



# AGENDA

## ASTORIA PLANNING COMMISSION

**December 27, 2018**

**6:30 p.m.**

**2<sup>nd</sup> Floor Council Chambers**

**1095 Duane Street • Astoria OR 97103**

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a) November 27, 2018
4. PUBLIC HEARINGS
  - a) Subdivision (SP18-01) by Stan Johnson and Cary Johnson for a Preliminary Plat application for a 22-lot subdivision (no address) located off of Old Highway 30: Map T8N-R09W Section 20, Tax Lot 107. The site is zoned R-3 (High Density Residential). The following Astoria Development Code standards are applicable to the request: Article 2 (Use Zones); Article 3 (Vehicle Access), Article 9 (Administrative Procedures) and Article 13 (Subdivision) and Comprehensive Plan Sections CP.005 to CP.028 (Land and Water Use and General Development).
5. REPORT OF OFFICERS
6. STAFF/STATUS REPORTS
  - a) Meeting Schedule:
    - i. Jan. 8 – APC Meeting @ 6:30pm (+ RFV-UC work session)
    - ii. Jan. 29 – APC / TSAC Meeting @ 6:30pm
7. PUBLIC COMMENT (Non-Agenda Items)
8. ADJOURNMENT

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall  
November 27, 2018

### CALL TO ORDER:

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

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Jennifer Cameron-Lattek, Daryl Moore, Jan Mitchell, Joan Herman, and Brookley Henri.

Commissioners Excused: Vice President Kent Easom

Staff Present: City Manager Estes, Planner Nancy Ferber, Contract Planner Rosemary Johnson, and Contract Planner Robin Scholetsky (via telephone). The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

President Fitzpatrick called for the approval of the minutes of the October 23, 2018 meeting.

Commissioner Moore moved that the Astoria Planning Commission approve the minutes of the October 23, 2018 meeting as presented; seconded by Commissioner Mitchell. Motion passed unanimously.

### PUBLIC HEARINGS:

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

### ITEM 4(a):

CU18-08 Conditional Use CU18-08 by Daric More to locate a theatre space for plays (indoor family entertainment) in an existing building at 1015 Commercial Street (Map T8N R9W Section 8CB, Tax Lot 9300; Lot 1, McClures) in the C-4 Central Commercial Zone.

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

President Fitzpatrick declared that he had encouraged the owners of the building to purchase the building. Additionally, he owned a property on Commercial Street that would be in competition. However, he believed he could be impartial in this matter.

President Fitzpatrick asked Staff to present the Staff report.

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

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

Daric More, 2625 Irving Avenue, Astoria, said this project was in direct response to wanting a full-time theatre in town again. Astoria lost the River Theater about 10 years ago. In 2010 and 2011, there was a small theatre called Pier Pressure that ran for about two years and this project is that theatre coming back to life. He has joined Suzie Brown, who ran Pier Pressure, on this new project. The theatre will be for plays and will run year-round. In between plays, the theatre will be offered for other activities like acting classes and artist installations. A black box theatre is a small room with moveable seating, a moveable stage, and it is usually painted black



because black does not reflect light. Black box theatres typically provide creative uses of the space and the moveable components give the director more options. This theatre will be different from the Astor Street Opery Company, Liberty Theater, Performing Arts Center, and Colla, which only offer theatre occasionally, because it will offer theater all the time. All of the other theaters are in support of this project and want to work together to increase theater activity in Astoria. The theater will be a non-profit. He read the mission statement, as follows:

"Pier Pressure Productions is dedicated to exploring the human condition through performance art that focuses on language and theater as a social and educational tool."

- The idea behind the theater is to provide opportunities for actors, directors, and viewers to get involved and take in theater of all different kinds. The black box would host smaller shows, unlike the Liberty Theater which is redoing their back stage to host large ensemble shows like a Broadway show or musical. So, this theater would not be in competition with the Liberty Theater, but would be working with them to provide more opportunities in town. He received a building permit from the County after spending three weeks working through Code compliance matters. City Staff had an issue with street appeal because the building used to be a mercantile and would be changing to an assembly building. The theater will not be open during the day because the shows will be in the evening. However, the black box will be behind a lobby. The lobby will be seen through the window. The theater has received a donation of wood from a historic house that will be used to decorate the lobby so that the view will be nice through the window. Additionally, signs will be placed around town saying "Show Tonight" which will increase the activity and the feel of the downtown. The theater will give people a reason to come back downtown in the evening, which could help other businesses in town. He believed the theater's impact on the downtown will be all positive and the parking load during the evening instead of the daytime will be an advantage. He did not expect to have large groups in the small theater, so the amount of people coming to a show would probably not be greater than the number of people coming to a restaurant. The theater's permanent parking needs will be minimal. There would only be two part-time staff members. The shows and rehearsals would be held in the evenings. Staff also had an issue with the loading zone. A bus stop loading zone is already in front of the building. The theater's needs for a loading zone will be minimal because the building has a basement where sets and materials will be stored. The theater will only host about seven shows a year, so loading or unloading will only occur about seven times a year. Staff had recommended that loading and unloading be done in the evenings and be completed in two hours or less. He could not see it taking more than 15 minutes and evenings would be fine. He spoke with the other theaters in town and got the feeling from many people that a full time theater has been desired in this town for quite a long time.

Commissioner Herman asked if the theater operations would take up the entire first floor.

Mr. More said no, and explained that the theater would be on the east side of the building that contained the Sea Gypsy and the Downtown Coffee Shop.

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

Commissioner Herman said she believed the theater was a wonderful idea and would be very complementary for the downtown businesses. The theater would also add to Astoria's artistic culture and complement the Liberty Theater and Performing Arts Center.

Commissioner Mitchell said she went to River Theater and Pier Pressure, which she enjoyed. She would be delighted to have more live theater.

Commissioner Moore stated the application appeared to meet all of the reviewable criteria, so he supported the request.

Commissioner Cameron-Lattek agreed with the other Commissioners and supported the application.

Commissioner Henri said she believed the use was appropriate for the space and the zone. She agreed with Staff's recommendations and supported the application.

President Fitzpatrick agreed with the other Commissioners and supported the request.



Commissioner Moore moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU18-08 by Daric More; seconded by Commissioner Mitchell. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(b):

CU18-09                      Conditional Use CU18-09 by Kerry Dugan to add an additional unit to an existing duplex to create a triplex (multi-family housing) at 4360 Commercial Street (Map T8N R9W Section 10BC, Tax Lot 1800; Lots 6 & 7, Block 7, Port of Upper Astoria) in the R-2 Medium Density Residential Zone.

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

President Fitzpatrick declared that he owned rentals that would be potential competitors to this property, but he did not believe there was a conflict of interest. He believed he could be impartial.

President Fitzpatrick asked Staff to present the Staff report.

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

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

Kerry Dugan, 21810 Jordan Road, Astoria, said he owned 4360 Commercial Street and was available to answer questions.

Commissioner Henri understood Mr. Dugan currently lived at the residence and asked if he would continue living there.

Mr. Dugan stated he lived at the residence part-time. He was raised in the house, which had been in his family since 1972. He purchased the house from his father's estate three years ago. There are eight people in his family, so there are always eight or ten cars in the off-street driveway, which is a reduction in traffic. [joking]

Commissioner Henri asked if Mr. Dugan had heard about the recommended landscape screening and if he would consider it.

Mr. Dugan said he was prepared to do landscaping, but the lot was mostly asphalt and had been since the early 1970s. At one time, a family of eight people was living in the house. He asked if the landscaping needed to be between the units.

Commissioner Henri believed the landscaping would need to be between the property and neighboring properties.

Mr. Dugan added that the existing vegetation had been there since he moved in in 1972 and it has matured. He cannot see the neighbors to the east and the north, but he can see the neighbor to the west and across the driveway. He could do any landscaping he needed to, but he did not believe the property needed any.

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

Commissioner Cameron-Lattek stated she was happy that the application met the conditions of approval. She was also glad to see that someone is breaking up a larger house into smaller units that better suits the population looking for housing.



Commissioner Henri agreed that the application met the requirements. None of the neighbors showed up to object to the application so she supported the request.

Commissioner Herman thanked the Applicant for providing another housing unit for a permanent resident

Commissioner Mitchell stated she would echo the same sentiments. She was very aware of the need for worker's housing.

Commissioner Moore said the application appeared to meet all of the reviewable criteria and he supported it.

President Fitzpatrick also agreed the application met the criteria. The lot size is appropriate. There is sufficient parking and the project fulfills the goals of the City to provide more housing. He was in favor of the request.

Commissioner Mitchell moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU18-09 by Kerry Dugan; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

#### ITEM 4(c):

CU18-10 Conditional Use CU18-10 by James Neikes to locate automotive sales in an existing parking lot at 609 Bond Street (Map T8N R9W Section 8CB, Tax Lot 4400 and 4800; Lot 2, McClures) in the C-3 General Commercial Zone.

President Fitzpatrick stated the Applicant was perusing an alternative location and the Findings of Fact have not been finalized. He confirmed there were no public comments from anyone in the audience since the notice was sent out and informed that written comments could be submitted to the Community Development Department.

Commissioner Moore moved that the Astoria Planning Commission continue the hearing of Conditional Use CU18-10 by James Neikes to January 8, 2019 at 6:30 pm; seconded by Commissioner Herman. Motion passed unanimously.

#### WORK SESSION:

##### **Item 5(a): Riverfront Vision Urban Core**

Planner Johnson briefly reviewed the City's work to implement the Urban Core Area of the Riverfront Vision Plan and noted this work session would focus on uses within the buildings.

Kate Rogers, Angelo Planning Group, reviewed previous discussions on the Urban Core, which were primarily related to site and building development standards with a focus on ensuring visual and physical access to the riverfront. She gave a PowerPoint presentation, which was included in the Staff report, on recommendations and options for permitted overwater uses, on-land uses, associated development standards, and zone changes. The recommendations were based on previous code update processes, especially the Bridge Vista Overlay Zone just adjacent to the Urban Core because it has a lot of similarities in land uses and development patterns.

During the presentation, the project team answered clarifying questions and Commissioners discussed the recommendations with the following key comments:

##### Uses in Overwater Zones

- Commissioners agreed that retail and eating/drinking establishments should continue to be conditionally allowed as long as they provide visual and physical access to the river. However, Commissioner Herman was concerned that providing access to the river would require money, which she did not consider to be true access. She believed access meant the ability to walk or ride a bike along the Riverwalk and see the river without having to pay. Commissioner Cameron-Lattek believed indoor entertainment should be allowed because that use was very valuable to local families and business owners. She wanted clarification on the concerns that led to the



recommendation to prohibit these uses and noted she could think about this differently for on-land development.

- Staff explained that indoor entertainment, which included strip clubs, is prohibited in the Bridge Vista Area to reduce tourist-oriented businesses. Indoor family entertainment is a different use according to the Code.
- President Fitzpatrick was concerned that residential units above retail space would result in empty commercial spaces. Commissioners Moore and Mitchell had similar concerns. After some discussion, most Commissioners agreed that residential uses should be prohibited.
  - Commissioners Herman and Henri supported allowing residential uses on second stories. Doing so could provide some incentive to developers or a store owner might want to live above their business. If residences were allowed conditionally, the City could review each situation on a case by case basis. Staff recommended limiting residential units to own or two per building, if allowed. Staff also confirmed they would make changes to these recommendations based on this discussion.
- Commissioner Mitchell expressed her concerns about allowing a conference center. She did not believe Astoria needed one and that a conference center would be too expensive to maintain. Additionally, Astoria did not have room to accommodate a parking district for the conference center. Planner Johnson confirmed that conference centers were listed as a prohibited use

President Fitzpatrick called for a recess at 7:32 pm. The work session reconvened at 7:38 pm.

