

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

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

**Tuesday, December 3, 2013**  
**7:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC HEARINGS**

- a. Conditional Use CU13-09 by Gary M. Mauro to operate a two bedroom home stay lodging with owner occupancy in an existing single family dwelling at 1098 14th Street in the R-1 zone. Staff recommends approval with conditions.
- b. Parking Variance V13-17 by Gary Mauro from the required two off-street parking spaces for a two bedroom home stay lodging to provide zero off-street parking at an existing single family dwelling at 1098 14th Street in the R-1 zone. Staff recommends approval with conditions.
- c. Sign Variance V13-18 by Double R Products from the required 20% landscaping to install approximately 14.2% landscaping; and from the maximum 150 square feet of signage to install approximately 209 square feet of signs and from the maximum two signs per frontage to allow five signs on the south elevation of the existing commercial building at 2264 Marine in the LS, Local Service zone. Staff recommends approval with conditions.

**4. REPORT OF OFFICERS**

**5. OLD BUSINESS**

- a. AP13-01 on A13-02 - Cannery Loft Holdings LLC to amend the Land Use and Zoning Map to rezone the property at 4050 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland) – approved by City Council and appealed to LUBA. LUBA upheld decision. Appealed to Court of Appeals. Appellant withdrew appeal.

**6. NEW BUSINESS**

- a. Work Session on Riverfront Vision Plan Implementation – Development of Code and Comprehensive Plan Language for the Civic Greenway Plan Area.

**5. ADJOURNMENT**

## STAFF REPORT AND FINDINGS OF FACT

November 22, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: VARIANCE REQUEST (V13-17) BY GARY MAURO FROM OFF-STREET PARKING REQUIREMENTS TO ALLOW A TWO BEDROOM HOME STAY LODGING WITH ZERO PARKING AT 1098 14TH STREET

### I. BACKGROUND SUMMARY

- A. Applicant: Gary M. Mauro  
1098 14th Street  
Astoria OR 97103
- B. Owner: Gary M. Mauro  
1098 14th Street  
Astoria OR 97103
- C. Location: 1098 14th Street; Map T8N-R9W Section 17BA, Tax Lot 10500;  
north 52' Lots 7 & 8, Block 58, Shively
- D. Zone: R-1, Low Density Residential
- E. Lot Size: 52' x 100' (5,200 square feet)
- F. Request: Variance from off-street parking requirements to operate a two bedroom Home Stay Lodging with the owner residing full-time in an existing single-family dwelling and zero off-street parking

### II. BACKGROUND

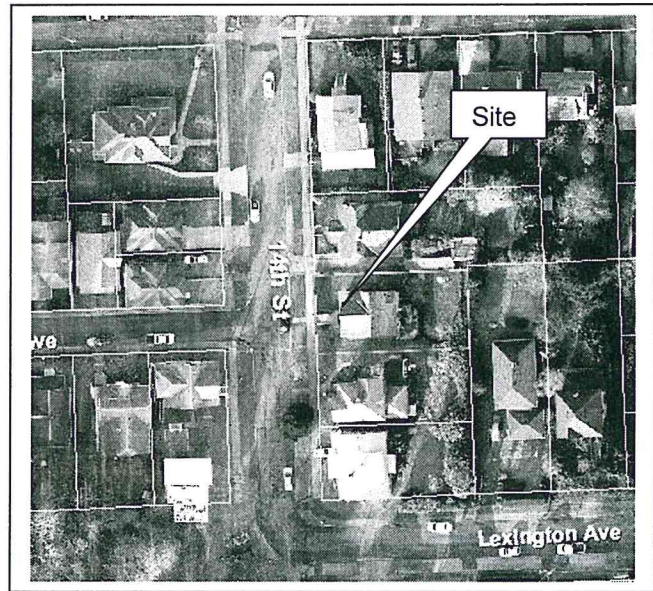
#### A. Site:

The residence is located on the east side of 14th Street. The house site is slightly higher than the street grade with a partial retaining wall along the front. The house is designated as historic within the Shively-McClure National Register Historic District.



B. Adjacent Neighborhood:

The neighborhood is developed with primarily single-family dwellings. Most lots are standard 5,000 square foot lots however there are some lots of 150' depth (7,500 square feet) and some double lots (10,000 square feet) which creates a neighborhood mostly with ample yards and open space. The 14th Street neighborhood is built on the hillside sloping up to the south creating a stair stepped lot development pattern.



C. Proposal:

The applicant requests a variance from the off-street parking requirements to allow two bedrooms to be rented for transient lodging with zero off-street parking. The applicant is the property owner and would live in the house at the same time as the guests. The applicant began offering the rooms for rent before he knew that a permit was required. When notified, he worked with staff to submit the required permit applications.

