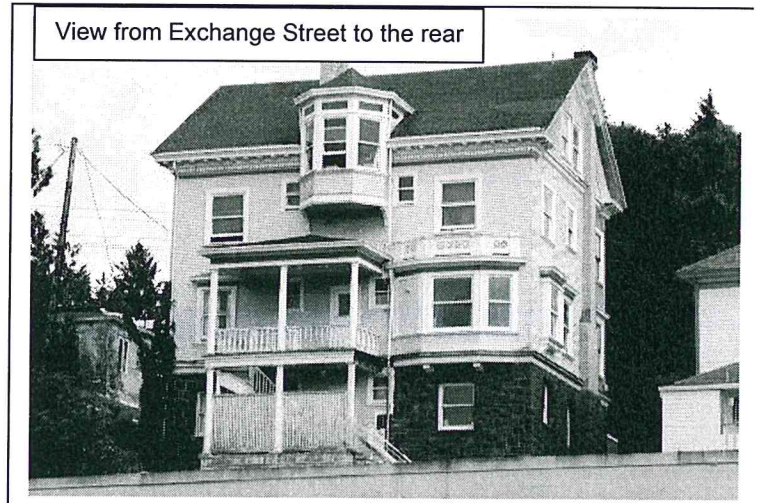
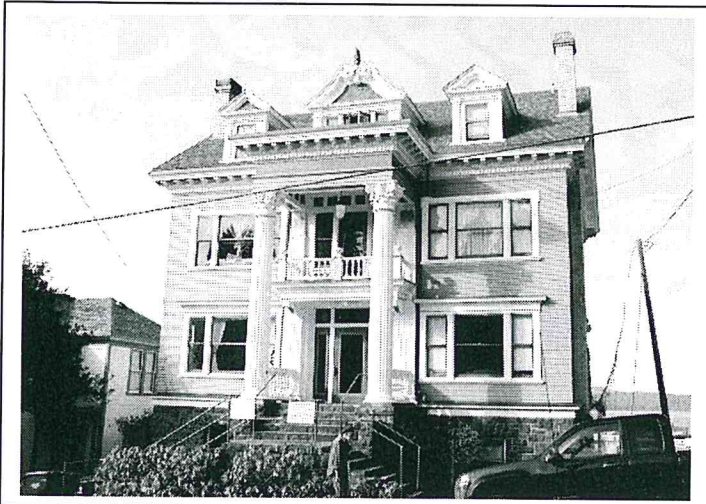
- G. Section 11.030(A)(4) requires that the topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

Finding: No construction is proposed as part of this request. This section does not apply.



- H. 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 lot. The site is amply landscaped. Additional landscaping is not required.



## 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 manager shall reside in the building on the same days as the guests.
2. A maximum of one unit may be occupied by transient guest at any given time.
3. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
4. Prior to start of operation as a bed and breakfast, the applicant shall work with the City Building Inspector and County Electrical Inspector concerning any needed changes to the facility due to the change in occupancy classification.
5. The applicant shall provide one off-street parking space unless a Variance is obtained.

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, including registering with the City for the Transient Room Tax.





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856  
COMMUNITY DEVELOPMENT



No. CU 13-07

Fee: \$250.00 *Pd by Barb Lee*

**CONDITIONAL USE APPLICATION**

Property Address: 1320 Franklin Avenue, Astoria, OR 97130

Lot 9 Block 116 Subdivision \_\_\_\_\_  
Map 80908CD14400 Tax Lot 14400 Zone R-3

Applicant Name: Anthony DeLuz

Mailing Address: 1320 Franklin Ave. Astoria, OR 97130

Phone: 503.407.2778 Anthony Business Phone: 503.440.8419 Email: PilotHomeApts@gmail.com

Property Owner's Name: Barbara & Stephen Lee (Pilot Home Apartments, LLC)

Mailing Address: 7006 SW Burlingame Ave., Portland, OR 97219

Business Name (if applicable): Pilot Home Apartments, LLC

Signature of Applicant: [Signature] Date: 7-24-2013

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Existing Use: Multi family housing, 9 individual apartments

Proposed Use: a one bedroom B&B with manager occupied

Square Footage of Building/Site: 1 Bedroom Apt. = 480 sq ft.

Proposed Off-Street Parking Spaces: None, see parking variance application

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

**For office use only:**

Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>11-26-13</u>
120 Days:			

**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 use is appropriate, evidenced by existence of other B&Bs and former B&Bs in the neighborhood and within several blocks. Accessibility for B&B tenants is similar to current accessibility for month to month tenants.

---

- 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.

---

We anticipate no substantial impact on transportation, access, loading, refuse collection, or any other site variable, in conversion of one rental unit and repurposing it as a B&B.

---

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

---

We anticipate no change in water, sewer, drainage, fire and police protection or other utilization of services.

---

- 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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The use as rental housing will not change and the only construction is rehabilitation and renovation of the unit to be purposed as a B&B.

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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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N/A

---

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

N/A



August 14, 2013



To Whom It May Concern:

I am writing as the Proprietor of the Fort George Brewery and Public House in Astoria, Oregon. I write this as an introduction to Anthony DeLuz whom I have known since 2006. Apart from the strong, family-like friendship we have developed over the years, Anthony was the General Contractor that built-out the original Fort George Pub and Brewery that opened in 2007. With very limited resources he was able to create the backbone of what has grown to be a local institution in the years since. Anthony has a keen eye for and demands quality in everything he is associated with. He has a unique ability to form productive relationships with sub-contractors and inspectors that gets projects done on time and under-budget.

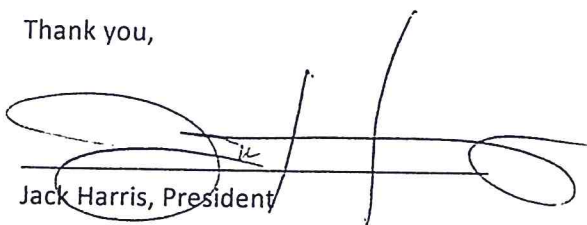
Since our days building out the Fort, Anthony has moved on to a Property Management role that utilizes his excellent organizational skills and his high level of craftsmanship to create amazing living spaces in an Historic Building very close to Fort George. His latest venture would have him starting a Bed and Breakfast service for one of these rooms.

We receive many requests from guests at Fort George for references to good places to stay while they are in town enjoying our establishment and the City of Astoria. While there are several Bed and Breakfasts as well as a Hostel and Hotels in our vicinity, they are often booked up on summer weekends. An addition to the lodging options in our neighborhood would be quite beneficial to our business. I have already discussed possibilities of package deals with Anthony that we both agree would be quite popular with out of town guests.

I write this as an advocate for Anthony Deluz's venture as I see the City and our business would benefit from this project.

If you have any questions, please feel free to contact me at any time.

Thank you,



Jack Harris, President

Cervesia Gratis, Inc.  
DBA Fort George Brewery & Public House  
1483 Duane St.  
Astoria, OR 97103  
(503) 791-9731







## STAFF REPORT AND FINDINGS OF FACT

November 20, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: VARIANCE REQUEST (V13-16) BY ANTHONY DELUZ FROM OFF-STREET PARKING REQUIREMENTS TO ALLOW A ONE BEDROOM BED & BREAKFAST WITH ZERO PARKING AT 1320 FRANKLIN AVENUE

### I. BACKGROUND SUMMARY

- A. Applicant: Anthony DeLuz  
1320 Franklin Avenue  
Astoria OR 97103
- B. Owner: Stephen Lee  
7006 SW Burlingame Avenue  
Portland OR 97219-2131
- C. Location: 1320 Franklin Avenue; Map T8N-R9W Section 8CD, Tax Lot 14400; south 100' Lot 9 and west 10' of south 100' Lot 10, Block 116, Shively
- D. Zone: R-3, High Density Residential
- E. Lot Size: approximately 60' x 100' (approximately 5,460 square feet)
- F. Proposal: Variance from off-street parking requirements to provide zero on-site parking and to provide one space on a parcel within 300' of the site to operate a one bedroom bed and breakfast in the existing multi-family structure

### II. BACKGROUND INFORMATION

#### A. Site:

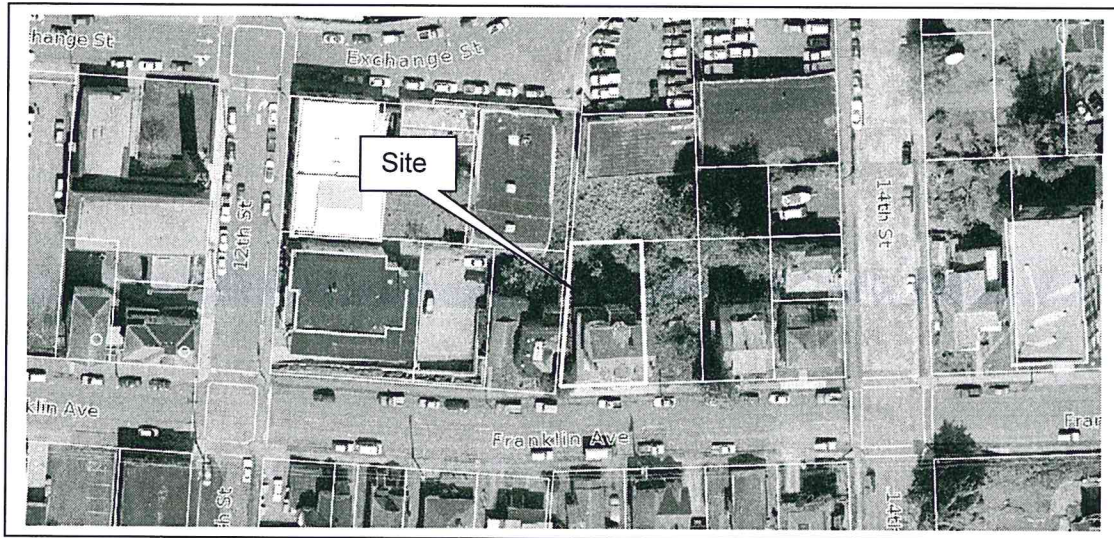
The 2.5 story building is located on the north side of Franklin Avenue between 12th and 14th Streets. It is currently operated as an apartment complex. The structure is designated as historic.