Ms. Rogers continued with the presentation, reviewing recommendations and options for on-land uses and rezoning. Staff compared the Urban Core to the Bridge Vista Area for context and answered clarifying questions from Commissioners. Ms. Rogers asked for feedback on the recommendations and Commissioners responded with the following key comments:

#### Rezoning On-Land Zones

- Commissioner Herman was concerned about the building heights allowed in Commercial zones because taller buildings block views and detract from Astoria's authenticity. She wanted heights limited specifically for hotels and motels. City Manager Estes explained these recommendations focused on uses and cautioned against prohibiting uses because of the allowed height limits. The height limits could be established through an overlay regardless of the base zones or permitted uses in those zones.
- Commissioner Mitchell believed parking ordinances should require sufficient parking for hotel guests and employees.
- Several Commissioners wanted more time to review and think about the rezoning. However, at first glance, all of the Commissioners supported the recommendations. Commissioner Moore thought the C-4 zone could not be expanded. Staff explained how changes over time rendered some zones useless, like the S2-A zone. So, cities can change zoning to accommodate current development trends and goals.

#### Uses in On-Land Zones

- All of the Commissioners agreed that hotels, motels, and bed and breakfasts should be allowed as conditional uses.
  - However, Commissioner Herman would only support the recommendation if existing structures were repurposed, but not for new construction. Additionally, parking requirements should not be relegated to a parking district. Each business should provide their own parking for guests and employees. Staff explained that parking is reviewed by the Planning Commission as part of the conditional use request. Commissioner Mitchell noted that parking for a brand new bed and breakfast would not be as onerous as parking for a large building repurposed into a hotel.
- Staff confirmed they would compare the uses allowed in the existing S2-A zone to the proposed C-4 zone to make sure viable uses are not prohibited.
- Commissioner Henri supported the recommendation to allow multifamily residences as proposed, outright in C-3, conditionally in C-4, and only on second floors or above.
- Commissioners shared thoughts and ideas for uses that would complement but not compete with downtown. Most Commissioners agreed that restaurants, retail, and indoor family entertainment would achieve this goal. Commissioner Henri believed retail should be allowed outright instead of conditionally.
  - Commissioner Herman disagreed. She believed it was not possible to avoid competition and that retail on the waterfront would draw business away from downtown, which already had a fair amount of vacant retail spaces.



Ms. Rogers reviewed next steps, which would include revising the Code amendments to reflect the Commission's feedback. Work sessions would be held through January 8, 2019 and then hearings would begin.

President Fitzpatrick called for public comments.

Sara Lu Heath, P.O. Box 261, Astoria, Executive Director, Astoria Downtown Historic District Association (ADHDA), said that since a lot of very detailed information had been presented, the ADHDA planned to submit written testimony to the Planning Commission later on. Downtown is an ecosystem, so their testimony would reference other documents like the Advance Astoria Plan and the 2017 Cluster Analysis. She encouraged the Commission to stay open minded about what could happen, not just what they do not want to happen. A very small portion of Downtown could still have a major impact on what is around it. She believed ADHDA would have several recommendations for the Commission to consider.

Pamela Legria, 1264 Grand Ave, Astoria, said there has been more tourism in Downtown and she wanted to know if the Planning Commission and Planners could develop incentives for businesses that sell practical items like frying pans. She understood this was an idealistic request, but she resented having to go across the river to get things like towels. She asked if the Commissioners could imagine a place in the plan that could help bring practical stores to the downtown area. The State has a goal to reduce vehicles, miles traveled, and air pollution. She asked if this could be done in the plan.

City Manager Estes recommended Ms. Legria contact the ADHDA about their committee focused on developing a mix of businesses in downtown.

Elizabeth Menetrey, 3849 Grand Ave, Astoria, said she was happy about the recommendation to prohibit hotels and conference centers in the aquatic zones. Height limits should include roof equipment. She believed that allowing residences over the water was a formula for condominiums and she appreciated those who opposed that. Conditional uses are guaranteed to be permitted. Significant visual access to the river is not provided from inside a building.

Steve Fick, P.O. Box 715, Astoria, said he owned Fishhawk Fisheries, which is over the water and has been a viable business for about 30 years. He has the flexibility to work in capitalism and it is important for the Commission to keep the plan flexible. He was a Planning Commissioner for eight years and worked on the Riverfront Vision Plan. He believed the general plan was good because it recommended a mix of open areas, congested urban areas, and flexibility on the west side. He cautioned against getting boxed into tourism, which would create a need for a lot more low-income housing. His business benefits from tourism, so he supported tourism. But the Urban Core needed to be done in a tasteful manner and in a way that creates taxes. Each piling under his dock will cost at least \$2,500 to replace, so he has to make money to keep the building from falling into the water. He wanted the chance to be creative and do what he needed to do keep his business viable. He suggested the waterfront community work closely with the Commission and Staff. He believed the Planning Commission should have taken public comments at the start of this work session because the comments could have shaped the feedback the Commission gave to Staff about how to move forward.

President Fitzpatrick called for a recess at 8:38 pm. The work session reconvened at 8:43 pm

#### **Item 5(b): Subdivision Training**

City Manager Estes said this training was intended to prepare the Commission for an upcoming subdivision application, which is not common in Astoria.

Planner Johnson and City Manager Estes presented an overview of the City's land division process via PowerPoint. The presentation included the types of land divisions, the application process, the criteria applied to applications for land divisions, and a detailed explanation of developer's agreements. Staff noted Section 13 of the Development Code governed land divisions.

#### REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Herman clarified that she had not had a lot of time to digest all of the details in the materials the Commission received and she was aware that the Commission had received the private consultant's report dated November 20<sup>th</sup>.

City Manager Estes confirmed that Vice President Easom would most likely be absent from Commission meetings for the remainder of the year.

#### STAFF UPDATES:

##### **Item 7(a): Save the Dates**

- November 29, 2018 – Department of Land Conservation and Development Workshop at 6:00 pm
- December 4, 2018 – Astoria Planning Commission meeting cancelled
- December 11, 2018 – Astoria Planning Commission meeting at 6:30 pm

Staff added that the Boards and Commission Reception would be on December 17, 2018 at 6:00 pm. Commissioners would receive invitations soon. Also, the January meeting would be held on Tuesday, January 8, 2019.

#### PUBLIC COMMENTS:

There were none.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:11 pm.

#### **APPROVED:**

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Community Development Director





## CITY OF ASTORIA

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### COMMUNITY DEVELOPMENT

# MEMORANDUM

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DATE: December 20, 2018  
TO: PLANNING COMMISSION  
FROM: ROBIN SCHOLETZKY, AICP, CONTRACT PLANNER  
SUBJECT: REVISED FINDINGS OF FACT FOR SP 18-01

At the December 11<sup>th</sup> Planning Commission meeting, Commission reviewed findings of fact outlining criteria and topics of discussion that needed to be addressed for the proposed subdivision, Eagle Point, SP 18-01. Attached is a revised set of findings for review and discussion. At the December 11<sup>th</sup> meeting, the Planning Commission kept the hearing open for a continuance scheduled for December 27, 2018 at 6:30 PM.

Specific topics of note for the continued hearing include the following:

1. Additional Testimony, Ken Shonkwiler, ODOT. Ken provided an email (December 12) clarifying the response to the questions fielded at the December 11, 2018 hearing regarding future improvements on Highway 30.
2. Street Trees. At the December 11<sup>th</sup> meeting, there was discussion from Planning Commissioners as to street tree requirements with no consensus provided. Staff noted that they would return with information how street trees were dealt with for earlier residential subdivisions. This memorandum provides information as to how the provision of street trees has been addressed within prior subdivision cases as a way to help illuminate options for the continued discussion by the Planning Commission:
  - a) In SP 01-02 (Eagle Ridge), findings of fact for the criteria regarding street trees were noted as follows:

*Street trees shall be a condition of approval as the applicant removed most vegetation from the 5+ acres site to provide more access to make site infrastructure improvements.*

The resulting condition was provided:

The applicant shall install street trees, species and locations to be determined by the Community Development Director and the City Engineer, within the street rights-of-ways, at distances no more than 40' on center.

Note: No other conditions were provided in regards to maintenance or ownership of the street trees.

- b) In the Preliminary Plat decision for SP 98-01 (Mill Pond), findings of fact and conditions were silent on the issue of street trees. The provision of street trees was referenced as a condition of approval for the Final Plat decision associated with this subdivision as follows:

Continued maintenance of the street trees and all required common landscaped areas shall be included in the CC&R's.

- 3. Land for Public Purposes. In response to criteria in 13.470.B, the applicant provided Tract C, originally noted at 2,041 square feet.
  - a) Playspace area. Planning Commission provided direction to the applicant suggesting a Tract C area of at least 5,000 square feet. The revised set of plans include a revision to Tract C dimensions of 5,029 square feet.
  - b) Playspace equipment. The attached memorandum from Blair Henningsgaard, City Attorney explained that the City would be potentially liable for a request that such structures/amenities be required and the only discretionary improvements available for the Planning Commission to require are street trees as per ADC 13.610.I.
- 4. Future Maintenance. In order to ensure future maintenance for non-City facilities, conditions have been added to reference the developer and/or future owner.

A revised set of plans has been provided by the applicant to the casefile on December 13, 2018 and a revised staff report is attached to this Memorandum. The Commissioners may edit the findings further at the meeting.





Robin Scholetzky &lt;robin@urbanlensplanning.net&gt;

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**Eagle Point Subdivision**2 messages

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**SHONKWILER Kenneth D** <Kenneth.D.SHONKWILER@odot.state.or.us> Wed, Dec 12, 2018 at 10:16 AM  
To: Brett Estes <bestes@astoria.or.us>, Cindy Moore <cmoore@astoria.or.us>, Robin Scholetzky <robin@urbanlensplanning.net>, Nancy Ferber <nferber@astoria.or.us>

Hey all,

Thanks again for inviting me to the commission last night. I realized this morning that I might have mislead the city and commission a little bit and wanted to clarify a statement that I made.

• I made the point to Jan that we would not be able to condition the developer to make capacity improvements such as turn lanes. However, I should have also pointed out that if we were legally able to condition the developer, we still would not have made the development add capacity improvements because they were not warranted by the traffic generated by the development. We (ODOT) were in agreement with the analysis, as indicated by my previous emails.

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Best,

Ken Shonkwiler, Senior Region Planner

Oregon Department of Transportation | Northwest Area | 350 W Marine Dr. , Astoria, OR 97103

Office - 503.325.5281 | Cell - 971.707.1263

Kenneth.d.Shonkwiler@odot.state.or.us

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**Brett Estes** <bestes@astoria.or.us> Wed, Dec 12, 2018 at 11:02 AM  
To: SHONKWILER Kenneth D <Kenneth.D.SHONKWILER@odot.state.or.us>, Cindy Moore <cmoore@astoria.or.us>, Robin Scholetzky <robin@urbanlensplanning.net>, Nancy Ferber <nferber@astoria.or.us>

Ken, the public hearing was continued to December 27<sup>th</sup>. We will add this email as testimony to be provided in the supplemental packet.

Thanks,

Brett



**CITY OF ASTORIA**  
FOUNDED 1811 – INCORPORATED 1856  
CITY ATTORNEY  
**CONFIDENTIAL LEGAL MEMORANDUM**

**DATE:** DECEMBER 17, 2018  
**To:** BRETT ESTES, CITY MANAGER  
**FROM:** BLAIR HENNINGSGAARD, CITY ATTORNEY  
  
**SUBJECT: SUBDIVISION CONDITIONS OF APPROVAL**

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Question: May the Astoria Planning Commission require a developer to install playground equipment as a condition of approval for a preliminary subdivision plat?

Answer: No, and doing so could subject the City to liability.

Discussion. Preliminary plat approval within a city is a limited land use decision. ORS 197.015 (12). In making a limited land use decision, the review authority may include conditions that are allowed by law. ORS 197.195(1). Imposing unauthorized conditions could subject the city to a claim for damages in the Circuit Court. ORS 197.795(2).

Our subdivision ordinance describes its purpose to provide “better living conditions within new land divisions,” to assure open spaces and public areas, and to “provide for their installation and improvement.” ADC 13.020. To accomplish this purpose ADC 13.470.B. allows the Planning Commission to require the “dedication” of suitable areas for “parks and playgrounds.”

A dedication occurs when a property owner appropriates property for a public use. *Harris v City of St Helens*, 72 Or 377, 143 P 941 (1914). Dedication does not include the obligation to improve the property which obligation is usually said to rest with the municipality, *Hendrickson v City of Astoria* 127 Or 1, 270 P 924 (1928).