The applicant has applied for a conditional use permit (CU13-09) which will be considered by the APC at this same meeting. The proposed use would require two additional off-street parking spaces and the applicant cannot provide any off-street parking and is requesting a variance.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 8, 2013. A notice of public hearing was published in the Daily Astorian on November 26, 2013. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

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

Finding: The applicant proposes to operate a facility with two bedrooms and the owner residing full-time while there are guests. The facility is classified as a Home Stay Lodging and is being reviewed as a Conditional Use (CU13-09) by the APC at this same meeting.

- B. Section 2.050(1) states that *"All uses will comply with applicable access, parking, and loading standards in Article 7"*.

Section 7.100(H) requires "two spaces per dwelling unit" for single-family, two-family, or three unit dwelling units.

Section 7.100(H) requires two spaces per dwelling unit and one additional space per bedroom for a Home Stay Lodging.

Finding: The proposed use will be in an existing single-family dwelling with two rooms for transient use. A total of four parking spaces is required for the proposed use. There are no off-street parking spaces for the dwelling. The single-family dwelling parking condition is existing non-conforming and may remain as non-conforming. The applicant would need to provide the two additional spaces for the transient lodging or obtain a Variance. He has submitted an application for a parking variance.

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

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

Finding: The present use as a single-family dwelling requires two off-street parking spaces which are not currently provided and are grandfathered. Two additional vehicles would be required for the two bedroom Home Stay Lodging. This is a dense residential urban neighborhood with mostly single-family dwellings and some duplexes. Most dwellings on this block of 14th Street have some off-street parking. The site is located four blocks from the start of the commercial area downtown.

While bed and breakfast type establishments are open seven days a week, the majority of use is generally on the weekends. Guest vehicles would be parked over the evening hours, but we have found that guests at lodging facilities located close to downtown will leave their vehicle all day and use other means of transportation, such as walking to their destinations. Increased traffic associated with transient lodging on a street could intrude on the neighborhood. However, the applicant has indicated that the site has been used for transient lodging for over a year and there have been no complaints. With a two bedroom facility, the number of vehicle trips would be sporadic and not on a daily basis. With a single-family dwelling, the number of vehicle trips would include multiple trips daily. Use of the home for transient lodging would be a low impact use of the single-family home. The impact from two additional vehicles in the neighborhood on an occasional basis would be minimal. This is based on the concept that a "family" of four

living in the home using all bedrooms for the family could theoretically have four vehicles which would be more of an impact than the one couple living there with two occasional guests.

*Trip Generation, Institute of Transportation Engineers, 1991* indicates the following averages for vehicle trips associated with these two uses:

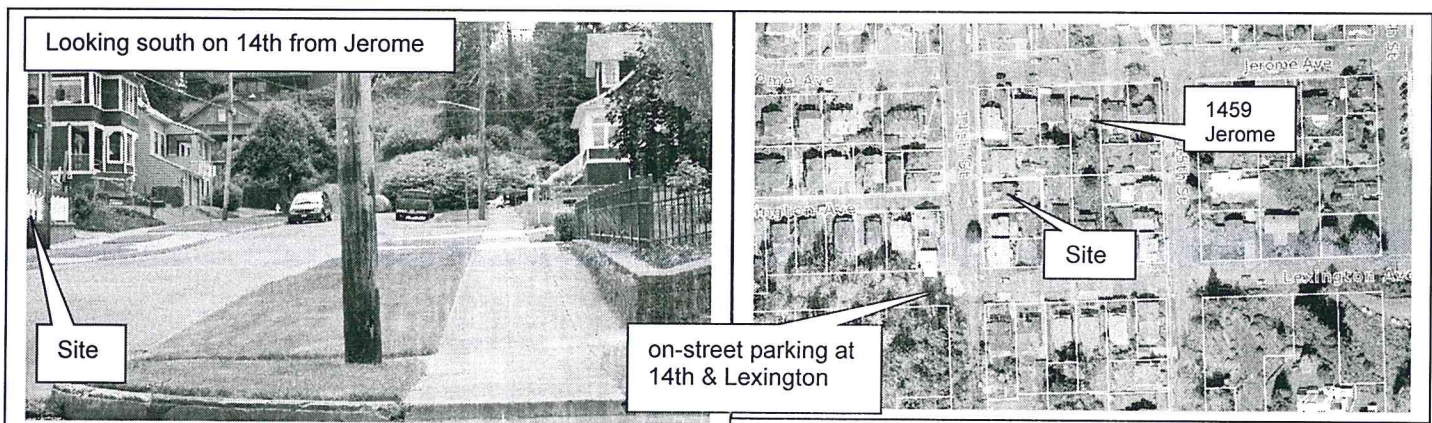
Day of Week	Single-Family Dwelling	Recreational Home
Weekday	9.55	3.16
Saturday	10.19	3.07
Sunday	8.78	2.93

Therefore, the vehicle trips associated with a home stay lodging (recreational home) would be less than an existing or new single-family dwelling in this neighborhood. The traffic impact associated with this use would be minimal with approximately three vehicle trips per day. A strict interpretation of the requirement is not required.