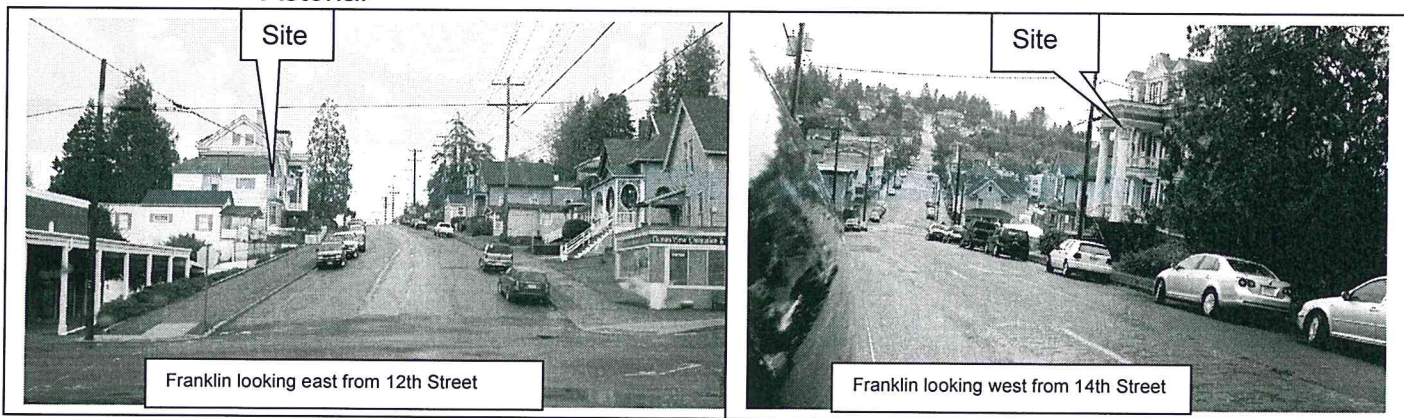


B. Neighborhood:

The surrounding area on Franklin Avenue is developed with a variety of uses including single-family dwellings, multi-family dwellings, a mortuary, a burial service facility. To the west is a church and day care; to the north fronting on Exchange Street is the automobile museum, Providence medical facility, natural food store, and former YMCA building; to the east and south are residential areas.



Franklin Avenue is 60' wide and developed its full width with street, parking on both sides, and sidewalks. Franklin Avenue is not a main vehicular route but does serve as a local street connecting the neighborhood to downtown. The 12th and 14th Street rights-of-way on either side of the subject property are 50' wide and developed to their full width also. 14th Street is a secondary north-south local route through Astoria.



C. Proposal:

The applicant has requested a variance from the off-street parking requirements of one on-site space. He has acquired an agreement with Hughes-Ransom Mortuary for one space on that property which is within 300' of the subject site. The applicant manages the multi-family building and is proposing to provide one unit as transient lodging as a bed and breakfast. A Conditional Use (CU13-07) application will be



heard by the APC at the same meeting as the Variance. The manager would be present at the time of the guests.

### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 1, 2013. A notice of public hearing was published in the Daily Astorian on November 6, 2013. Any comments received will be made available at the Planning Commission meeting.

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

- A. Section 2.160(1) concerning Conditional Uses Permitted allowed in the R-3 Zone allows *"Bed and breakfast, or inn"*.

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."*

Finding: The applicant is proposing to operate one unit in the multi-family apartment building as a B&B which is a conditional use. An application for the conditional use (CU13-07) is being considered by the APC at this same meeting.

- B. Section 7.100(H) requires *"One and one-half spaces per dwelling unit"* for a *"Multi-family dwelling containing four or more dwelling units"*.

Section 7.100(H) requires *"One space per bedroom plus two spaces for owner/manager unit"*.

Finding: The facility is an existing nine unit apartment building with no off-street parking. The applicant proposes to maintain the multi-family dwelling and use one unit as a bed and breakfast unit. The manager lives in one of the existing units. The applicant proposes to provide zero on-site off-street parking spaces and to provide one leased space within 300' of the site. A variance is required.

- C. Section 7.030.A.1, Location, states that *"In any residential zone, up to 50% of vehicle parking spaces for dwellings and other uses permitted in a residential zone may be located on contiguous lots or on a lot across a street or other right-of-way from the lot with the primary use."*

Finding: The applicant has acquired permission from Hughes-Ransom Mortuary for one off-street parking space. The site is located within the same block as the apartment building approximately 300' away. The applicant proposes to use this space either for the guests or for his manager unit. The agreement does not have a specific time frame and, while it does provide a parking space, it is not likely to be used on a regular basis. The attempt by the applicant to provide some parking shows a good faith effort on the part of the applicant to comply with the required parking space, but should not be a requirement of the variance. It is proposed that the variance be from the requirement and allow zero parking for the proposed use.

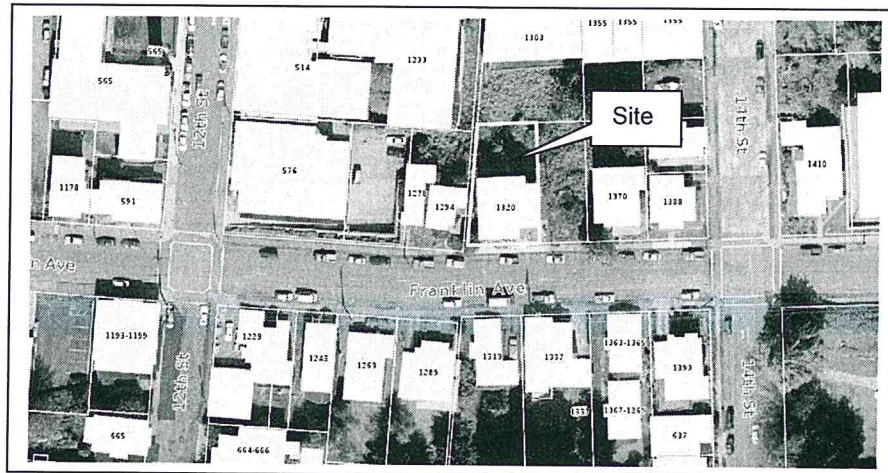


- D. Section 12.040 states that *"Variances from the requirements of this Code with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation, and the evidence submitted by the applicant, all three (3) of the following expressly written findings are made:"*

- "1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Code; and"*

Finding: The present use as a multi-family dwelling requires 1.5 off-street parking spaces for each unit which is not currently provided and is grandfathered. The request to change one unit to a B&B guest bedroom reduces the required off-street parking for this unit from 1.5 spaces to one space. The manager lives in one of the existing units that does not have off-street parking. Therefore, the impact of the proposed B&B would actually reduce the amount of required parking.

This is a dense residential urban neighborhood with several multi-family apartment buildings and single-family dwellings with no off-street parking. The B&B would be in keeping with this area development. The block is 400' long which would allow for several vehicles to park on both sides of the street. Most of the properties on the south side of the street have off-street parking while the buildings on the north side do not have off-street parking.



While bed and breakfast establishments are open seven days a week, the majority of use is generally on the weekends. Guest vehicles would be parked over the evening hours, but we have found that guests at lodging facilities located close to downtown will leave their vehicle all day and use other means of transportation, such as walking to their destinations.

The site is located one block from the commercial area of downtown. The 12th and 14th Street side streets are used during the week by employees and customers. These spaces would generally open up for use after 5:00



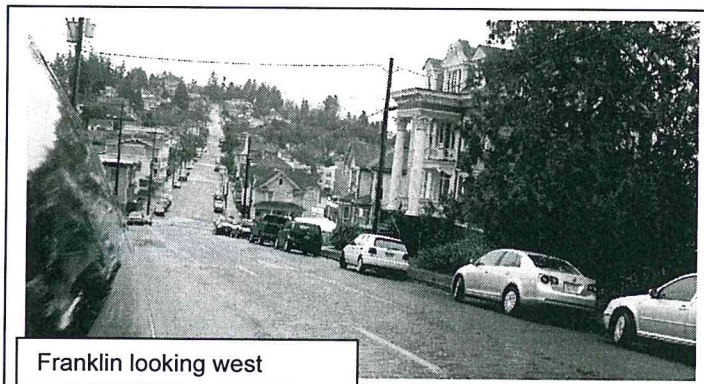
pm and on weekends allowing for additional residential parking on the side streets.

Franklin Avenue is a secondary route used by locals in lieu of Commercial or Duane Streets as an east-west route through downtown. This portion of Franklin Avenue has a moderate volume of vehicle usage due to its proximity to downtown.

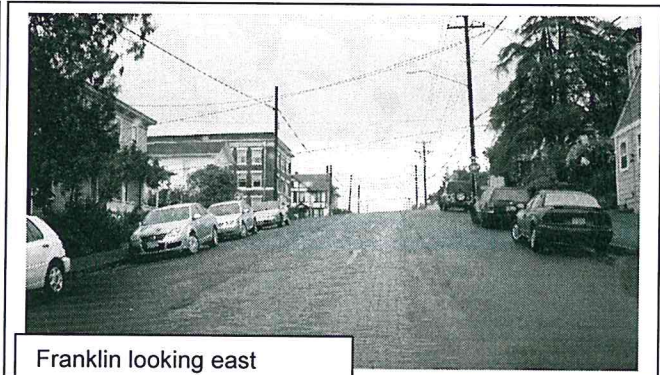
Since there are a number of on-street spaces available in this block, and the parking requirements for the proposed B&B are less than the existing use, it appears that there may be sufficient on-street parking to accommodate proposed B&B. A strict interpretation of the requirement is not required.

- “2. *That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets;*”

Finding: Guests would need to load and unload their personal bags from a vehicle parked on the street at the curb. This type of loading does not require long periods of parking for large items and would be considered as part of the regular parking of a vehicle on the street. The street is straight with good length of visibility and wide enough for one lane of traffic in each direction. Should a guest need to double park to unload, it would be for a minimal period of time and would not materially interfere with traffic flow or cause a safety hazard. With the sight distances, parking maneuvering should not be a problem.



Franklin looking west



Franklin looking east

It is anticipated that the street will be able to accommodate future traffic generated by the bed and breakfast.