The improvements our development code requires of a developer are described in ADC 13.610 A.-H. & J.-L. Street trees appear to be the only discretionary improvement the City may require. ADC 13.610.I.

Although a requiring park improvements would probably pass constitutional muster under *Nollan v. California Coastal Com.*, 483 US 825, 107 S Ct 3141, 97 L Ed2d 677 (1987), and *Dolan v. City of Tigard*, 512 US 374, 114 S Ct 2309, 129 L Ed2d 304 (1994), see e.g. *Rogers Mach., Inc. v. Wash. County*, 181 Or App 369, 45 P3d 966 (2002) & *Clark v. City of Albany*, 137 Or App 293, 904 P2d 185 (1995), I find no authority in our code for such an exaction.



## STAFF REPORT AND FINDINGS OF FACT

DECEMBER 20, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: ROBIN SCHOLETZKY, AICP, CONTRACT PLANNER

SUBJECT: SUBDIVISION REQUEST (SP18-01) TO SUBDIVIDE 18.28 acre parcel (79,627 square feet) into a 22 lot subdivision, roadways and tracts located off of OLD HIGHWAY 30.

### I. BACKGROUND SUMMARY

- A. Applicant:
- |                       |                           |
|-----------------------|---------------------------|
| Stan Johnson          | Cary Johnson              |
| 92732 Fernhill Road   | 92080 John Day River Road |
| Astoria, Oregon 97103 | Astoria, Oregon 97103     |
- B. Owner:
- Astoria Northwest Homes  
92732 Fernhill Road  
Astoria, Oregon 97103
- C. Consultant/Engineer:
- Erik Hoovestol, PE  
Firwood Design  
359 E Historic Columbia River Highway  
Troutdale, Oregon 97060
- D. Proposal:
- Subdivide an 18.28 acre parcel (796,276 square feet) into a 22 lot subdivision with new roadways: Road A and Road B with three tracts, A, B and C. Application materials indicate it will be developed in phases: Phase 1 includes Lots 1-7 and a portion of Road A will be part of the subsequent Final Plat. The Road A terminus is being considered a cul-de-sac, for Phase 1. Phase 2 includes Lots 8 through 22 and the completion of Road A and Road B. Tracts A, B, and Tract C are identified for development and platted in Phase 1.
- E. Location:
- Map T8N-R09W Section 20, Tax Lot 107. The subject property is located on the south side of Old Highway 30.
- F. Zone:
- R-3, High Density Residential
- G. Number of Lots:
- 22 proposed lots from one 18.28 acre parcel (796,276 square feet)

H. Lot and Tract Dimensions:

Table 1, Lot Dimensions, updated with December 13, 2018 Plan Set

Lot Number	Lot Area	Buildable Area	Average Lot Width	Average Lot Depth
R-3 Standard	5,000 square foot minimum		45 feet	90 feet
Phase 1				
1	18,152 sf	10,387 sf	110.13	173.51
2	21,673 sf	10,612 sf	116.19	186.23
3	25,215 sf	11,428 sf	104.51	242.41
4	23,674 sf	13,593 sf	135.56	174.27
5	27,284 sf	13,846 sf	120.56	204.15
6	22,589 sf	13,581sf	103.67	219.70
7	20,166 sf	13,197 sf	115.62	180.20
Phase 2				
8	15,835 sf	9,653 sf	104.84	167.77
9	14,805 sf	9,773 sf	80.89	174.64
10	17,706 sf	12,635 sf	99.73	177.23
11	22,067 sf	10,734 sf	161.80	136.88
12	10,040 sf	6,222 sf	85.44	118.47
13	10,070 sf	6,011 sf	96.04	104.93
14	10,058 sf	5,181 sf	106.66	95.20
15	26,105 sf	17,166 sf	110.30	169.06
16	23,346 sf	17,087 sf	116.61	199.51
17	16,357 sf	11,053 sf	101.89	163.57
18	12,831 sf	7,893 sf	101.18	129.95
19	23,994 sf	10,466 sf	95.96	248.89
20	25,491 sf	10,460 sf	107.67	239.12
21	30,953 sf	12,406 sf	133.94	237.18
22	38,306 sf	25,734 sf	143.58	289.75
Tract A	136,988 sf			
Tract B	108,645 sf			
Tract C	5,029 sf			

I. Lot Dimensions: All lots meet the minimum standards noted in Section 2.165

J. Use of Property: Existing: Vacant  
Proposed: Single and multi-family dwellings, public roadway.



## II. BACKGROUND

**Project Summary.** This Preliminary Plat application is for a 22 lot subdivision with a new roadway system, Road A and Road B with three tracts, A, B and C. The plan submittal set from July 2, 2018 indicates that it will be developed in phases: Phase 1 includes Lots 1-7, Tracts A, B, and C as well as a portion of Road A will be part of the subsequent Final Plat. The Road A terminus is being considered a cul-de-sac. Phase 2 includes Lots 8 through 22 and the completion of Road A and Road B.



**Area Description.** The proposed site is undeveloped. While the majority of area is mostly undeveloped, surrounding land uses include single family residential, the Tongue Point Jobs Corps Center and the City of Astoria Wastewater Treatment Facility. The subject property was once Federally owned property and, as noted below has access via roadways which are currently in Federal ownership. The applicant has noted that they are required to receive either a categorical exception for the project or it will be required to go through a National Environmental Policy Act analysis. This review has been submitted to the federal government. While this is not a City process any conditions of this process may affect City review of infrastructure. A condition of approval has been included to address this issue.

**Topography.** The site is topographically challenged and is steeply sloping in certain areas. There are areas on the property identified as having geotechnical concerns. Access to the site is proposed from the east via Old Highway 30.



**Roadway(s).** The Applicant proposes to construct a new roadway system which connects with Old Highway 30. This roadway (Road A) would terminate in a cul-de-sac for Phase 1 and then continue in a loop as part of Road B for Phase 2. The site is accessed via two adjacent roadways: Old Highway 30 / Maritime Road which is owned by the Department of Labor. and the applicant has access rights. There is a portion of Maritime Road at Highway 30 where ownership is in question. The City of Astoria has recently secured a grant from Business Oregon to attempt to clarify this issue.

### **III. PUBLIC REVIEW AND COMMENT**

A Public Notice was mailed to all property owners within 200 feet, excluding rights-of-way, pursuant to Astoria Development Code 13.100.C and D. A Notice of Public Hearing was published in the Daily Astorian on November 21, 2018. Content of the notice was in compliance with Astoria Development Code 9.020.

The following comments were received prior to public notice:

- 1) Ken Shonkwiler, ODOT ADDRESS, dated September 10, 2018.

Any comments received will be made available at the Planning Commission meeting.

### **IV. APPLICABLE REGULATIONS AND DESIGN STANDARDS**

Section 13.100 (F) states that *"the Planning Commission shall hold a public hearing on the preliminary plat, and shall make a decision on the preliminary plat in accordance with Section 9.030 of the Development Code."*

**FINDING:** A public hearing before the Planning Commission is scheduled for December 11, 2018.

#### **13.100.G Preliminary Plat Approval Binding**

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

**FINDING:** Once the preliminary plat is approved any changes to conditions of approval will need to be reviewed by the Planning Commission.

#### **APPLICABLE SECTIONS IN 13.110:**

#### **13.110. SUBDIVISION, PRELIMINARY PLAT - INFORMATION ON PRELIMINARY PLAT.**

##### **A. Information Required.**

Section 13.110(A) defines the information required on the preliminary plat. These items were addressed during completeness check of the application. There were some items not provided and require a condition of approval.

- 13.110.(A) 3. Location of the subdivision sufficient to define its location and boundaries and, a legal description of the tract boundaries.



**FINDING:** Detailed survey information on boundaries has been provided. A legal description is not included and should be provided.

7. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.

**FINDING:** All information required above is provided except the street names for the proposed internal streets. A condition has been added which states the subdivider shall propose names for these streets to be reviewed by Planning and Engineering for conformance with street names within the City.

9. Approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.

**FINDING:** Proposed easements are identified on the Preliminary Plat. However, as a part of engineering construction plan review the final set of required easements will be determined. A condition has been added which states the final set of easements required for the subdivision will be reviewed and approved by the City Engineer and included on the Final Plat.

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

**FINDING:** No USGS bench mark is noted. A condition has been added that this shall be shown on the Final Plat.

**OVERALL FINDING:** The Preliminary Plat does comply with all of the above applicable requirements with the conditions noted. Items addressed in the findings needed for the Final Plat have been noted in the conditions at the end of the staff report.

#### **13.110.B. Statement Required.**

A statement shall accompany the preliminary plat and shall contain the following information:

1. A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.
2. Deviations from subdivision ordinance, if any.
3. Public areas proposed, if any.
4. A preliminary draft of restrictive covenants proposed, if any.

**FINDING:** An initial statement was provided from the Applicant as part of the original application submitted on March 20, 2018. A memorandum dated July 2, 2018 provided additional information for the file. Additional information for the file was provided on November 13, 2018 and December 13, 2018. These written materials are attached.

#### **13.110.C. Supplemental Information.**

The City may require any of the following to supplement the preliminary plat:

1. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
2. A plan for domestic water supply lines and related water service facilities.

3. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainageways.
4. If an area is to be graded, a plan showing the nature of the cuts and fills and evidence provided in a site investigation that such a grading will be stable.
5. Proposals for other improvements such as electric, utilities and sidewalks.
6. Geologic investigations as required by the Community Development Director and City Engineer. Where such an investigation indicates the potential for erosion, an erosion control plan shall also be submitted.
7. A Traffic Impact Study (TIS), pursuant to Subsection 3.015.A.5.

#### **FINDING(S):**

**Geotechnical Study.** The applicant has submitted a Geotechnical Engineering report prepared by GeoEngineers, August 9, 2017. Staff has reviewed the report in context as to whether the proposed subdivision is in keeping with the report's analysis. Staff recommends a condition that prior to Final Plat, GeoEngineers shall review the Final Plat submittal documents to ensure compliance with their recommendations and provide documentation of their review and approval to the City of Astoria. Their documentation shall indicate any deviation from the recommendations.

The Applicant has noted the geotechnical report's no-build areas on the Preliminary Plat as Tract A and Tract B, however this line will not be included on the Final Plat. Staff is recommending a condition that the Applicant include a Plat note on the Final Plat referencing the associated Tracts as geologically sensitive and will cross-reference the Geotechnical report submitted as part of this application.

**Traffic Analysis Report.** The applicant has submitted a traffic analysis/technical memorandum prepared by Lancaster Engineering and provided to the City on July 2, 2018. The City Engineer and ODOT has reviewed the report and has indicated that no mitigation is required. See ODOT email from September 10, 2018.

**Phase 1 and Phase 2.** This Preliminary Plat is seeking approval for Phase 1 and Phase 2 lots. Phase 1 includes Lots 1-7, Tracts A, B and C and a portion of Road A. The Road A terminus is being considered a cul-de-sac. Phase 2 through-streets will not be developed until a later date. Phase 2 includes Lots 8 through 22 and the completion of Road A and Road B.

The applicant has stated that a looped water line may or may not be constructed in Phase 1. Should a looped water line not be constructed in the first Phase, the maximum number of dwelling units permitted to be constructed in that Phase would be 20. This has been noted as a condition in order to address Development Code and fire suppression concerns. Should the developer create a looped waterline in the interim, (but before the construction of Phase 2) the number of dwelling units permitted in Phase 1 could be extended to the maximum permitted by the Development Code with approval of the City of Astoria. The maximum number of units which could be constructed in the subdivision (with a single fire access) is 200 units inclusive of both phases.

The Applicant provided a statement of Public Improvement Descriptions dated March 12, 2018 and a revised version on November 13, 2018.

**13.120. SUBDIVISION, FINAL PLAT - PROCEDURE FOR REVIEW.**

**13.130. SUBDIVISION, FINAL PLAT - FORMAT.**

**13.140. SUBDIVISION, FINAL PLAT - SUPPLEMENTAL DATA REQUIRED.**

**13.150. SUBDIVISION, FINAL PLAT - PERFORMANCE AGREEMENT.**



**FINDING:** The Applicant will need to complete a Final Plat process in accordance with Sections 13.120, 13.130, 13.140, and 13.150. Staff and the Planning Commission will need to review and provide approval prior to Final Plat.

Note: As described within this staff report, there are a number of issues which will need to be addressed as this project continues through its land use review process. The Astoria Development Code section 13.100(H) states that *"The preliminary plat shall be valid for **one year from the date of its approval**. The Planning Commission, upon written request by the subdivider, may grant an extension of the preliminary plat approval for a period of **one year**. In granting an extension, the Planning Commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat."*

### **13.410 GENERAL REGULATIONS AND DESIGN STANDARDS (Applicable to Subdivisions, Major and Minor Partition)**

#### **13.400. Principles of Acceptability.**

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this ordinance, based on standard engineering practices, concerning streets, drainage facilities, sidewalks, sewer and water systems.

#### **13.410. Streets.**

##### **A. General.**

Streets shall be planned and constructed pursuant to the Transportation Standards in Section 3.015.

#### **FINDING(S):**

Development Code Section 3.015 includes Transportation Standards for subdivisions. Engineering Design Standards have been adopted by the City Council as noted in Section 13.400. The applicant has applied for a Variance to the Development Code section which states a cul-de-sac shall not exceed a length of 400 feet and serve building sites for more than 18 units. Similarly, an Engineering Design Standard exception for cul-de-sac length and also one for street grades steeper than the maximum slope have been requested. It is anticipated those Design Exceptions to approve the requests will be forthcoming from City Engineering. These findings are met based upon granting those Design Exception(s) and Variance.

#### **13.420. Utility Easements.**

Easements for sewer, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five (5) feet on each side of the rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, provided that easements of width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the City.

## **FINDING(S):**

As a part of the Engineering Construction Plan review, the City Engineer will review the infrastructure and the associated easements required. A condition has been proposed which states that construction plans shall be reviewed and approved by the City Engineer and that all required easements shall be shown on the Final Plat.

### **13.430. Building Sites.**

#### **A. Size and Shape.**

The size, width, shape and orientation of building sites shall be consistent with the residential lot size provisions of the Development Code with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

#### **B. Access.**

Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

#### **C. Through Lots and Parcels.**

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

#### **D. Lot and Parcel Side Lines.**

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

## **FINDING(S):**

**Size and shape.** The site is within the R-3, High Density Residential Zone. The R-3 Zone minimum lot size is dependent on the unit mix proposed. The proposed use has not been determined and use is not part of the review criteria for a subdivision. R-3 lots are a minimum of 5,000 square feet for single family dwellings and 6,500 square feet for duplex development. Multifamily development is allowed at a minimum of 5,000 square feet with an additional 1,500 square feet of lot area for each additional unit. (2.165).

Based on the size of the lots, the Preliminary Plat can support all development types allowed in the R-3 zone.



A minimum of three units per building is required to be classified as multi-family dwelling. Actual development of the site will be required to meet the standards of the R-3 Zone; specifically, sections 2.170 through 2.185 concerning development standards and requirements of the R-3 Zone identifies other development issues such as lot coverage, height, landscaping, drainage, etc. The applicant has not applied for any variances from these standards. Should it be determined that any of the zone standards cannot be met at the time of building permit review, variances would need to be obtained. Building Code construction requirements for the buildings may require specific building location, recorded easements, and possible CC&R restrictions. This is for information only at this time.

**Access.** Every lot abuts a street for a width of at least 25 feet. Table 1 at the beginning of this report notes the average lot widths for the project.

**Through lots.** Due to topography, the Plan has a number of through-lots:

Lots 15, 16, 17, and 18 are through-block with Road A and Road B. Due to the size of the lots, Engineering and Planning staff do not have concerns regarding parcel access via either roadway.

**Lot and parcel side lines.** Due to topography, the Preliminary Plat has a number of lots which are irregular in shape and do not run at right angles to the street.

**FINDING:** Although the size and shape of the lots are irregular in nature, this is due to the topography of the site and the overall large dimensions of the lots ensure adequate space for future buildability.

#### **13.440. Blocks.**

##### **A. General.**

The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

##### **B. Size.**

Block size shall conform to the standards in Table 1 (Spacing Standards) of the Transportation System Plan.

##### **C. Walkways.**

The applicant may be required to dedicate and improve ten (10) foot walkways, with at least six (6) feet of all-weather surface, at 330-foot intervals across blocks that exceed the block standards in Table 1 (Spacing Standards) in the Transportation System Plan or to provide access to school, park, or other public areas.

#### **FINDING(S):**

This Preliminary Plat is for one project without any blocks. This criteria is not applicable.

#### **13.450 Large Building Sites.**

In dividing tracts into large lots or parcels which at some future time are likely to be re-divided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**FINDING:** The proposed lot sizes are substantial in nature. Some lots are established with wider frontages which could allow division should it be considered in the future.

### 13.460. WATER COURSES.

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision or partitions, or, at the option of the land divider, provide, by dedication, further and sufficient easements or construction, or both to dispose of the surface and storm waters.

**FINDING:** Preliminary engineering and a Stormwater Report (November 13, 2018) has been provided to address storm water issues. Two bioswales are proposed adjacent to Old Highway 30. Final review of storm water infrastructure plans will be conducted by the City Engineer following preliminary plat review. Stormwater easements will be required to be shown on the Final Plat as noted in conditions of approval. Furthermore, it should be noted that new stormwater infrastructure is proposed in Old Highway 30 necessitating review and approval by the U.S. Department of Labor. As noted as a condition, offsite easements will need to be obtained to accommodate this infrastructure prior to Final Plat.

### 13.470. Land for Public Purposes.

#### A. Public Acquisition.

The Planning Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one year providing the City has an interest or has been advised of interest on the part of the State Highway Commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

**FINDING:** There is no known interest of acquisition.

#### B. Dedication of Parks and Playgrounds.

The Planning Commission may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

**FINDING:** As described by the applicant, this Preliminary Plat is planned for multi-family development which, would be expected to include children as well as adults of all ages. With all development, but especially multifamily development, that may lack individual outdoor areas it is important to have play and open space for residents. This subdivision is separated from the rest of the City by Highway 30. The playgrounds / parks in nearest proximity to this subdivision are located within the Alderbrook neighborhood.

In discussion with the Astoria Parks Department, dedication of parkland is not of interest as there are no funds available to construct park improvements. The applicant provided a tract, Tract C available for this purpose.

Based on the Planning Commission discussion at the December 11, 2018 hearing, the Planning Commission members agreed that area dedicated as Tract C for playspace is appropriate as part of this Preliminary Plat. There was further discussion of the dimensions of Tract C and Planning Commission members requested that the applicant provide a Tract C of at least 5,000 square feet.



The Applicant provided a revised Preliminary Plat dated December 13, 2018 which references this dimension. A condition has been included regarding ownership and maintenance of Tract C.

#### **13.480. UNSUITABLE LAND.**

The Planning Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the County or State health authorities, or, if the property is deemed unsuitable for the reason that it is in an actual landslide area or in a wetlands area.

**FINDING:** There are large areas that are landslide prone. However, it is the rear portion of otherwise "buildable" lots. The steepest portions of the site have been proposed to be placed in Tracts: Tract A and B. The Applicant has noted the geotechnical report's (GeoEngineers, August 9, 2018) no-build areas on the Preliminary Plat as Tract A and Tract B, however this line will not be included on the Final Plat. Staff is recommending a condition that the Applicant include a Plat note on the Final Plat referencing the associated lots as geologically sensitive and will cross-reference the Geotechnical report submitted as part of this application.

#### **13.490. LAND SUBJECT TO INUNDATION.**

If any portion of land proposed for development is subject to overflow, inundation or flood hazard by, or collection of, storm waters, an adequate system of storm drains, levees, dikes and pumping systems shall be provided.

**FINDING:** Nor portion of the subdivision is subject to overflow, inundation or flood hazard.

#### **13.500. PROPOSED NAME OF SUBDIVISION.**

No tentative subdivision plat or subdivision plan or subdivision shall be approved which bears a name approved by the County Surveyor or County Assessor, which is the same as similar to or pronounced the same as the name of any other subdivision in Clatsop County unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name, or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and if used, the block numbers of the subdivision plat of the same name last filed.

**FINDING:** The proposed name of the subdivision is Eagle Point. It has been reviewed by the County Surveyor to determine if it is similar to or pronounced the same as the name of any other subdivision in Clatsop County. Verification has been provided indicating there are no other similar subdivisions or developments. This was documented in an email dated November 10, 2017 that was provided with the Applicant's Narrative.

## IMPROVEMENTS

### 13.600. IMPROVEMENT STANDARDS AND APPROVAL.

- A. In addition to other requirements, all improvements shall conform to the requirements of this ordinance and any other improvement standards or specifications adopted by the City, and shall be installed in accordance with the following procedure:
1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for the evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. All plans shall be prepared in accordance with requirements of the City.
  2. Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
  3. All required improvements shall be constructed under the inspection, and to the satisfaction, of the City. The City may require changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the City.
  4. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
  5. A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.

**FINDING:** Subsequent to Preliminary Plat approval, the applicant will submit engineering construction plans to be reviewed and approved by the City Engineer. Construction of improvements would not be initiated until such time appropriate approvals were obtained from Astoria Public Works and other necessary agencies. As built drawings are required to be submitted as a part of the public infrastructure acceptance process.

### 13.610. IMPROVEMENT REQUIREMENTS.

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

#### A. Streets.

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

**FINDING(S):** The subdivider shall improve the streets within the subdivision, currently labeled as Road A and Road B. Streets shall be constructed in accordance with Engineering Design Standards and as approved by the City Engineer. This work shall be completed prior to Final Plat approval or alternatively a bond provided as allowed.



City of Astoria Engineering Design Exceptions have been requested for the following items. These are reviewed and pending separate approval by the City Engineer.

- A Design Exception Request has been submitted for the road grades that exceed the standard 12% maximum grade, but do not exceed 14% grade. It is anticipated this design exception will be issued shortly.
- A Design Exception Request has been submitted for the length of the cul-de-sac exceeding the standard maximum distance which should be issued shortly.

A Community Development Director reviewed Variance has also been requested for a cul-de-sac street (Road A, Phase 1) length and number of units served by a cul-de-sac. As with the associated Engineering Design Exceptions this decision should be issued shortly. There are conditions of approval included with the subject subdivision request which deal with sprinklering of structures in both phases and caps on the number of units which could be constructed in Phase 1. The applicant has stated they wish to have flexibility as to when a looped water line is constructed. If a looped water line is not constructed in Phase 1 then the maximum number of units would be 20.

This has been noted as a condition of approval in order to address Development Code and fire suppression concerns. Should the developer create a looped waterline in the interim, (but before the construction of Phase 2) the number of units permitted in Phase 1 could be extended to the maximum permitted by the Development Code with approval of the City of Astoria.

#### **B. Structures.**

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

**FINDING:** Any structures such as bio swales shall be reviewed and approved by the City Engineer as conditioned.

#### **C. Sidewalks.**

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

**FINDING:** Sidewalks are proposed on both sides of the street.

#### **D. Sewers.**

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

**FINDING:** Preliminary engineering has been provided to the Public Works Department. Final construction plans will be reviewed and approved as conditioned.

#### **E. Water.**

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

## **FINDING(S):**

Water mains. The Composite Utility Plan (December 13, 2018) provided to the City indicate that for water provision, the project will connect to a water main in Old Highway 30.

For Phase 1, the project will construct an 8" water line in Road A. Ultimately this water line will be looped as a part of full build out and continues through Road B in the existing right of way or Birch Street and through a 15 foot-wide access road until it reaches a 12" water line in Blue Ridge Drive. The applicant has requested the option to either build the looped water line in Phase 1 or alternatively build at a later time. The number of units which could be constructed in Phase 1 would be limited until such time the water line was looped. A condition addressing this issue is proposed.

Fire hydrants. Fire hydrants placement and locations will be reviewed and approved by the City Engineer and Fire Chief as a part of the engineering construction plan review process as conditioned.