- “3. *That the granting of the variance will not create a safety hazard.*”

Finding: As noted above, Franklin Avenue is developed to its full width with parking on both sides. There is good visibility toward the east and west. Granting the variance will not create a safety hazard.



## **V. CONCLUSION AND RECOMMENDATION**

The request, in balance, meets all the applicable review criteria and Staff recommends approval 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. The applicant shall obtain conditional use approval for the proposed use.
3. The variance would allow zero off-street parking.

The applicant should be aware of the following requirements:

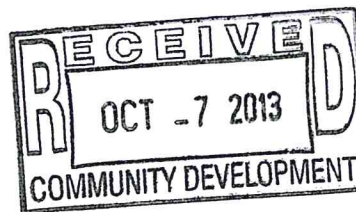
The applicant shall obtain all necessary City and building permits prior to the start of operation.





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT



No. V 13-16

Fee: ~~Administrative Permit \$150.00~~  
or **Planning Commission \$250.00**

*for by  
Barb Lee*

**PARKING VARIANCE APPLICATION**

Property Location: Address: 1320 Franklin Avenue, Astoria, OR 97130

Lot 9 Block 116 Subdivision \_\_\_\_\_  
Map 80908CD14400 Tax Lot 14400 Zone R-3

Applicant Name: Anthony DeLuz, Manager

Mailing Address: 1320 Franklin Ave, Astoria, OR 97130

Phone: 503.407-2778 Business Phone: 503.440.8419 Email: PilotHomeApts@gmail.com

Property Owner's Name: Barbara & Stephen Lee (Pilot Home Apartments, LLC)

Mailing Address: 7006 SW Burlingame Ave, Portland, OR 97219

Business Name (if applicable): Pilot Home Apartments, LLC

Signature of Applicant: \_\_\_\_\_

Date: 7-24-2013

Signature of Property Owner: \_\_\_\_\_

Date: 9/18/13

Existing/Proposed Use: Variance from the on-site parking requirement to allow 100% of parking to be off-site \_\_\_\_\_

What Development Code Requirement do you need the Variance from? (Describe what is required by the Code and what you are able to provide without a Variance.)

Code requires off street parking, which we are not able to provide. The building occupies almost the entire lot, which slopes sharply to the north. There is just a very small lawn in front.

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

**For office use only:**

Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>11-26-13</u>
120 Days:			

**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 the following criteria to **PARKING RELATED VARIANCES:**

12.040. VARIANCE FROM STANDARDS RELATING TO OFF-STREET PARKING AND LOADING FACILITIES.

Variances from the requirements of this Code with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation, and the evidence submitted by the applicant, all three (3) of the following expressly written findings are made:

1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Code; and

---

One current apartment unit is being converted to a B&B, so traffic volume is unlikely to be affected. Current traffic as an apartment unit is approximately equal to anticipated traffic volume as a B&B unit.

---

2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets; and

---

No additional parking on the public street and no loading of vehicles, above what is already present at the Pilot Home Apartments, is anticipated.

---

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

---

There is no anticipated safety hazard created by tenants walking a short distance on the sidewalk from parking to their B&B unit.

---

**Attach Site Plan**





# HUGHES-RANSOM

## Cremation & Mortuaries

576 12th Street  
Astoria, OR 97103  
Phone: (503) 325-2535

220 N. Holladay Drive  
Seaside, OR 97138  
Phone: (503) 738-6622

July 31, 2013

To Whom It May Concern:

Dear City of Astoria,

Hughes-Ransom Mortuary is going to work with Anthony DeLuz & Pilot Home Apartments. Hughes-Ransom Mortuary has agreed to rent them a parking space for the years 2013 – 2014 and will continue to do so for their Bed & Breakfast venture. The parking spot will be at 576 12<sup>th</sup> Street Astoria, Oregon 97103.

Thank You,

Todd Slack

Funeral Director/Embalmer/Owner



August 14, 2013



To Whom It May Concern:

I am writing as the Proprietor of the Fort George Brewery and Public House in Astoria, Oregon. I write this as an introduction to Anthony DeLuz whom I have known since 2006. Apart from the strong, family-like friendship we have developed over the years, Anthony was the General Contractor that built-out the original Fort George Pub and Brewery that opened in 2007. With very limited resources he was able to create the backbone of what has grown to be a local institution in the years since. Anthony has a keen eye for and demands quality in everything he is associated with. He has a unique ability to form productive relationships with sub-contractors and inspectors that gets projects done on time and under-budget.

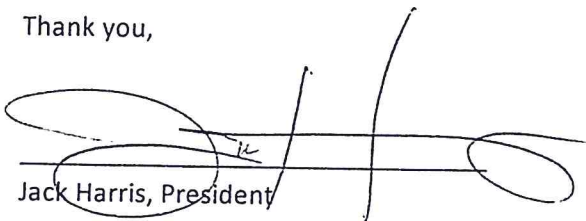
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If you have any questions, please feel free to contact me at any time.

Thank you,



Jack Harris, President

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DBA Fort George Brewery & Public House  
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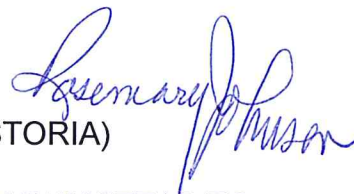
# STAFF REPORT AND FINDINGS OF FACT

November 13, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: RYAN E. CRATER, COASTAL PLANNER (CREST)

PRESENTED BY: ROSEMARY JOHNSON, PLANNER (CITY OF ASTORIA)



SUBJECT: CONDITIONAL USE REQUEST (CU13-08) BY MARTIN BUMSTEAD TO  
REPAIR AND REPLACE SIX WOOD POLES WITH STEEL POLES AT THE  
KAST AM RADIO TOWER FACILITY AT 1006 WEST MARINE DRIVE

## I. BACKGROUND SUMMARY

A. Applicant: Marty Bumstead  
P.O. Box 99827  
Seattle WA 98139

B. Owner: City of Astoria (tax lot)  
1095 Duane Street  
Astoria OR 97103

Department of State Lands (submerged lands)  
775 Summer Street NE Suite 100  
Salem OR 97301-1279

Ohana Media Group LLC (Lease from City for facilities)  
PO Box 99827  
Seattle WA 98139

C. Location: 1006 West Marine Drive; Map T8N-R9W Section 18C, Tax lots  
100

D. Proposal: Perform maintenance, repair, and replacement of existing wood  
poles and install six steel poles, which will replace the existing  
wood poles. Steel poles will be used to suspend the radio tower  
transmission line off the ground feeding the two radio towers. To  
allow continued routine maintenance.

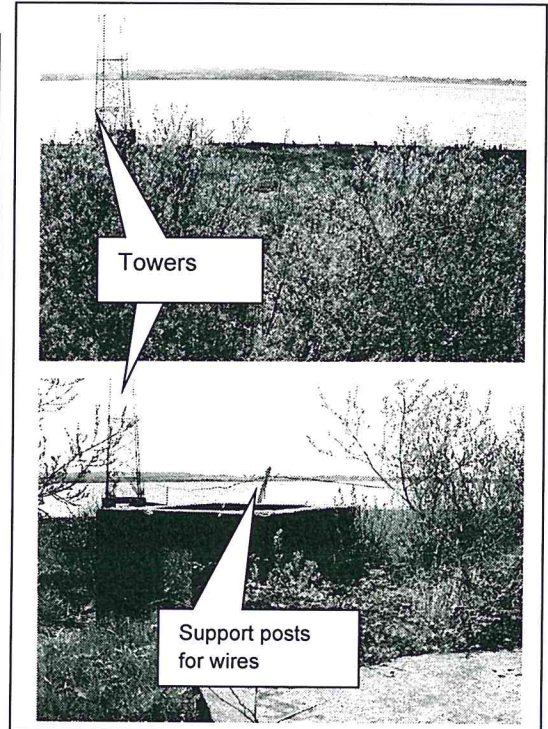
E. Zone(s): C-3 (General Commercial)  
A-4 (Aquatic Natural)  
CRESO (Columbia River Estuary Shorelands Overlay)  
FHO (Flood Hazard Overlay)



## II. BACKGROUND

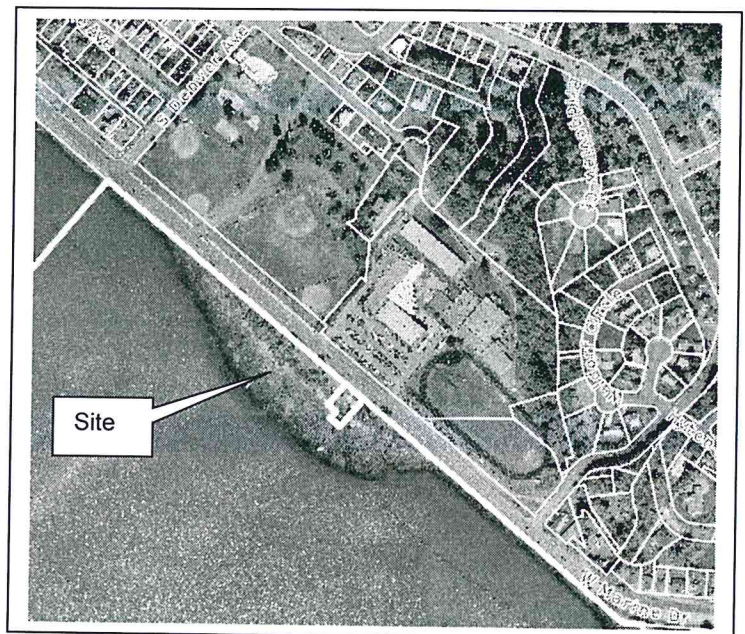
### A. Project Site

The KAST AM radio towers are located within Youngs Bay in an area listed on the National Wetlands Inventory as being an Estuarine and Marine Wetland. The radio towers have been on site since approximately sometime around the 1950's. The upper portion of the project site location is upland and not considered wetlands. The site is mostly open land dominated by herbaceous ground vegetation and the remaining shoreline being dominated by tree and shrubs.