## **F. Railroad Crossings.**

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

**FINDING:** The site is not in proximity to a railroad crossing.

## **G. Underground Utilities.**

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

**FINDING:** All utilities shall be installed underground. A condition of approval has been included on this matter.

## **H. Street Lighting.**

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

**FINDING:** The Composite Utility Plan (December 13, 2018) provided to the City indicate locations of street lighting on individual lots. No utility easements are indicated. As a condition, the engineering construction plans showing specific locations and spacing of streetlights will need to be reviewed and approved by the City Engineer. As a condition, for future construction, the street lighting shall be installed per City specifications. All lights should be downcast and should not glare into the street or



onto adjacent properties. A condition noting this as well as that the lights either be located within public right-of-way or within easements should they be located outside a right-of-way.

#### **I. Street Trees.**

Street trees may be required by the City.

**FINDING:** The applicant has not submitted any landscaping plans. Based on the amount of tree clearing and site work completed previously and expected with this development, a number of trees have been removed from the site. As a result, staff recommends that as a condition of approval, street trees shall be installed to provide for a more aesthetically pleasing development. A condition of approval has been added which states the layout, location and species proposed for the street trees shall be approved by the City Engineer and Planner as a part of the engineering construction plans.

In regards to terms of maintenance, the applicant has been informed that the City typically requests that the maintenance and installation of street trees is the responsibility of the developer or a homeowners association. To date, the applicant has not provided any reference to a homeowners association or third-party maintenance agreements. A condition has been proposed which requires that a recorded document for each Phase be created to address the on-going maintenance of the shared facilities including the street trees.

#### **J. Street Name Signs.**

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

**FINDING:** Street name signs shall be installed per City specifications. Locations shall be reviewed as a part of the engineering construction plan review and shall be installed as a part of the infrastructure for the site.

#### **K. Improvement of Easements.**

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

**FINDING:** All easements for infrastructure will be reviewed and approved by the City Engineer as a part of the engineering construction review.

#### **L. Off-Site Street Improvements.**

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

#### **FINDING(S):**

There will be offsite improvement including but not limited to water, storm sewer, and sanitary sewer utilities. There are conditions included in the recommendation which address the installation and associated easements required for these improvements.

#### **13.620. MONUMENTS.**

#### **13.630. SURVEY REQUIREMENTS.**

**FINDING(S):** Sections 13.620 through 13.630 detail information required. The applicant shall comply with any applicable sections.

### **13.680. TIME LIMITS AND EXTENSIONS.**

#### **A. Time Limit on Preliminary Plat.**

##### **13.680**

The preliminary plat for a subdivision or land partition shall be valid for two years from the date of Final Decision. For phased projects, recordation of a final plat for an earlier phase shall constitute the Final Decision date of preliminary plat approval for all subsequent phases.

**FINDING:** The proposed subdivision is a two phase plat with all tracts included in the first phase. The time limits noted in Section 13.680 above will apply to this decision.

### **3.008. VEHICULAR ACCESS AND CIRCULATION.**

#### **D. Approach and Driveway Development Standards.**

6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.

**FINDING:** These issues will be reviewed by the City Engineer as a part of the construction plan review process.

#### **H. Joint Use Access Easement and Maintenance Agreement.**

Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use or cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners. This easement/agreement requirement shall also apply to separate properties under the same ownership.

**FINDING:** A joint use access easement is proposed for access to Lots 4 and 5. As a condition, the final configuration of the easement shall be shown on the Final Plat. Additionally, a maintenance agreement will need to be prepared and recorded along with the Final Plat to address future shared maintenance requirements. The design of the driveway improvement shall be reviewed by the City Engineer as a part of the engineering construction plan process. Construction of said driveway improvements may be installed when development on the respective lots occurs. A condition of approval has been added to address this issue.

#### **5. Walkway Width and Surface.**

Walkways shall be constructed of concrete, asphalt, brick/masonry pavers, or another durable surface, as approved by the City Engineer and meeting Americans With Disabilities Act requirements, with a surface not less than six (6) feet wide. The Community Development Director or Planning Commission as applicable may require a wider walkway where pedestrian traffic warrants.



**FINDING:** Sheet P2/9 includes a typical roadway section which shows a six foot sidewalk and planter strip. These will be constructed throughout the subdivision on both sides of the streets. This dimension addresses ADA widths. Final sidewalk configurations will be reviewed and approved by the City Engineer as a part of the engineering construction plan review process.

**The following items address issues associated with roadways and transportation matters:**

**B. Street Location, Alignment, Extension, Grades, and Names.**

5. Where required local street connections are not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent potentially developable properties, conforming to the standards of this Code.
6. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code; in such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
7. Proposed streets and any street extensions required pursuant with this Section shall be located, designed and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable land.

**3.015. D. Transportation Connectivity and Future Street Plans.**

The following standards apply to the creation of new streets:

**1. Intersections.**

Streets shall be located and designed to intersect as nearly as possible to a right angle. Street intersection angles shall conform to the Astoria Engineering Design Standards for Roadways (Chapter 4).

**2. Connectivity to Abutting Lands.**

The street system of a proposed development shall be designed to connect to existing, proposed, and planned streets adjacent to the proposed development. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the City deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

Reserved strips including street plugs may be required to preserve the objectives of street extensions. Reserved strips controlling the access to public ways will be approved when necessary for the protection of the public welfare. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

**3. Street Connectivity and Formation of Blocks.**

In order to promote efficient vehicular and pedestrian circulation throughout the City, subdivisions and site developments shall be served by an interconnected street network, pursuant to Table 1 (Spacing Standards) in the Transportation System Plan.

#### **4. Cul-de-sac Street.**

A cul-de-sac street shall only be used where the Community Development Director, Planning Commission, or City Engineer, as applicable, determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:

- a. The cul-de-sac shall not exceed a length of 400 feet and serve building sites for not more than 18 dwelling units, except where the Community Development Director, Planning Commission, or City Engineer, as applicable, determines, through a Class 1 Variance pursuant to procedures in Article 9, that topographic or other physical constraints of the site require a longer cul-de-sac; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
- b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the roadway standards in the Transportation System Plan and Astoria Engineering Design Standards for roadways.
- c. The cul-de-sac shall provide a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 3.010.B.5.

#### **5. Access Ways.**

The Community Development Director or Planning Commission, as applicable, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than ten (10) feet wide and shall consist of a minimum six (6) foot wide paved surface or other all-weather surface approved by the Community Development Director or Planning Commission. Access ways shall be contained within a public right-of-way or public access easement.

#### **6. Alleys.**

When any lots or parcels are proposed for commercial or industrial usage, alleys of at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.

#### **7. Future Street Plan.**

Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision.

#### **FINDINGS FOR THE ABOVE MENTIONED ITEMS:**

**Cul-de-sac.** A Variance for the dimensional and unit standards for a portion of Road A has been submitted with a notice of decision to be issued shortly.

**Accesseways.** No accessways have been proposed or provided as the cul-de-sac is an interim improvement until phase two is developed.

**Alleys.** No alleyways have been proposed.



**Future Street Plan.** The Applicant provided Future Road A Plan and Profile dated December 13, 2018 provided to the City indicate a possible future connection to Blue Ridge Drive which is satisfactory to the City.

Access from the subdivision site to Highway 30 is provided via an existing roadway which is Federally owned. It is the City's understanding that access rights over this Federally owned roadway (Old Highway 30) run with ownership of the property. However, the Federally owned roadway does not directly connect to Highway 30. The ownership of the property where the current Maritime Road connects Old Highway 30 to Highway 30 is undetermined. The City of Astoria has secured a grant from Business Oregon to attempt to clarify this issue. The goal is to ultimately gain legal access through this area. In preliminary discussions with the Applicant and the County Surveyor, it has been noted that for a final plat to record on this subdivision, the issue of legal access from the subdivision to Highway 30 will need to be addressed. Additionally, there is concern about issuing public works permits for infrastructure before this is clarified. Therefore, a condition of approval is recommended by City staff.

As a part of transportation review of the site, the Fire Marshall analyzed this subdivision in relation to the number of dwelling units which could be constructed and meet Fire Code provisions. As a result of that analysis, the maximum number of units is 200 dwelling units. Should more than 200 units be proposed a second, separate fire apparatus access road that meets the specifications as spelled out in the OFC (503.2) will be required. A condition addressing this issue has been included.

#### **8. Street Names.**

All street names shall be approved by the City Engineer for conformance with the established pattern and to avoid duplication and confusion.

**FINDING:** The Preliminary Plat only indicates Road A and Road B. Staff recommends that as a condition of approval for the Final Plat, street names for Road A and B will be provided to and approved by City Engineering prior to Final Plat.

## **VI. CONCLUSION AND RECOMMENDATION**

It is recommended that the Preliminary Plat be approved with the following conditions:

### **GENERAL/LEGAL DESCRIPTIONS:**

1. Legal descriptions of the subdivision boundaries shall be included on each of the Final Plats.
2. A USGS benchmark shall be shown on the Final Plat.

### **PHASES AND PLATTING:**

3. The Final Plat for Phase 1 shall include Tracts A, B and C. Should the Tracts be in common ownership, that shall be noted on the plat and include deed restrictions addressing maintenance. Tract A, B and C shall be platted as part of Phase 1.
4. Final Plats shall be submitted and processed in accordance with the City of Astoria Development Code.

### **GEOTECHNICAL INFORMATION:**

5. A Geotechnical Engineering report was developed by GeoEngineers, August 9, 2017. Prior to Final Plat, GeoEngineers shall review the Final Plat submittal documents to ensure compliance with their recommendations and provide documentation of their review and



approval to the City of Astoria. Their documentation shall indicate any deviation from the recommendations.

6. The Applicant has noted the geotechnical report's no-build areas on the Preliminary Plat as Tract A and Tract B, however this line will not be included on the Final Plat. The Applicant shall include a Plat note on the Final Plat referencing the associated Tracts as geologically sensitive and will cross-reference the Geotechnical Report submitted as part of this application.

#### **EASEMENTS AND DEDICATIONS:**

7. **DEDICATIONS.** Each respective Final Plat shall indicate the rights-of-way to be dedicated with corresponding dimension, radii as reviewed and approved by the City Engineer and Planner.
8. **PUBLIC UTILITY EASEMENTS.** The Final Plat(s) shall indicate a minimum 5' wide public utility easement on either the front or rear property lines of all lots. Final easement configurations (including easements for street lighting) will be reviewed and approved by the City Engineer prior to Final Plat approval.
9. **PUBLIC UTILITY EASEMENTS.** Prior to issuance of engineering construction permits for off-site utilities, public utility easements meeting City standard shall be obtained and recorded. Copies of recorded easements shall be provided to the City Engineer.
10. **DEPARTMENT OF LABOR EASEMENT(S).** Prior to issuance of engineering construction permits, public utility easement(s) shall be obtained from the Department of Labor or other responsible agency for utility infrastructure in their right-of-way. Copies of recorded easements shall be provided to the City Engineer.
11. **PUBLIC UTILITY EASEMENT.** Prior to Final Plat, documentation shall be provided stating that the existing sewer easement through lots 1, 2 and 3 has been abandoned.
12. **EASEMENTS.** All final easements required for each Phase of the subdivision shall be reviewed and approved by the City Engineer prior to approval of the Final Plat.
13. **OWNERSHIP.** The Final Plat shall indicate that the ownership of Tracts A, B and C. This shall be in the name of the developer or if the Tract or Tracts are accepted by another entity, the name shall be provided on the Final Plat(s) for each Phase.
14. **MAINTENANCE.** A recorded document for Phase 1 shall be created to address the continued maintenance of and access to the shared facilities of: Tracts A, B and C.. This agreement shall be reviewed and approved by the Planner prior to signing of the Final Plat, and shall be recorded prior to recording of the Final Plat.
15. **PLAYSPACE.** Tract C shall be designated as playspace for the use of the residents of the community and Eagle Point. Tract C shall be platted in conjunction with Phase 1 as noted in Condition #3. Tract C shall have a public use easement to enable public access.