### B. Adjacent Neighborhood

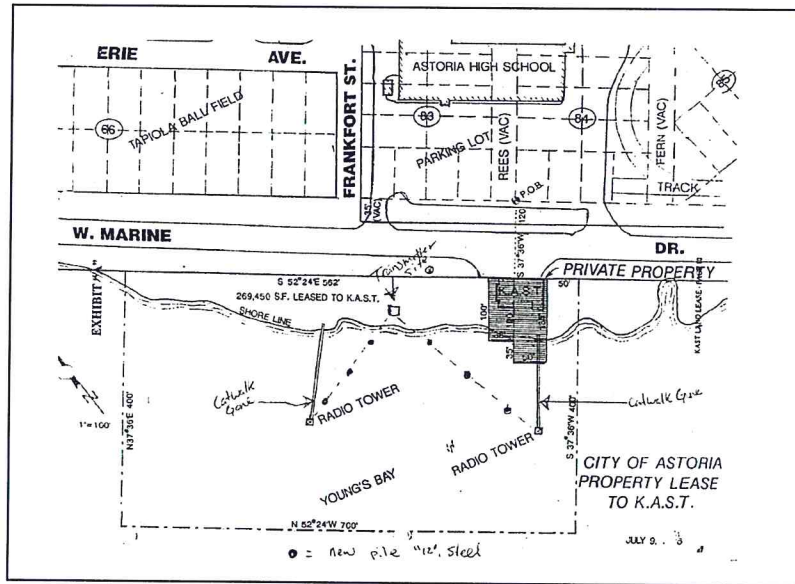
The project site is located just southwest of the Astoria High School and southeast of Tapiola Park on the water side of West Marine Drive. The majority of the surrounding neighborhood is owned by the School District and the City. Adjacent lands to the northeast beyond that are mostly single-family residences. To the west are commercial properties including Astoria Ford and Dairy Queen.





### C. Proposed Use

The applicant represents Ohana Media Group which owns KAST Radio. The applicant is proposing to perform maintenance, repair, and replacement work, which will consist of replacement of six existing piles that support the transmission line to the towers. The steel piles are 20 feet in length and will be buried 10 feet in the ground leaving the remaining 10 feet exposed. The steel poles will be equally spanning the total distance to the tower (approx. 300 ft). Each steel pole will be driven into the ground, not excavated. The steel poles will replace the existing wood poles on site that have fallen into disrepair. The steel poles will suspend the existing transmission line above the ground, which supplies power to the towers.



The project is for emergency repair of the existing facilities. The Department of State Lands (DSL) authorization dated September 26, 2013 required that the work be completed by November 18, 2013. As a result, the work needed to be completed prior to the obtaining the Conditional Use Permit approval from the Planning Commission. The applicant was working with the City and CREST to assure that the work was done in compliance with the City requirements. The email approving the work to commence with conditions dated September 27, 2013 is attached.

Ohana Group Media has agreements and leases with the City dated July 15, 2011 for the location and maintenance of the facilities on the site. Those agreements include the approval for maintenance of the existing facilities. While the City is shown as the property owner, the property is submerged lands and therefore is owned and controlled by DSL. As noted above, the applicant has obtained authorization from DSL for the project.



### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 1, 2013. A notice of public hearing was published in the Daily Astorian on November 6, 2013. Any comments received will be made available at the Planning Commission meeting.

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

- A. Section 2.390.4 concerning the Uses Permitted Outright in the C-3 Zone (General Commercial) identifies "*Communication service establishment*" as an outright use. This use includes radio services.

Finding: A portion of the proposed work would be within the C-3 Zone. The proposed maintenance, repair, and replacement project is a continuation of the existing radio transmission tower facility and is allowed as an outright use in the C-3 Zone.

- B. Section 2.600. concerning the Purpose for A-4 Zone (Aquatic Natural) states that "*The purpose of the Aquatic Natural Zone (A-4) is to assure the preservation and protection of: 1) significant fish and wildlife habitats, 2) essential properties of the estuarine resource (e.g., dynamic geological processes, continued biological productivity, unique or endemic communities of organisms, species diversity), and 3) research and educational opportunities.*"

Finding: The proposed project is a maintenance, repair, and replacement project of existing wood poles on site that have failed or will fail in the immediate future. The repair and replacement is necessary to keep the power cable to the towers suspended from touching the ground. The proposed use is allowed under Section 2.610(1, 9, 10, and 11) as a "Conditional Use". Emergency repair is not listed as a use and would be classified under 2.610(1) as "*Maintenance and repair of existing structure*".

- C. Section 2.610(1) concerning Conditional Uses in the A-4 Zone (Aquatic Natural) lists "*Maintenance and repair of existing structures or facility.*" as an allowed Conditional Use.

Section 2.610(9) concerning Conditional Uses in the A-4 Zone (Aquatic Natural) lists "*Piling as necessary for conditional uses 1 through 9, above.*" as an allowed Conditional Use.

Section 2.610(10) concerning Conditional Uses in the A-4 Zone (Aquatic Natural) lists "*Temporary alteration*" as an allowed Conditional Use.

Finding: The project is allowed as a Conditional Use within the A-4 Zone under the above listed uses.



- D. Section 2.615(1) concerning Development Standards and Procedural Requirements states that *“All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).”*

Finding: See Section L of this staff report for review and findings for Article 4 standards. The proposed project complies with the above section.

- E. Section 2.615(2) concerning Development Standards and Procedural Requirements states that *“When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the Aquatic Natural Zone, Section 2.600, when a Resource Capability Determination is required.”*

Finding: The proposed project does not include several uses that would be subject to different procedural review standards. All applicable review standards shall be reviewed and documented in this staff report. See Section E of this staff report for review and findings regarding the Resource Capability Determination. The proposed project complies with this section.

- F. Section 2.615(3) concerning Development Standards and Procedural Requirements states that *“Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 5.010, Impact Assessment.”*

Finding: See Section M of this staff report for Impact Assessment review and findings. The proposed project complies with this section.

- G. Section 2.615(4) concerning Development Standards and Procedural Requirements states that *“The maximum height of structures in the Aquatic Natural Zone shall be 20 feet above the grade of adjacent shorelines.”*

Finding: The proposed use does not propose any new structures that are subject to this standard. The proposed project complies with this section.

- H. Section 2.615(5) concerning Development Standards and Procedural Requirements state that *“Uses that are not water-dependent shall be located either on a floating structure or pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.”*



Finding: The proposed use does not require fill to be placed within the project site to perform the required repair, maintenance, and replacement activities. The proposed project complies with this section.

- I. Section 2.615(6) concerning Development Standards and Procedural Requirements state that *“Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.”*

Finding: The proposed use does not preclude or conflict with existing or probable future water-dependent uses on site or with the adjacent vicinity. The proposed project complies with this section.

- J. Section 2.615(7) concerning Development Standards and Procedural Requirements state that *“Uses in the zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water related uses (Section 4.220.(B)).*

Finding: The proposed project is an existing use and not subject to the above standards. No new structures or uses are proposed that do not currently exist on site. The project is entirely a maintenance, repair, and replacement of existing structures located at the project site. The proposed project complies with this section.

- K. Section 2.615(8) concerning Development Standards and Procedural Requirements state that *“Accessory structure in the Aquatic Natural Zone are limited in size to a maximum of ten percent of the primary structure.”*

Finding: The proposed project does not include adding an accessory structure within the aquatic natural zone. The proposed project complies with this section.

L. CRESO REVIEW – ARTICLE 4

1. Section 2.750 concerning the Purpose of the CRESO (Columbia River Estuary Shoreland Overlay District) state that *“This overlay district establishes additional requirements for shoreland areas adjacent to the Columbia River Estuary to assure that estuary shorelands are managed in a way that is compatible with adjacent estuarine aquatic areas.”*

Section 2.755(1) concerning the CRESO overlay district lists *“Areas within 50 feet of the estuary shoreline.”* as being subject to the requirements and standards of the CRESO Zone.

Finding: The proposed project is subject to the development standards and procedural requirements for the CRESO overlay district.



2. Section 2.760(1) concerning Development Standards and Procedural Requirements states that *“All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses, the Standards applicable to each use shall be satisfied.”*

Finding: See review and findings for Article 4 standards below.

3. Section 4.010 concerning Columbia River Estuary and Shoreland Regional Standards states that *“Article 4 establishes use and activity standards for developments in Columbia River Estuary aquatic areas and shorelands. Some apply only to the estuary’s waters and tidal water wetlands: These are indicated by qualifying phrase “aquatic areas” or “aquatic designations”. Standards applicable only to estuary shorelands, including associated non-tidal wetland areas, are so indicated by the phrase “shoreland areas” or shoreland designations”.*”

Finding: The proposed project is subject to the development standards and procedural requirements for the CRESO overlay district under Piling and dolphin installation, maintenance and repair of existing structures or facility, and temporary alterations.

4. Section 4.060 concerning Estuarine Construction: Piling and Dolphin Installation, Shoreline Stabilization and Navigational Structures states that *“The standards in this subsection apply to over-the-water and in-water structures such as docks, bulkheads, moorages, boat ramps, boat houses, jetties, pile dikes, breakwaters and other structures involving installation of piling or placement of riprap in Columbia River Estuary aquatic areas.”*

Finding: The proposed project is a maintenance, repair, and replacement project of an existing structure located within the Youngs Bay Estuary. The applicant is requesting permit authorization to replace existing wood poles with steel poles to suspend the power wires above the ground going to the two radio towers. Applicable standards for the proposed project are reviewed below.

5. Section 4.060(5) concerning *“Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:*
  - a. *A substantial public benefit is demonstrated; and*
  - b. *The proposed use does not unreasonably interfere with public trust.”*

Finding: The project is for continued use of the existing radio towers for KAST radio which serves as an emergency broadcast station for the



area. The proposed project has demonstrated it is a benefit to the public, public safety and does not unreasonably interfere with public trust.

6. Section 4.080(1) concerning Fish and Wildlife Habitat states that *“Projects affecting endangered, threatened or sensitive species habitat, as identified by the USFWS or ODFW, shall be designed to minimize potential adverse impacts.”*

Finding: The proposed project will require both State and Federal permits associated with maintenance and repair work of an existing structure within an aquatic area. Applicant submitted Department of State Lands (DSL) authorization (DSL No. 548215) dated September 26, 2013. Applicant also submitted Department of the Army Corps of Engineers (ACOE) letter of approval (NWP-2013-363) dated September 20, 2013. As reviewed by staff, the project will not negatively affect Fish and Wildlife Habitat of endangered, threatened or sensitive species. The project will be constructed in a manner that will minimize potential adverse impacts to fish and wildlife habitat and is consistent with this standard.

7. Section 4.080(2) concerning Fish and Wildlife Habitat states *“In water construction activity in aquatic areas shall follow the recommendations of State and Federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.”*

Finding: The proposed project will require State and Federal permits prior to the start of construction which were submitted to the City as a condition of approval. Work will be performed within an upland tidal area and will not involve work being conducted while the area is submerged with tidal waters. The project site is located in the upper tidal area of Young's Bay, which is inundated only during high or extreme tides associated with the Columbia River Estuary. The project involves no dirt work or similar work that will expose soil to tidal waters. The new steel poles will be driven into the ground and will have minimal impact to the aquatic resource. Existing wood poles will be left in place to provide upright woody structures for birds and other wildlife within the area. The proposed project complies with this section.

8. Section 4.080(3) concerning Fish and Wildlife Habitat states *“ Uses and activities with the potential for adversely affecting fish and wildlife habitat may be approved only upon a demonstration that the following impact mitigation actions are incorporated into the permit where feasible. These impact mitigation actions are listed from highest to lowest priority:*
  - a. *Avoiding the impact altogether by not taking a certain action or parts of an action;*



- b. *Minimizing impacts by limiting the degree of magnitude of an action and its implementation;*
- c. *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment (this may include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);*
- d. *Reducing or eliminating the impact over time by preservation and maintenance operations."*

Finding: The applicant has demonstrated that all proposed maintenance and replacement work is the minimum necessary to complete the task. All anticipated impacts associated with this project will be minimized, reduced and eliminated where possible. The proposed project is consistent with this standard.

- 9. Section 4.080(4) concerning Fish and Wildlife Habitat state that *"Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with the Mitigation and Restoration Plan for the Columbia River Estuary."*

Finding: The project does not propose to fill or dredge aquatic areas within or around the project area. No mitigation and/or restoration is required for the proposed use. The proposed project complies with this section.

- 10. Section 4.090(6) concerning Fisheries and Aquaculture states that *"In-water construction activity in aquatic areas shall follow the recommendations of the State and Federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish."*

Finding: The proposed project is subject to State and Federal permits, which will have specific "fish windows" for working within aquatic areas. Applicant will submit all outside agency permits to the City. Applicant has submitted DSL and ACOE permits. The proposed project complies with this section.

- 11. Section 4.140(1) concerning Public Access to the Estuary and its Shoreline states that *"Projects to improve public access shall be designed to assure that adjacent privately owned shoreland is protected from public encroachment."*

Finding: The proposed project will not affect existing public access to shorelines within the area. The proposed project is consistent with this standard.



M. IMPACT ASSESSMENT REVIEW – ARTICLE 5

Section 5.010 concerning Impact Assessment Procedure states that *“The Purpose of this section is to provide an assessment process for development alterations which could potentially alter the estuarine ecosystem.”*

Finding: The applicant has submitted an Impact Assessment, which is attached (Attachment 2) and incorporated as part of these findings. Staff has reviewed the Impact Assessment and considers the submitted information sufficient. Briefly, the following are the findings based upon review of the Impact Assessment:

- 1) Temporary impacts associated with the maintenance work will not adversely impact aquatic life forms and their habitats.
- 2) Proposed maintenance activities will not negatively impact wetland areas, either tidal or freshwater. There is no impact on the shoreline habitat as defined by the City.
- 3) During construction, erosion and sediment control will be provided using standard best management practices (BMPs). Erosion control measures will be inspected and maintained during the project. No permanent impacts to water quality will result from maintenance activities other than those that are unavoidable and/or expected as a consequence of this project.
- 4) The projects impact on the hydrology and hydraulics of Young’s Bay is negligible. The project will not increase the amount of runoff entering the bay, or affect how water flows within the bay as it currently exists.
- 5) The project will not have any negative effects on air quality as a result of this project.
- 6) There will be no permanent impact/reduction in public access to shorelands as a result of this project.
- 7) No impacts to navigation will result from the actions associated with the maintenance work.
- 8) The replacement poles will ensure the continued operation of the KAST AM Radio Towers and their ability to provide emergency transmission of public notices during emergencies and normal radio broadcasting.
- 9) The project does not conflict with existing or future water-dependent uses.
- 10) Mitigations measures needed are minimal and have been briefly described in the Impact Assessment attached to this document.

The proposed project activities do not represent a potential degradation or reduction of estuarine resources. The attached Impact Assessment complies with this section.



N. RESOURCE CAPABILITY DETERMINATION REVIEW – ARTICLE 5

1. Section 5.020(A) concerning Purpose of the Resource Capability Determination states that *“Certain uses and activities in Aquatic Natural and Aquatic Conservation zones are allowed only if determined to meet the resource capability and purpose of the zone in which the use or activity occurs. Certain uses and activities in an Aquatic Development Zone are allowed only if determined to meet the purpose of the zone in which the use or activity occurs.”*

Finding: The proposed project is consistent with the intent for permitted and conditionally permitted uses within Aquatic Natural.

2. Section 5.020(B) concerning Definition of Resource Capability states that *“In a Natural Aquatic estuarine designation, a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or if the resources of the areas are able to assimilate the use and activity and their effects and continue to function in a manner which protects significant wildlife habitat, natural biological productivity, and values for scientific research and education.”*

Finding: The proposed project will not result in significant impacts to aquatic resources and is consistent with the above standard.

3. Section 5.020(C.2) concerning the Purpose of Different Estuarine Zones states that

*“Aquatic Natural Zone: Natural aquatic areas designated to assure the protection of significant fish and wildlife habitats; of continued biological productivity with the estuary; and of scientific, research, and educational need. These areas are managed for preserve the natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Natural Aquatic areas include all major tidal marshes, tideflats, and seagrass and algae beds, The designation is intended to preserve those aquatic natural resource systems existing relatively free of human influence.”*

Finding: The proposed project is an allowed Conditional Use for maintenance and repair work to an existing structure. The proposed project will not negatively alter aquatic resources greater than that which is already effect by the existing structure. The proposed project is consistent with the above standard.

4. Section 5.020(D) concerning Resource Capability Procedure states that
  - “1. Identification of the affected area’s zone, and it purpose.



2. *Identification of the types and extent of estuarine resources present and expected adverse impacts. This information is included in the Impact Assessment, Section 5.010.*
3. *A determination of whether the use or activity is consistent with the resource capabilities of the affected designation. A use or activity is consistent with the resource capabilities of the area when either:*
  - a. *Impacts on estuarine resources are not significant; or*
  - b. *Resources of the area will be able to assimilate the use and activity and their effects and continue to function in a manner which:*
    - (1) *In Natural Aquatic Zones, protects significant wildlife habitats, natural biological productivity, and values for scientific research and education; or . . .”*

Finding: The applicant has submitted an Impact Assessment, which is attached to this staff report and considered a part of these Findings of Fact. The proposed projects impacts to aquatic resources will not be significant and aquatic resources will be able to assimilate the activity. No long-term impacts will result from the proposed project and it is consistent with the above standard.

5. Section 5.020(D.4) concerning Resource Capability Procedure states that
  - “4. *For temporary alteration, the Resource Capability Determination must also include:*
    - a. *Determination that potential short-term damage to estuary and shoreland resources is consistent with the resource capabilities of the area; and*
    - b. *Determination that the area and affected resources can be restored to their original condition.”*

Finding: The proposed project will result in very minor temporary alterations to aquatic resources. Any temporary alterations will be limited to the duration of the maintenance and repair work and will be restored to their original condition after the completion of the project. The proposed project is consistent with the above standard.

6. Section 5.020(E) concerning Determining Consistency with the Purpose of the Zone states that “*Certain uses in the Aquatic Development (A-1, A-2, A-2A), Aquatic Conservation (A-3), and Aquatic Natural (A-4) Zones may be permitted only if they are consistent with the purpose of the aquatic zone in which they occur. This determination is made as follows:*
  1. *Identification of the affected zone, and its purpose.*



2. *Description of the proposals potential impact on the purposes of the affected zone.*
3. *Determination that the proposal is either:*
  - a. *consistent with the purpose of the affected zone; or*
  - b. *conditionally consistent with the purpose of the affected zone; or*
  - c. *inconsistent with the purpose of the affected zone."*

Finding: The proposed project is located within the A-4 zone. The proposed project will have limited temporary impacts to aquatic environments. The proposed project is consistent with the purpose of the affected aquatic zones and does not pose a threat to existing aquatic uses within the project area.

O. FLOOD HAZARD OVERLAY (FHO) REVIEW – ARTICLE 2

Section 2.800. (A) concerning the Purpose of the FHO Zone (Flood Hazard Overlay) states that *"It is the purpose of this Flood Hazard Overlay to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions."*

Finding: The proposed project is located within an AE Zone of the 100 year floodplain as indicated on FIRM Panel 4100280236E. The proposed project is a maintenance and replacement project of existing structure(s) and does not constitute "Substantial Improvement". A Flood Hazard Overlay Permit (FHO13-15) was issued by Planner Johnson on September 27, 2013 noting that the work met the threshold for less than 50% value of the structures for the project. The proposed project will not affect existing flood storage carrying capacity nor alter the watercourse or floodways within Young's Bay. The proposed project is consistent with the Flood Hazard Overlay standards.

P. COMPREHENSIVE PLAN REVIEW

1. Section 11.020 requires that *"the proposed use comply with the applicable policies of the Comprehensive Plan."*

Finding: The proposed project will be reviewed for consistency with all applicable sections of the City of Astoria Comprehensive Plan. Sections of the plan not included in this review were determined to be not applicable and the proposed project to be consistent with policy sections not included in this staff report. Sections that were determined to be applicable are reviewed below for consistency.

The proposed project is located within the Columbia River Estuary as defined in CP.135 (Definitions).