#### **LOTS AND STREETS:**

16. **MULTIFAMILY UNITS.** Should Phase 1 of the subdivision be constructed without a looped waterline the number of units shall be limited to a maximum of 20 until such time a looped waterline is built and operational to City of Astoria Engineering Design Standards.
17. **STREET TREES.** As a part of the engineering construction plan, a street tree plan shall be submitted for review and approval by the City Engineer and Planner. The street tree plan shall include the location, species and caliper size. Trees shall be installed prior to acceptance of public infrastructure or alternatively a bond may be filed until installation is complete. submittal and shall be approved by the City Engineer and Planner.
18. **STREET SIGNS.** Engineering construction plans shall show the locations of proposed street signs. They shall be installed as a part of the public infrastructure construction and shall be installed in accordance with City standards.
19. **STREET LIGHTING.** Street lighting shall be indicated on the engineering construction plans to be reviewed and approved by the City Engineer. The location of these lights need



to be either be in public right of way or if outside of right of way then within a utility easement. Should City staff determine that the lights be located in a utility easement, this easement needs to be included on the Final Plat for the respective Phase. The street lighting shall be installed per City specifications. All lights should be downcast and should not glare into the street or onto adjacent properties.

20. **STREET NAMES.** As a part of engineering construction plan review, the applicant shall submit names for the Road A and Road B internal street rights-of-way to be reviewed and approved by the Planner and City Engineer for conformance with street names within the City. The street names shall appear on the Final Plat.

#### **STREET DESIGN:**

21. An Engineering Design Exception Request for the road grades that exceed the standard 12% maximum grade, but do not exceed 14% grade shall be reviewed and approved prior to engineering construction plan submittal.
22. An Engineering Design Exception Request for the length of the cul-de-sac exceeding the standard maximum distance shall be submitted prior to engineering construction plan submittal.
23. The applicant has requested a Variance for a cul-de-sac street (Road A, Phase 1) that is 24 feet longer and which may serve an additional units than currently allowed by City of Astoria Development Code. This Variance shall be approved prior to engineering construction plan submittal.
24. All public roadway designs will be reviewed and approved by the City Engineer as a part of the engineering construction plan review process. Improvements shall be constructed to City standards prior to approval of the final plat. Improvements may be bonded in lieu of construction as outlined in the Development Code and as approved by the City Engineer.
25. The final configuration of the joint use access easement for Lots 4 and 5 shall be shown on the Final Plat for Phase 1. A maintenance agreement will need to be prepared and recorded along with the Final Plat to address future shared maintenance requirements. The design of the driveway improvement shall be reviewed by the City Engineer as a part of the engineering construction plan process. Construction of said driveway improvements shall be installed as a part of the public infrastructure or when development on the respective lots occurs.
26. Prior to approval of each Phases' Final Plat, the subdivider shall complete all required road improvements and infrastructure within the subdivision at the subdivider's own cost; or, execute and record an agreement between the subdivider and the City, specifying the period within which required improvements shall be completed as defined Astoria Development Code, along with a bond or other surety for completion of the improvements.

#### **UTILITIES:**

27. Prior to issuance of engineering construction permits, the applicant shall submit plans for all public utility infrastructure for review and approval by the City Engineer.
28. All Utilities shall be installed below grade.
29. Prior to approval of the Final Plat, the subdivider shall complete all required public utility improvements and infrastructure within the subdivision at the subdivider's own cost; or, execute and record an agreement between the subdivider and the City, specifying the period within which required improvements shall be completed as defined Astoria Development Code, along with a bond or other surety for completion of the improvements.

#### **WATER/SANITARY SEWER/STORM SEWER:**

30. For each Phase, a detailed water system design (for onsite and offsite infrastructure) shall be reviewed and approved by the City Engineer prior to issuance of engineering construction permits. The new water mains shall be constructed in accordance with City



standards. Water mains shall be installed within the right-of-way unless otherwise approved by the City Engineer.

31. Should a looped water line not be constructed in the first Phase, the maximum number of dwelling units permitted to be constructed in this Phase would be 20 regardless of other limitations placed on unit count via the associated Variance or other condition in this staff report.
32. For each Phase, a detailed sanitary sewer plan (for onsite and offsite infrastructure) shall be reviewed and approved by the City Engineer prior to issuance of engineering construction permits. The new sewer facilities shall be constructed in accordance with City standards. Sanitary sewer facilities shall be installed within the right-of-way unless otherwise approved by the City Engineer.
33. For each Phase, a detailed storm sewer plan (for onsite and offsite infrastructure as well as a bioswale) shall be reviewed and approved by the City Engineer prior to issuance of engineering construction permits. The new stormwater facilities shall be constructed in accordance with City standards. Storm sewer facilities shall be installed within the right-of-way unless otherwise approved by the City Engineer.
34. Prior to Final Plat for each phase, as a part of engineering construction plan submittals, the applicant shall show relocation of the existing sanitary sewer line and easement for Blue Ridge Estates.

#### **GRADING AND EROSION CONTROL:**

35. A NPDES 1200-C permit shall be obtained when the project disturbs one-acre or more when all construction phases are considered.
36. A City of Astoria Grading and Erosion Control Permit is required for this project. The applicant shall submit a Grading and Erosion Control Permit application with detailed erosion and sediment control plan for construction prior to any site work.
37. All clearing, grading and construction shall be in accordance with City of Astoria permits and other applicable codes, ordinances and standards.

#### **FIRE LIFE SAFETY:**

38. **FIRE HYDRANTS.** The final location of the fire hydrants shall be included on the engineering construction plans to be reviewed and approved by the City Engineer and Fire Marshall.
39. **SPRINKLERS.** As a cross reference to the Engineering Design Standard exception process, it is required that all buildings, including any non-residential occupancies are equipped throughout with approved automatic sprinkler systems. This requirement shall be addressed at the time of building permit review process.
40. **UNIT COUNT.** For both Phases, as per the design of Eagle Point Subdivision the maximum number of units shall be 200 dwelling units. Should more than 200 units be proposed, a second, separate fire apparatus access road that meets the specifications as spelled out in the OFC (503.2) will be required.

#### **DEPARTMENT OF LABOR (DOL):**

41. **DOL/NEPA.** Prior to issuance of engineering construction permits, the project shall provide documentation from the Department of Labor that either a Categorical Exception has been confirmed for this project or the project will have to complete a full NEPA analysis. Should a NEPA analysis be required by the Department of Labor, the findings shall be provided to the City of Astoria prior to issuance of engineering construction permits.
42. **DOL ROAD ACCESS.** The Applicant shall provide an acknowledgement from the Department of Labor that they approve of the access points and construction associated with Phase I and Phase II of this subdivision. This documentation shall be provided prior to issuance of grading and erosion control or construction permits on or off the site.



**OTHER TRANSPORTATION ACCESS:**

43. **MARITIME ROAD.** No engineering construction permits (including Grading and Erosion Control) for infrastructure shall be granted and no Final Plat approval shall be granted until Maritime Road ownership issues have been addressed to the City of Astoria and Clatsop County Surveyor's satisfaction to provide clear and legal access from the subdivision to Highway 30.

LEGAL DESCRIPTION:

NOTE: THIS IS THE CURRENT LEGAL DESCRIPTION AS RECORDED. ADJUSTMENTS ARE ANTICIPATED UPON RECORDING OF THE FINAL PLAT SIMILAR TO AS SHOWN ON THE PRELIMINARY PLAT

LEGAL DESCRIPTION PER QUITCLAIM DEED - BOOK 597, PAGE 533:

BEGINNING AT A STONE LOCATED ON THE NORTH LINE OF BIRCH STREET AS PLATTED IN VAN DUSEN'S ASTORIA; AND SAID STONE BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO JEREMIAH IN DEED BOOK 453 AT PAGE 83, CLATSOP COUNTY RECORDS;

THENCE FROM SAID STONE ALONG THE EASTERLY LINE OF SAID JEREMIAH PROPERTY NORTH 02°28'00" EAST 1147.75 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF OLD U.S. HIGHWAY 30;

THENCE 81.05 FEET ALONG THE ARC OF A 550.87 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 09°25'48" (THE LONG CHORD OF WHICH BEARS SOUTH 81°17'55" EAST 80.98 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 85°30'50"E EAST 89.40 FEET TO A POINT OF CURVATURE;

THENCE 205.65 FEET ALONG THE ARC OF A 288.31 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 40°52'12" (THE LONG CHORD OF WHICH BEARS SOUTH 65°04'34" EAST 201.32 FEET) TO A POINT OF TANGENCY;

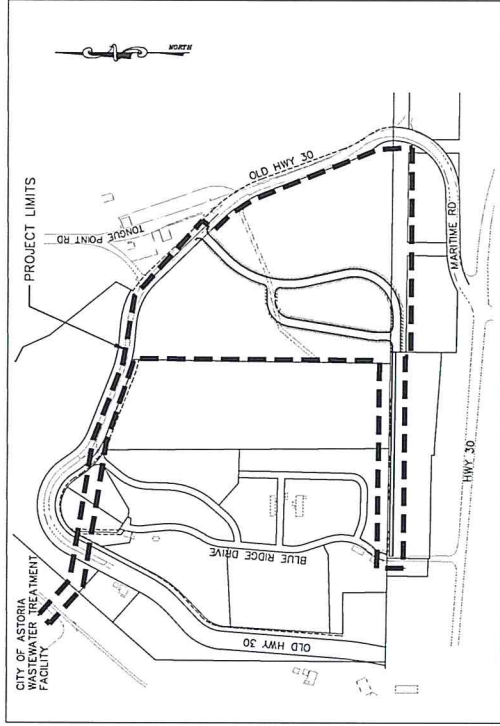
THENCE SOUTH 44°38'20"EAST 412.30 FEET TO A POINT OF TANGENCY;

THENCE 228.36 FEET ALONG THE ARC OF A 542.95 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 24°05'54" (THE LONG CHORD OF WHICH BEARS SOUTH 32°35'20" EAST 226.69 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 20°32'20"EAST 388.90 FEET TO A POINT OF CURVATURE.

THENCE 115.62 FEET ALONG THE ARC OF A 507.47 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 130°31'41" (THE LONG CHORD OF WHICH BEARS SOUTH 27°03'57" EAST 115.37 FEET TO A POINT OF REVERSE CURVATURE;

THENCE 99.07 FEET ALONG THE ARC OF A 205.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 27°41'37" (THE LONG CHORD OF WHICH BEARS SOUTH 19°44'45" EAST 98.12 FEET) TO THE INTERSECTION OF THE NORTHERLY LINE OF SAID BIRCH STREET; THENCE ALONG THE NORTHERLY LINE OF SAID BIRCH STREET WEST 934.97 FEET TO THE POINT OF BEGINNING.



LOT DIMENSION TABLE				
LOT NUMBER	AVERAGE LOT WIDTH (FT)	AVERAGE LOT DEPTH (FT)	LOT AREA (SQ FT)	SIDEWALK AREA (SQ FT)
1	130.13	174.51	18,152	18,484
2	116.19	186.23	21,673	10,615
3	100.51	242.21	25,215	11,428
4	135.56	174.27	23,674	13,593
5	120.56	204.15	27,284	13,646
6	120.56	204.15	27,284	13,581
7	115.63	169.24	19,565	13,165
8	104.64	169.40	15,813	9,653
9	86.89	174.64	15,065	9,773
10	98.73	177.23	17,706	12,635
11	161.80	135.28	22,037	10,734
12	84.44	113.47	10,590	6,222
13	94.04	104.93	10,070	6,011
14	110.31	169.65	18,725	9,181
15	119.31	169.65	20,255	11,087
16	110.61	199.51	23,346	17,087
17	101.89	103.57	10,567	11,053
18	118.18	129.65	12,811	7,893
19	95.56	243.89	23,994	10,466
20	107.67	239.12	25,851	10,460
21	111.94	227.18	25,351	12,406
22	115.99	227.18	26,351	12,406

PRELIMINARY  
NOT FOR  
CONSTRUCTION

COVER SHEET	P1
EAGLE POINT SUBDIVISION	
CITY OF ASTORIA, OREGON	

**ASTORIA NORTHWEST HOMES**  
92732 FERN HILL RD, ASTORIA OR 97103  
(503) 741-6065

**FDG**   
359 E. 1st, Columbia River Hwy  
TROUTDALE, OREGON 97060  
BUS (503) 664-3737 • FAX (503) 664-3118  
SURVEYING • ENGINEERING • PLANNING

		DRAWN: BD	DESIGNED: EM	CHECKED: EH
		SCALE: AS SHOWN	DATE: DEC 13, 2018	
		PROJECT NO. E16-047		
NO.	REVISION			



NOTES



APPLICANT  
STAN AND CARY JENSEN  
92732 FERN HILL RD  
ASTORIA, OR 97103  
(503) 741-6065

OWNER  
ASTORIA NORTHWEST HOMES INC.  
ASTORIA, OR 97103-8008

DEVELOPER  
STAN AND CARY JENSEN  
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ASTORIA, OR 97103  
(503) 741-6065

ENGINEER  
FRANKO DESIGN GROUP, LLC  
359 E. 1ST COLUMBIA RIVER HWY  
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info@frankodesign.com

SURVEYOR  
JAMES W. BARNHART, L.S.  
P.O. BOX 1209 ASTORIA, OR 97103

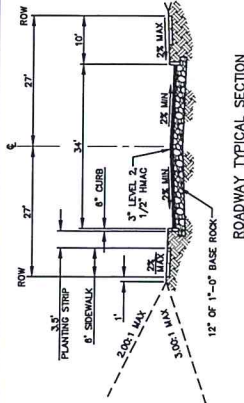
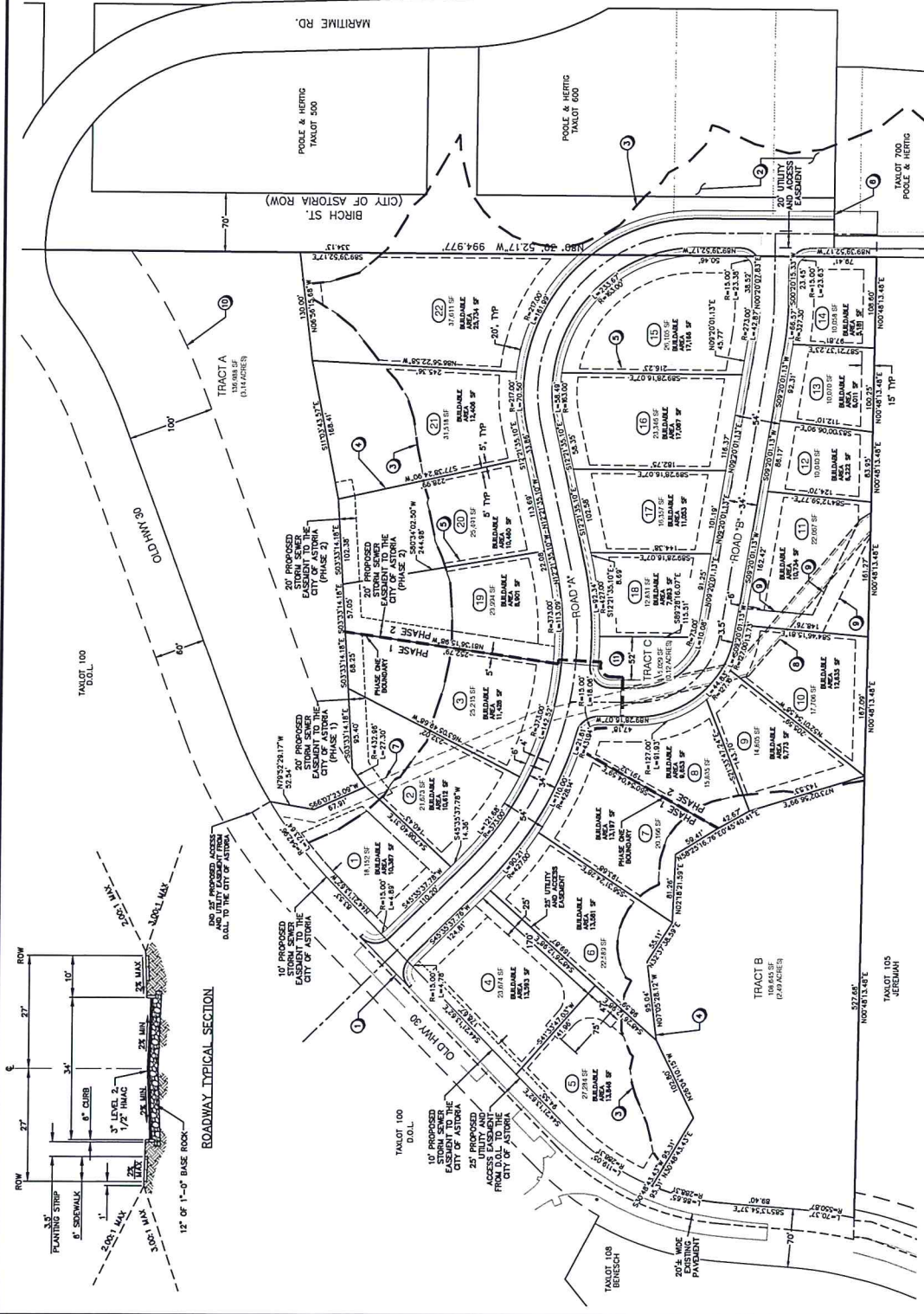
TAX LOT 107  
18.22 ACRES  
VACANT  
ZONING: HIGH DENSITY RESIDENTIAL

KEY NOTES

1. BEGIN ROADWAY AT EXIST. EDGE OF PAVEMENT.
2. POSSIBLE FUTURE OFFSITE DEVELOPMENT (NOT A PART).
3. GEO-SETBACK LINE, SEE GEOTECH REPORT DATED 8/9/2017.
4. PROPOSED LOT LINE, TYP.
5. PROPOSED BUILDING SETBACK LINE, TYP.
6. END ROAD ROADWAY
7. EXISTING 15' SEWER EASEMENT TO D.O.L. TO BE ABANDONED.
8. PROPOSED 20" SEWER EASEMENT TO CITY OF ASTORIA (PHASE 1) TO BE ABANDONED IN PHASE 2.
9. SEWER EASEMENT TO CITY OF ASTORIA (PHASE 2).
10. EXISTING 100' SLURP EASEMENT FOR OLD HIGHWAY 30 TO REMAIN.
11. TRACT C FOR PARK/PLAYGROUND.

NOTE

OLD HIGHWAY 30 IS OWNED BY THE U.S. DEPARTMENT OF LAJOR (D.O.L.)



DATE	NO.	REVISION
8-15-18	1	NO. ADDRESS, CITY, PROJECT, ITEMS
		DRAWN: ED. DESIGNED: DH. CHECKED: DH.
		SCALE: AS SHOWN DATE: 08/13/2018
		PROJECT NO. 178-447

**FDG**  
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**ASTORIA NORTHWEST HOMES**  
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# KEY NOTES

1. BEGIN ROAD CONSTRUCTION
2. EXISTING TREE LINE
3. POSSIBLE FUTURE DEVELOPMENT
4. DEED-SETBACK LINE, SEE CORRECTION REPORT DATED 6/9/2017
5. PROPOSED LOT LINE, TYP
6. PROPOSED BUILDING SETBACK LINE, TYP
7. END ROAD CONSTRUCTION
8. EXISTING SEWER EASEMENT TO DOG TO BE ABANDONED
9. PROPOSED 24" ACCESS AND UTILITY EASEMENT TO CITY OF ASTORIA (PHASE 1)
10. EXISTING 100' SLOPE EASEMENT TO REHMAN
11. 15' ACCESS ROAD
12. EXISTING ACCESS ROAD
13. 5' GRADING SETBACK LINE
14. PROPOSED 20" STORM SEWER EASEMENT TO CITY OF ASTORIA (PHASE 1)
15. PROPOSED 20" TEMPORARY SANITARY SEWER EASEMENT TO CITY OF ASTORIA (PHASE 1)



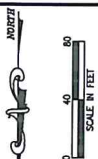
DATE	REVISION	PROJECT NO.	DESIGNED BY	CHECKED BY
2018		178-447	DATE 02.13.2018	

**FDG**  
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ASTORIA NORTHWEST HOMES  
 92732 FERN HILL RD, ASTORIA OR 97103  
 (503) 741-6065





(CITY OF ASTORIA ROW)

TAXLOT 700  
POOLE & HERTIG

P4/9

PRELIMINARY GRADING & EROSION CONTROL PLAN  
EAGLE POINT SUBDIVISION  
CITY OF ASTORIA, OREGON

**ASTORIA NORTHWEST HOMES**  
92732 FERN HILL RD, ASTORIA OR 97103  
(503) 741-6065

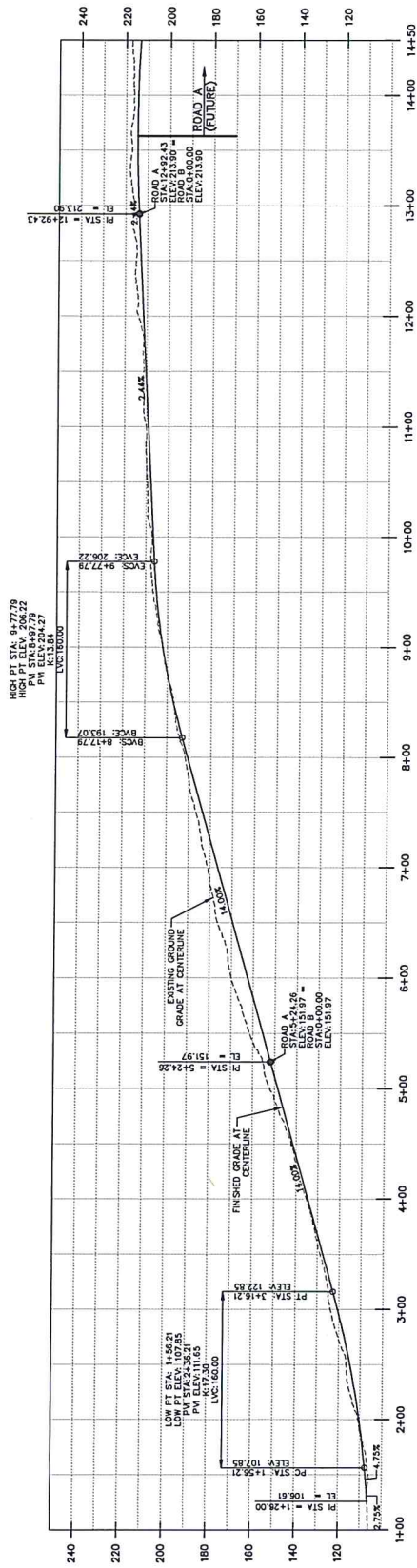
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**Finwood Design Group LLC**  
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 TROUTDALE, OREGON 97060  
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DRAWING: BD	DESIGNED: EH	CHECKED: EH
SCALE: AS SHOWN	DATE: DEC 13, 2018	
PROJECT NO. E18-047		