2. Section CP.140.A, Columbia River Estuary Aquatic and Shoreland Designations, Natural Aquatic, states that *“Natural Aquatic areas are designated to assure the protection of significant fish and wildlife habitats; of continued biological productivity within the estuary; and of scientific, research, and educational needs. These areas are managed to preserve natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Natural Aquatic areas include all major tidal marshes, tide flats, and seagrass and algae beds. The designation is intended to preserve those aquatic natural resources systems existing relatively free of human influence. These areas are in the Aquatic Natural Zone (A-4).”*

Finding: The proposed project is located within an A-4 Zone.

3. Section CP.150.B.7 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in an A-4 Zones (Natural Aquatic) lists *“Maintenance and repair of existing structures or facilities.”* as a permitted use. A Resource Capability Determination and Impact Assessment are not required under the Comprehensive Plan.

*“Placement of new piling in Natural Aquatic areas may be permitted in conjunction with numbers {CP.150.B} . . . 7 . . .”*

Finding: The proposed project is consistent with the above standard as a permitted use. Placement of new poles/piling associated with this project is permitted in conjunction with the above listed permitted use.

4. Section CP.150.B.17 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in an A-4 Zone (Natural Aquatic) lists *“Temporary Alterations”* as a permitted use. Temporary alterations are allowed, but a Resource Capability Determination and Impact Assessment are required, which are addressed in sections M and N above.

Finding: The proposed project is consistent with the above standard for temporary alteration within the A-4 Zone.

5. Section CP.160.G.2 concerning South Astoria Subarea Plan Subarea Policies states that *“Potential conflicts between new development and existing uses on the South Astoria Waterfront will be evaluated on a case-by-case basis during permit review.”*

Finding: The proposed project is consistent with the subarea plan for South Astoria. No new conflicts will result as a result of this project being approved.



6. Section CP.185.E.4 concerning Regional Estuary and Shoreland Policies for Estuarine Construction states that *“Piling or dolphin installation, structural shoreland stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if the following criteria are met:*
- a. *A substantial public benefit is demonstrated; and*
  - b. *The proposed use does not unreasonably interfere with public trust rights; and*
  - c. *Feasible alternative upland locations do not exist; and*
  - d. *Potential adverse impacts, as identified in the impact assessment, are minimized.”*

Finding: The proposed project has a substantial benefit to public safety regarding radio communications for emergency broadcasting and does not interfere with public trust rights. No alternative upland locations are feasible as the two radio towers are existing structures. No adverse impacts will result from the project being approved. The proposed project meets the above criteria.

7. Section CP.185.Q concerning Regional Estuary and Shoreland Policies for Significant Area Policies states that
- “1. *Significant estuarine aquatic and shoreland resources shall be protected from degradation or destruction by conflicting uses and activities.”*
  2. *Major marshes, significant wildlife habitat, and exceptional aesthetic resources shall be protected. Uses in these areas shall be consistent with the protection of natural values and may include selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing harvesting, wild crops, and low-intensity water-dependent recreation.”*
  3. *Significant riparian vegetation shall be protected to the extent identified in local comprehensive plans, except as provided for in applicable standards.”*

Finding: The proposed project is not located within an area identified in the local subarea plan as being “Significant”. The project is consistent with Statewide Planning Goal 17.

#### Q. CONDITIONAL USES REVIEW – ARTICLE 11

1. Section 11.030.A.1 concerning Basic Conditional Use Standards requires that *“Before a conditional use is approved, findings will be made that the use will comply with the following standards:”*

*“The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is*



*appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: The proposed project is located within the A-4 Zone, which requires a conditional use approval. The proposed project is listed as a conditional use and is compatible with the intent of the A-4 Zone. The project meets the above criteria.

2. Section 11.030.A.2 concerning Basic Conditional Use Standards 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 use will not require a site layout for transportation activities. The proposed project is to perform required maintenance and repair work to an AM Radio Tower. No traffic will be affected during the performance of the maintenance work. The project meets the above criteria.

3. Section 11.030.A.3 concerning Basic Conditional Use Standards requires that *"The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities."*

Finding: The proposed project is maintenance of an existing facility and will not overburden or increase demands on City facilities and fire and police protection. The project meets the above criteria.

4. Section 11.030.A.4 concerning Basic Conditional Use Standards 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 proposed project is to perform necessary maintenance and repair work to an existing structure. A geologic study by a qualified individual is not required for this project. The location is adequate for the use. The project meets the above criteria.

5. Section 11.030.A.5 concerning Basic Conditional Use Standards requires that *"The use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."*



Finding: The proposed project contains the appropriate amount of landscaping, buffers and berms from adjacent uses. No additional measures are necessary to buffer the project location from adjacent uses. The proposed project meets the above criteria.

- R. Section 9.100.A.1, Time Limit on Permits, Duration of Permits states that *“Except as otherwise provided in this Code, a permit shall expire two years from the date of Final Decision unless substantial construction has taken place or use has begun.”*

Finding: The A-4 Zone requires a conditional use permit for *“Maintenance and repair of existing structures or facility”*. There is no allowance for routine maintenance which needs to be completed on these type facilities. The proposed conditional use permit approval would be vested once substantial construction has taken place. The work is complete and therefore, once approved, the permit would be active or “vested”. The Lease with the City is for 20 years beginning on July 15, 2011 through July 15, 2031 with option for extensions. It is recommended that the permit remain valid to July 15, 2031 in coordination with the Lease to allow for continued routine maintenance for work that is approved under this request. Prior to any new work during that period beyond the initial repair completed this year, the applicant shall submit a plan to the City Planner for review and approval of compliance with the scope of this permit.

## **V. CONCLUSIONS AND RECOMMENDATIONS**

The request meets all applicable review criteria, policies and standards reviewed above that are found in the City of Astoria Development Code and Comprehensive Plan. Staff recommends approval of the request based on the above Findings of Fact with the following conditions:

1. The applicant shall submit copies of all approved State and Federal permits prior to initiating any construction throughout the term of the permit.
2. The permit shall allow continued maintenance to July 15, 2031 for work that is approved under this request. Prior to any new work during that period beyond the initial repair completed this year, the applicant shall submit a plan to the City Planner for review and approval of compliance with the scope of this permit.

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.



# ATTACHMENT 1

Site Location for the KAST AM Radio Tower's





## ATTACHMENT 2

### KAST AM Towers

#### City of Astoria Development Code – Article 5, Section 5.010.C Impact Assessment

1. Aquatic life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, sediments, and vegetation.

RESPONSE: The proposed project is located in a tidal wetland within Youngs Bay. The wetland can be characterized as an estuarine intertidal environment, which is inundated during high tide. The vegetation on site consists mainly of small trees along the shoreline and herbaceous plant cover closer to the water's edge. This habitat will be impacted, ever so slightly, by driving a track hoe across it one time. Grasses should not be affected. Replacement poles will not be drilled but driven so reduce impact to aquatic habitats. No soils will be excavated during the proposed project.

The following listed species are potentially present within the project area: Lower Columbia River (LCR), Upper River (SR) spring/summer run, and SR fall-run Chinook salmon (*Oncorhynchus tshawytscha*); Columbia River (CR) chum salmon (*O. keta*); LCR coho salmon (*O. kisutch*); SR sockeye salmon (*O. nerka*); LCR, UWR, MCR, UCR, and Snake River Basin (SRB) steelhead (*O. mykiss*); Southern green sturgeon (*Acipenser medirostris*); and Eulachon (*Thaleichthys pacificus*). This project will be done in one day at low tide. None of the above mentioned will be affected.

2. Shoreland life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, soil types and characteristics, and vegetation present.

RESPONSE: This project does not impact the shoreland environment beyond that which is currently impacted. The existing poles will be replaced with fewer steel poles and all current cabling and wire will once again be above ground and out of tidal waters.

3. Water quality, including information on: sedimentation and turbidity, dissolved oxygen, biochemical oxygen demand, contaminated sediments, salinity, water temperatures, and expected changes due to the proposed use or activity.

RESPONSE: A pollution control plan will be implemented by the contractor to reduce the risk of spills and leaks into waterways of the state. Clean-up kits will be on site in the event of a spill. All equipment will be checked for fluid leaks, inspected and cleaned prior to operating within 45 m (150 feet) of the regulated work area. Untreated wash and rinse water will not be discharged within the regulated work area.

4. Hydraulic characteristics, including information on: water circulation, shoaling patterns, potential for erosion or accretion in adjacent areas, changes in flood levels, flushing capacity, and water flow rates.

RESPONSE: The project's impact on the hydrology and hydraulics of Young's Bay is negligible. The project will not increase the amount of runoff entering the bay, or affect how water flows within the bay. The project proposes to replace existing wood poles on site with steel poles and does not include placing additional structures above those that will be replaced.



## ATTACHMENT 2

5. Air quality, including information on quantities of particulates and expected airborne pollutants.

RESPONSE: The project will not have any effect on air quality. During construction, a small amount of diesel exhaust will be generated by a single track hoe. Because the project area is neither a non-attainment nor maintenance area for National Ambient Air Quality Standards pollutants, Clean Air Act conformity rules do not apply. An air quality analysis is not required. The project is considered to be in compliance, but will take all appropriate actions to reduce exhaust emissions during the project as a precaution.

6. Public access to the estuary and shoreline, including information on: proximity to publicly-owned shorelands and public street ends; effect on public boat launches, marinas and docks; and impact on inventoried public access opportunities.

RESPONSE: The proposed repair will not interfere with normal use or have any impact on any of the above.

7. Navigation, including information on: distance from navigation channels, turning basins and anchorages; proximity to range markers.

RESPONSE: The proposed project is not located within an identified navigation channel, turning basin, or anchorage site. No existing range markers will be affected as a result of this project.

8. Demonstration that proposed structures or devices are properly engineered.

RESPONSE: See engineering plan sheet.

9. Demonstration that the project's potential public benefits will equal or exceed expected adverse impacts.

RESPONSE: New replacement poles will keep the transmission line and power cable above ground to allow the KAST AM radio's to function properly. The KAST AM radio towers are a heritage station that the community relies on in case of an emergency during extreme weather and natural disasters for emergency broadcasting.

10. Demonstration that non-water-dependent uses will not preempt existing or future water-dependent utilization of the area.

RESPONSE: This project does not conflict with existing or future water-dependent uses.

11. Determination of methods for mitigation and accommodation of the proposed development, based on items 1 through 10 above, in order to avoid or minimize preventable adverse impacts.

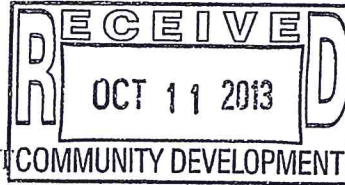
RESPONSE: No aquatic areas will be filled or damaged as a result of this project. Vegetation will be replaced as necessary at the end of the project to stabilize any exposed soils resulting from the project.





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT



No. CU 13-08

Fee: \$250.00

**CONDITIONAL USE APPLICATION**

1002 & 1006 1009 W. Marine Drive Astoria OR

Lot FL180 Block — Subdivision —  
Map 18C Tax Lot 180 100 Zone C-3 & A-4 OK

Applicant Name: Marty Bumstead

Mailing Address: P.O. Box 99827 Seattle WA 98159

Phone: 425-991-1300 Business Phone: same Email: Martinstead@comcast.net

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street 97103

Business Name (if applicable): —

Signature of Applicant: [Signature] Date: 10-1-13

Signature of Property Owner: — Date: —

Existing Use: KAST AM Radio tower

Proposed Use: Same

Square Footage of Building/Site: 269,450 S.F.

Proposed Off-Street Parking Spaces: N/A

*To repair the existing radio towers*

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

For office use only:

Application Complete:		Permit Info Into D-Base:	<u>10/15/13</u>
Labels Prepared:	<u>10/15/13</u>	Tentative APC Meeting Date:	<u>11-26-13</u>
120 Days:			

City Hall • 1095 Duane Street • Astoria, OR 97103 • Phone 503-338-5183 • Fax 503-338-6538

[johnson@astoria.or.us](mailto:johnson@astoria.or.us) • [www.astoria.or.us](http://www.astoria.or.us)



**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.

Same Use - Repair and Maintenance.

- 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.

Will enter off parking lot onsite. Will not interfere with public.

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

No

- 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.

Yes. Were replacing rotten and missing wood pile with steel pile.

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

Yes

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



Permit application for 1009 West Marine Dr. Astoria OR. 97103.

### **Description of work.**

We need to replace the existing and missing pilings that hold the transmission line and ground out to the two towers that are KAST AM. There will be a total of (6) 12" steel pile. The Pile is 20' in length, 10' buried and 10' above ground. Starting at the transmitter building each tower will have 3 poles equally spanning the total distance to the tower (approx 300 ft). There will be no poles between the two towers. Each pile will be driven into the ground, not excavated. Each new steel pile will have a welded eye hook or similar to accept a turnbuckle and cable system which will carry the transmission line bundle. NO new electrical or wiring will be done. The existing line will merely attach with copper ties or better to the cabling supported by the new poles.

We will be careful to utilize the littlest disturbance possible to lessen the impact during installation of said piles. If any excavation is necessary we will employ the necessary safe guards.

If you have any questions please contact me,

Thanks,

Marty Bumstead

425-891-1300

[martinstead@comcast.net](mailto:martinstead@comcast.net)