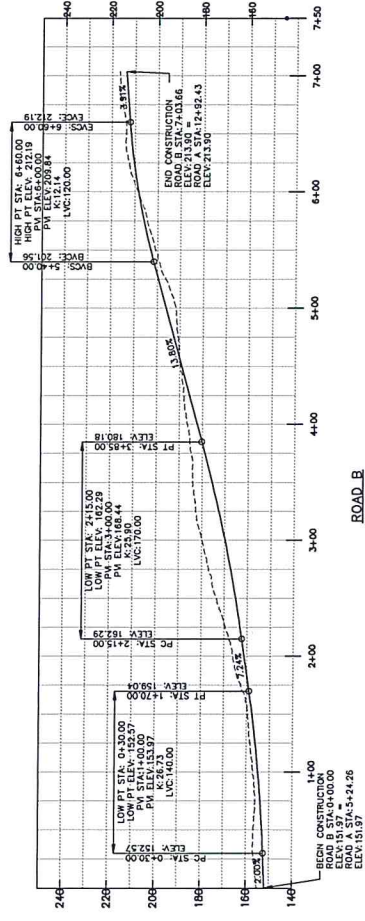
	DATE	NO.	REVISION
-15-18 NO. ADDRESS CITY REQUESTED ITEMS			

## KEY NOTES

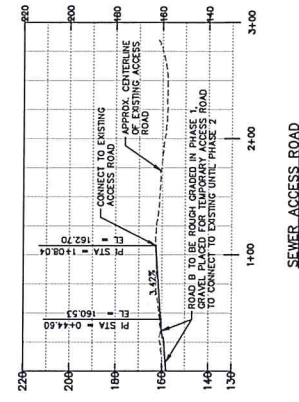
- 1 BEGIN ROAD CONSTRUCTION
- 2 EXISTING TREE LINE
- 3 POSSIBLE FUTURE DEVELOPMENT  
(NOT A PART OF THIS APPLICATION)
- 4 GEO-SETBACK LINE
- 5 PROPOSED LOT LINE, TYP
- 6 PROPOSED BUILDING SETBACK LINE, TYP
- 7 END ROAD CONSTRUCTION
- 8 5 FT. GRADING SETBACK
- 9 PROPOSED SLOPE GRADE, TYP
- 10 SEDIMENT FENCE



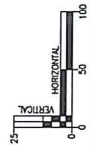
ROAD A



ROAD B



SEWER ACCESS ROAD



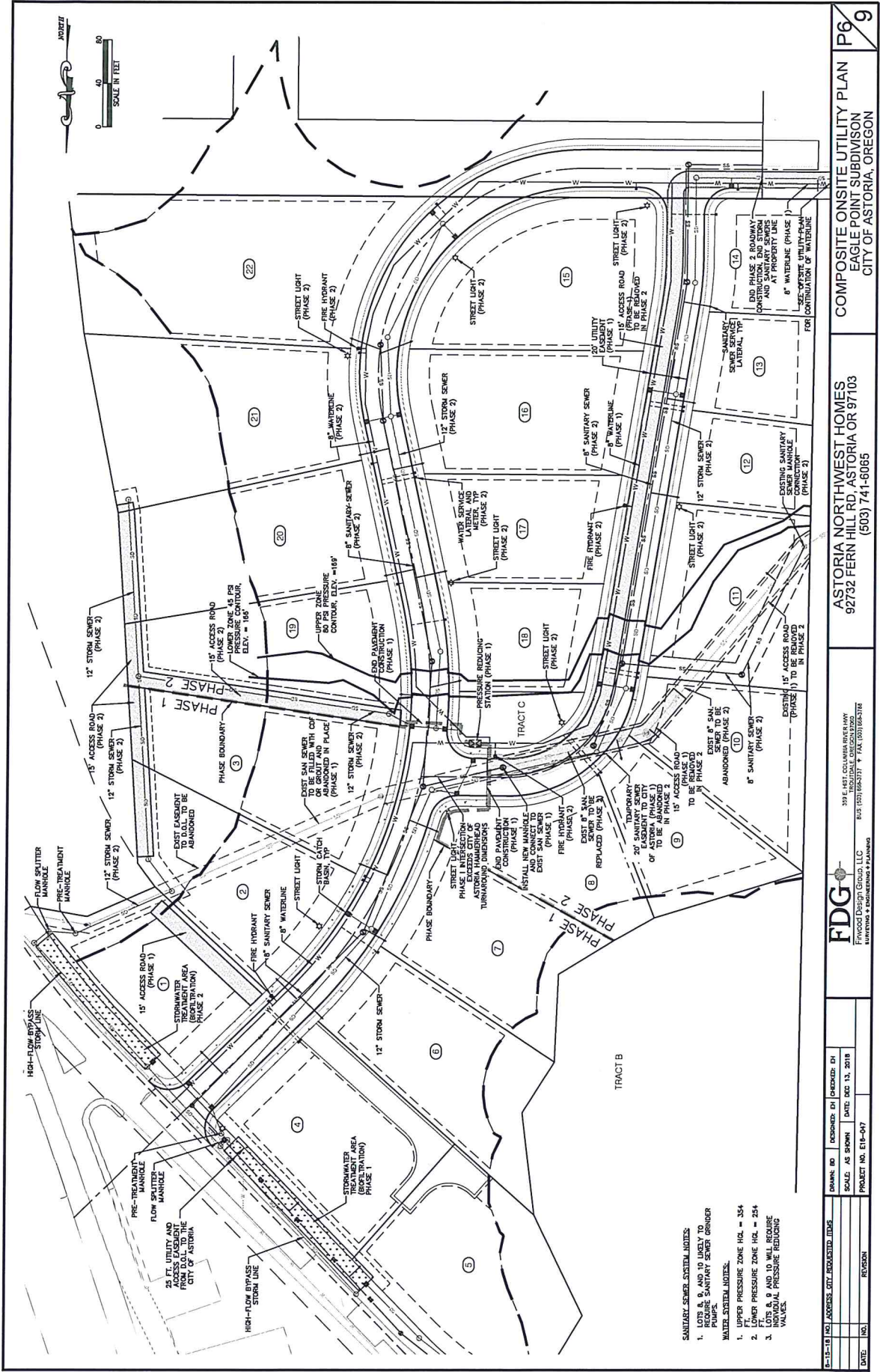
DATE	DESIGNED BY	CHECKED BY	DATE

FDG  
355 E. WEST COLUMBIA AVENUE  
FINDOOR DESIGN GROUP, LLC  
BUTTE, IDAHO 83402-3738  
TEL: (208) 624-3738 FAX: (208) 624-3738

ASTORIA NORTHWEST HOMES  
92732 FERN HILL RD, ASTORIA OR 97103  
(503) 741-6085

ROAD PROFILES  
EAGLE POINT SUBDIVISION  
CITY OF ASTORIA, OREGON



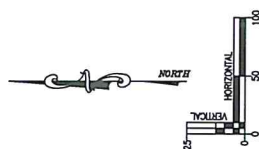
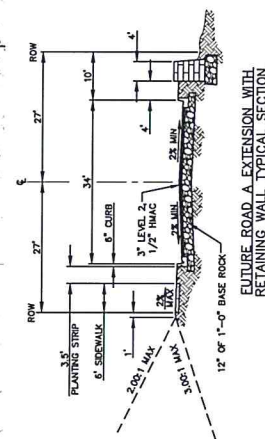
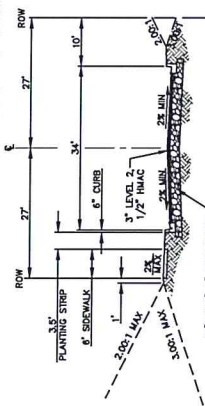
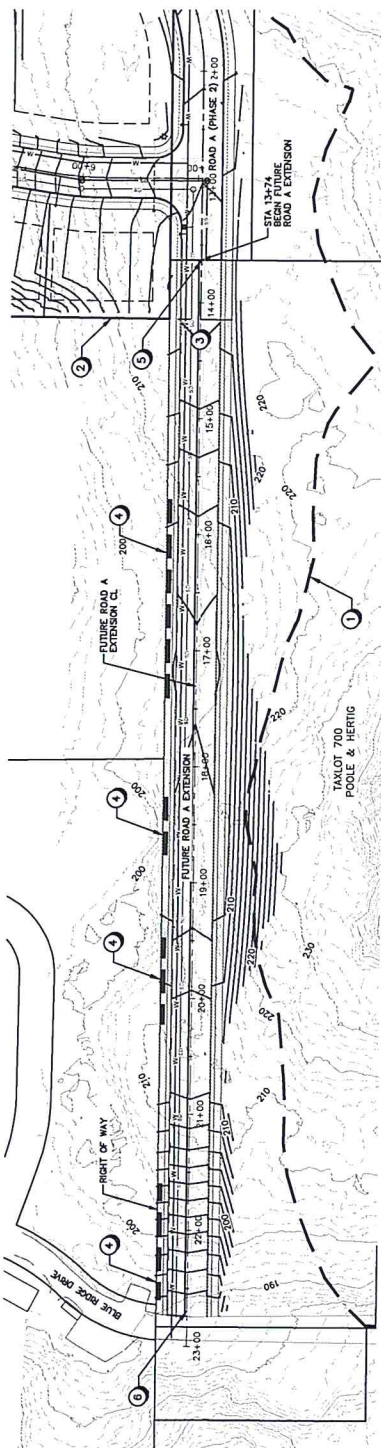
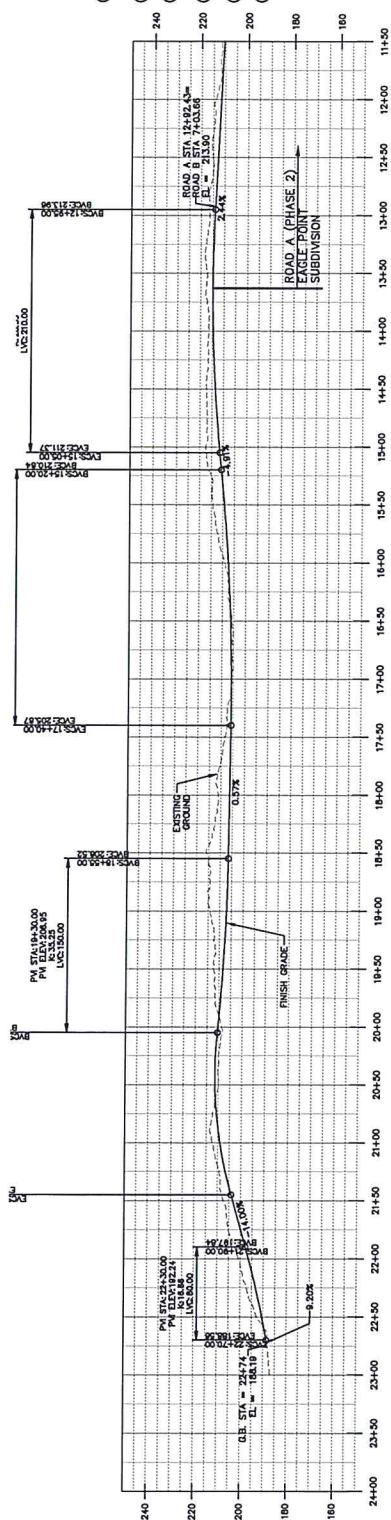


- SANITARY SEWER SYSTEM NOTES**
1. LOTS 8, 9, AND 10 ARE TO BE DEVELOPED FOR FUTURE PHASES.
  2. LOTS 8, 9, AND 10 ARE TO BE DEVELOPED FOR FUTURE PHASES.
  3. LOTS 8, 9, AND 10 ARE TO BE DEVELOPED FOR FUTURE PHASES.
- WATER SYSTEM NOTES**
1. UPPER PRESSURE ZONE HGL = 354.0
  2. LOWER PRESSURE ZONE HGL = 254.0
  3. LOTS 8, 9, AND 10 ARE TO BE DEVELOPED FOR FUTURE PHASES.





- 1 GEO-SETBACK LINE, SEE GEOTECH REPORT DATED 9/9/2017
- 2 PROPOSED LOT LINE, TYP
- 3 FUTURE ROAD A EXTENSION, SEE TYPICAL SECTIONS
- 4 RETAINING WALL TO BE INSTALLED AT LOCATIONS SHOWN, SEE TYPICAL SECTIONS
- 5 FUTURE ROAD A CONSTRUCTION, PHASE 2, EAGLE POINT SUBDIVISION
- 6 FUTURE ROAD A EXTENSION, MATCH EXISTING GRADE AT LINE OF PRESENT, BLUE RIDGE DRIVE



DATE	1/21/2018
DESIGNED BY	CH
CHECKED BY	CH
SCALE	AS SHOWN
DATE	02/13/2018
PROJECT NO.	1714-007
DESIGNER	FDG

**FDG**  
 351 E. WEST COLUMBIA RIVER HWY  
 FINEWOOD DESIGN GROUP, LLC  
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 SURVEYING • ENGINEERING • PLANNING

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**FUTURE ROAD A PLAN AND PROFILE P8**  
 EAGLE POINT SUBDIVISION  
 CITY OF ASTORIA, OREGON