Corps Permit # NWP-2013-363

### Approval from DSL

Dan Cary, PWS, Natural Resource Coordinator III

Wetlands and Waterways Conservation Division

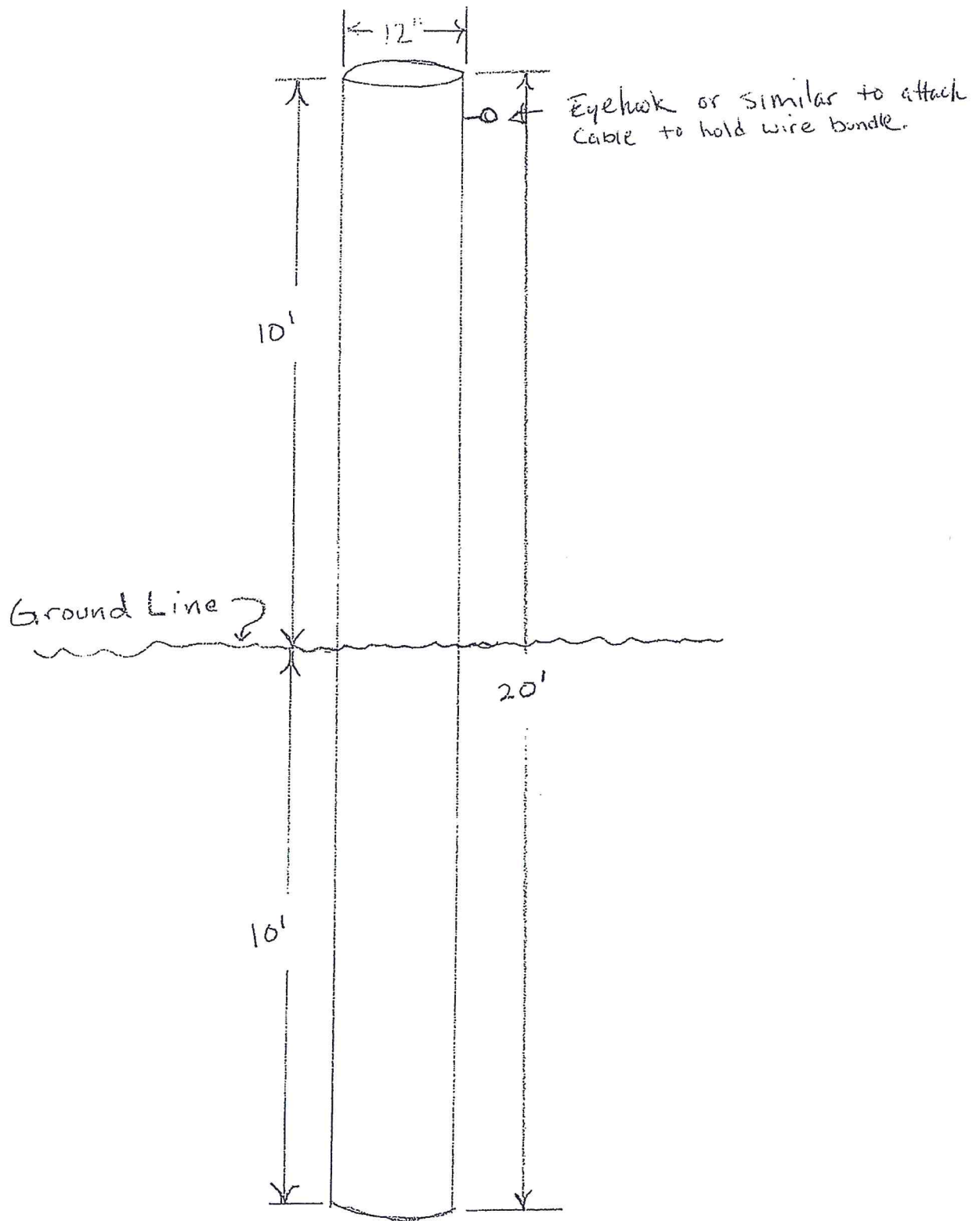
Oregon Department of State Lands

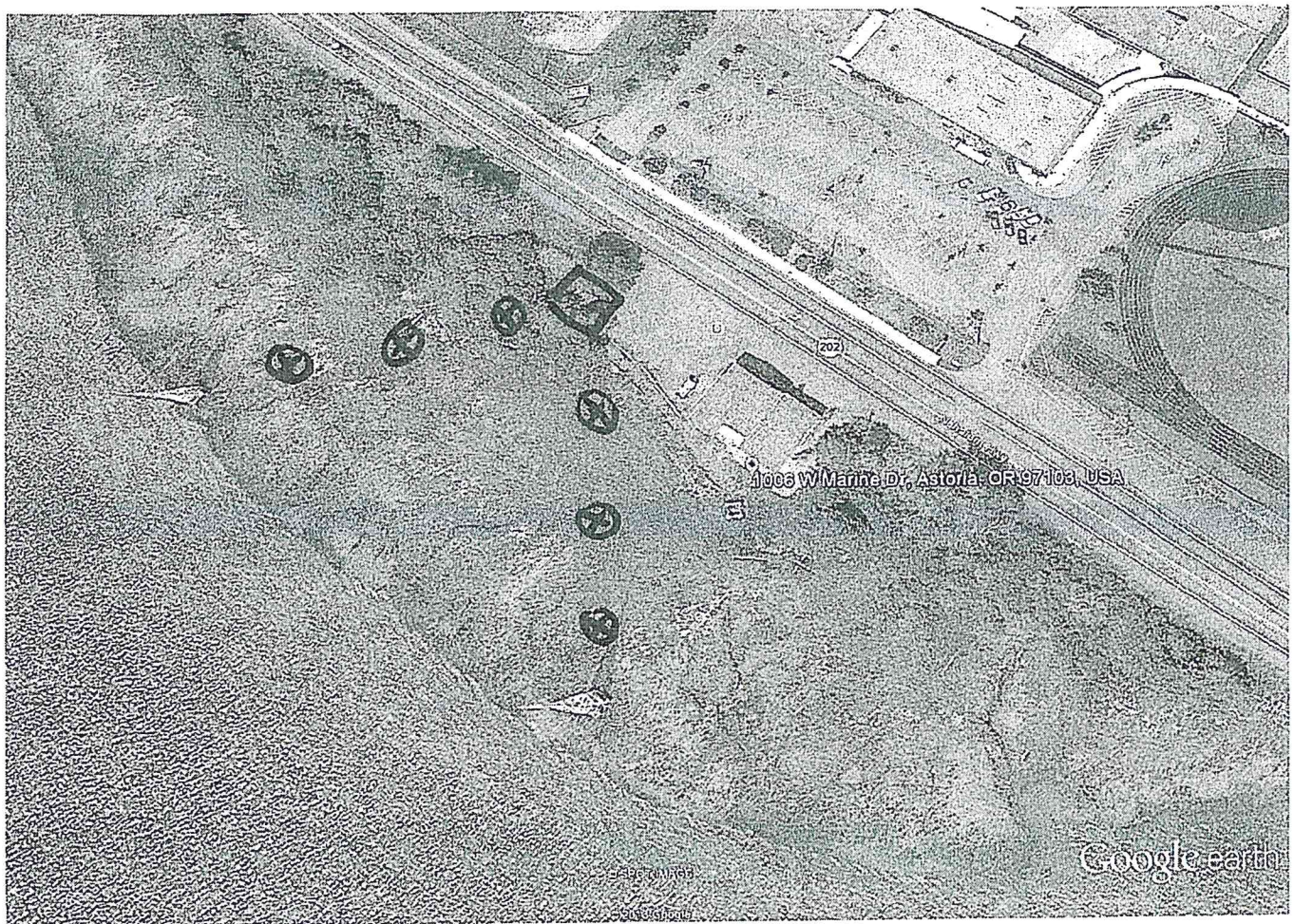






# PILE DETAIL





Google earth

feet 300  
meters 100



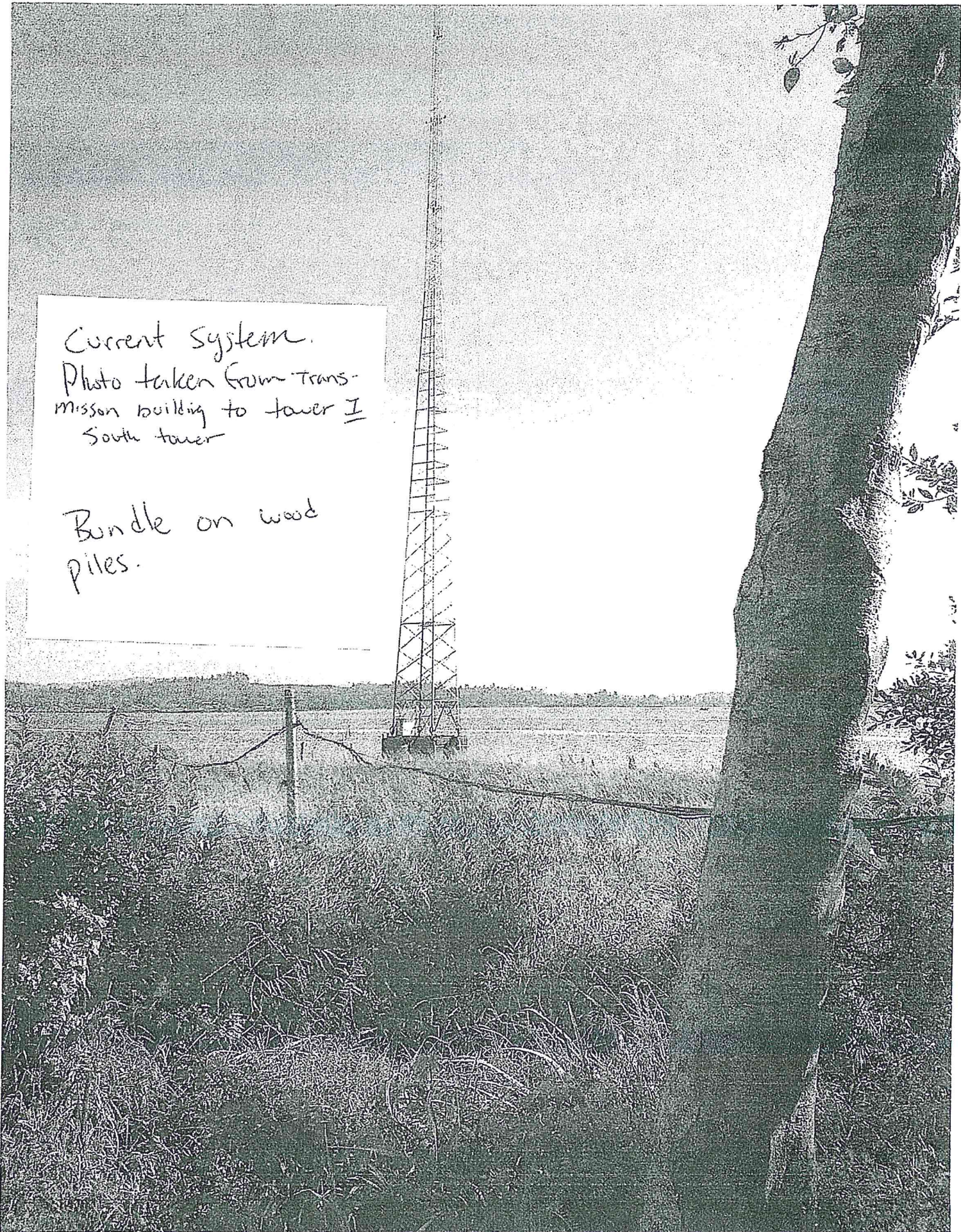
⊗ PROPOSED LOCATION OF NEW PILES

□ EXISTING BUILDING



Current system.  
Photo taken from trans-  
mission building to tower I  
South tower

Bundle on wood  
piles.



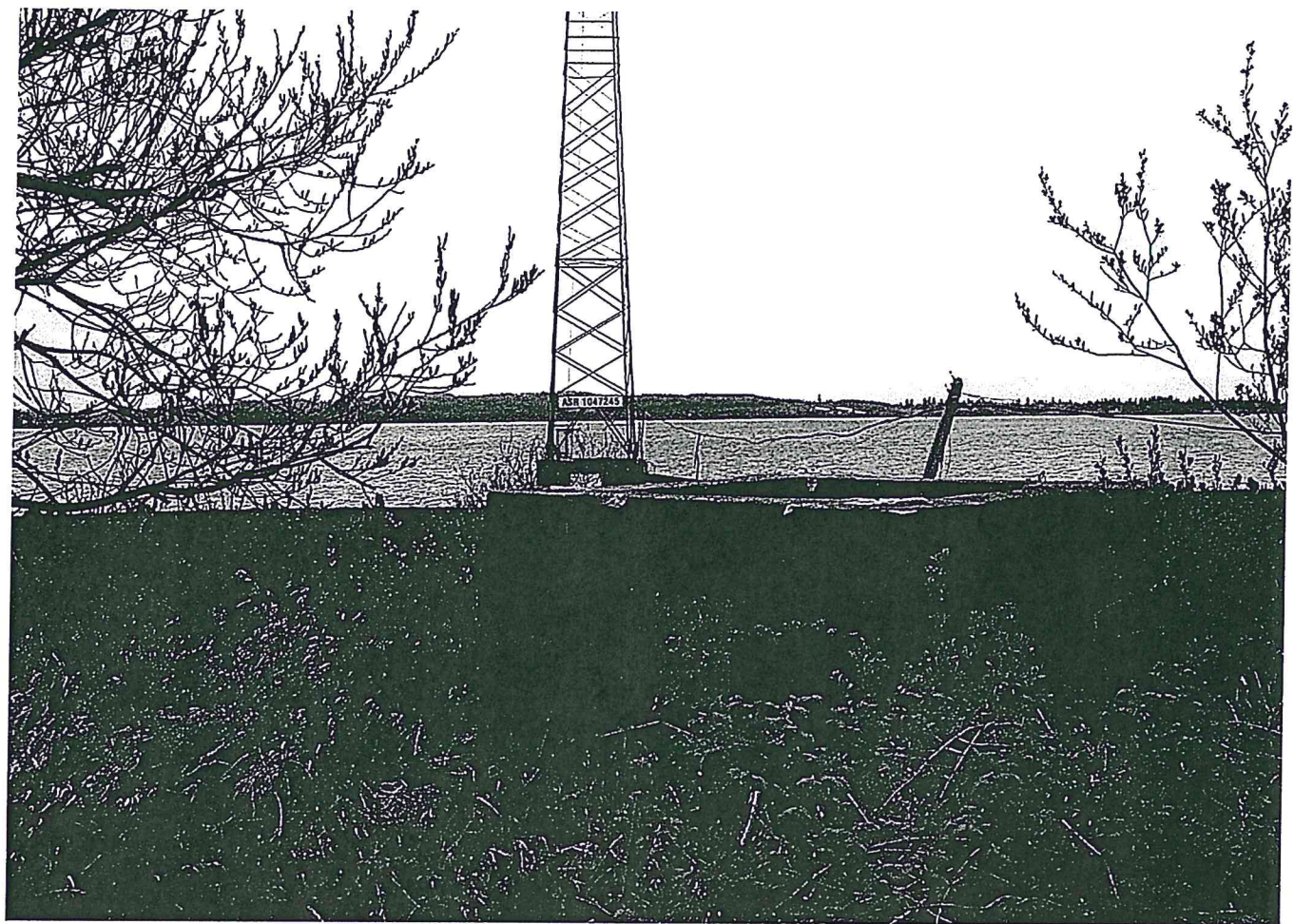














**Rosemary Johnson**

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**From:** Rosemary Johnson  
**Sent:** Friday, September 27, 2013 3:34 PM  
**To:** martininstead@comcast.net  
**Subject:** FW: Permit request for KAST AM poles

Ryan has reviewed your plans and it is OK to start work with the conditions noted below. If you have any questions, let me know. Rosemary

Rosemary Johnson, Planner  
City of Astoria  
1095 Duane Street  
Astoria OR 97103  
503-338-5183  
503-338-6538 fax  
[rjohnson@astoria.or.us](mailto:rjohnson@astoria.or.us)

-----Original Message-----

From: Ryan Crater [<mailto:rcrater@columbiaestuary.org>]  
Sent: Friday, September 27, 2013 3:31 PM  
To: Rosemary Johnson  
Subject: RE: Permit request for KAST AM poles

Rosemary,

I don't see any issues with letting the project move forward at this time.

My recommendations:

1. Make sure the applicant understands that the aquatic environment shall be left in the same configuration as they found it prior to using equipment in the aquatic zone. Shoreline vegetation shall be replaced were removed.
2. A spill kit will be maintained on site for possible leaks from equipment being used within the aquatic zone.
3. Remove the old poles on site by cutting them off at grade to avoid disturbance of the sediment.
4. An after-the-fact conditional use permit will be required to be submitted within two weeks after the completion of the project.

If you have any questions, please call me at 509-942-9309 or e-mail me.

Regards,

Ryan E. Crater

Coastal Planner  
Columbia River Estuary Study Taskforce