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

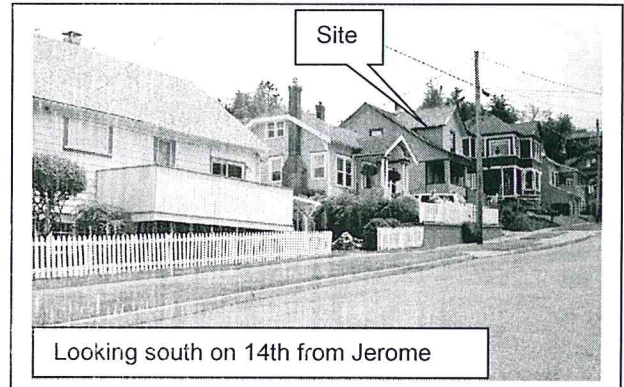
Finding: 14th Street is platted 60' wide with a 24' paved road with parking and sidewalks on both sides. Kensington Street does not go through this block and dead ends at 14th Street. 14th Street dead ends at Lexington Avenue just half a block south of the subject site. However each of these dead ends connect with intersecting streets and are not true "dead end" streets, just terminus of that particular street. It is not a primary traffic route at this dead end portion of the two streets. Most houses on 14th Street have off-street parking. The street is straight with no extreme hills allowing good sight distances for traffic.

Loading and unloading would be done from the vehicle parked at the curb on the street. The applicant has indicated that when there is a guest, that he parks at the end of 14th Street at Lexington so that the guests can park closer to the house.



A letter was received on 11-21-13 from Ed Mathews, 1459 Jerome, stating that “. . . *there is no off street parking now in this block . . . sometimes boat and trailers to an area over crowd with cars. . .*” The Home Stay Lodging would be located on 14th Street approximately 1.5 blocks from 1459 Jerome. Jerome Avenue is a more highly traveled east-west route than 14th Street. The possible addition of boats and/or trailers could potentially create more of a traffic / parking issue than a single vehicle. With parking on both sides of the street, the travel lane is reduced in width which could be an issue with larger parked vehicles. Therefore, it would be reasonable to limit the guest parking to personal vehicles only and prohibit the parking of boats and trailers including large motor homes. The applicant should warn potential guests of this parking limitation.

With the ample sight distances and intersecting streets, parking maneuvering should not be a problem. It is anticipated that the street will be able to accommodate future traffic generated by the transient lodging.



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

Finding: As noted above, 14th Street is developed to its full width with parking on both sides. There is good visibility north and south on this street. Parking of personal vehicles on a residential street would not create a hazard, but the possible addition of boats, trailers, or motor homes could reduce the travel lane width to an unacceptable size. As noted above, these vehicles should be prohibited for guests. With this conditions, granting the variance will not create a safety hazard.

## **V. CONCLUSION AND RECOMMENDATION**

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

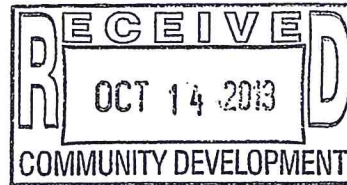
1. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
2. The applicant shall obtain conditional use permit approval for the proposed use.
3. Guest parking shall be limited to personal vehicle only and boats and/or trailers including large motor homes shall be prohibited.

The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of operation including registering with the City for the Transient Room Tax.



CITY OF ASTORIA  
Founded 1811 • Incorporated 1856  
COMMUNITY DEVELOPMENT



No. V 13-17

Fee: [REDACTED]  
or Planning Commission \$250.00 *pl*

**PARKING VARIANCE APPLICATION**

Property Location: Address: 1098 Hth

Lot 1 52' Lot 7-8 Block 58 Subdivision SHINELY

Map 17BA Tax Lot 10500 Zone R-1 HISTORICAL *OK*

Applicant Name: GARY MAURO

Mailing Address: 1098 Hth ASTORIA, OR 97103

Phone: 503 325 7986 Business Phone: N/A Email: GARY.MAURO@YAHOO.COM

Property Owner's Name: GARY M. MAURO

Mailing Address: 1098 Hth ASTORIA, OR 97103

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

Signature of Applicant: [Signature] Date: 09 OCT 2013

Signature of Property Owner: [Signature] Date: 09 OCT 2013

Existing/Proposed Use: SINGLE FAMILY DWELLING w/ 2 ROOM HOME STAY LODGING

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

TWO OFF STREET PARKING SPACES FOR TWO BEDROOM HOME STAY LODGING

NO ON-SITE PARKING WILL BE PROVIDED

from require two off-street parking spaces for a 2 bedroom Home Stay Lodging to provide zero off-street parking at an existing SFD.

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

**For office use only:**

Application Complete:		Permit Info Into D-Base:	<u>10/15/13</u>
Labels Prepared:	<u>10/13/13</u>	Tentative APC Meeting Date:	<u>12/3/13</u>
120 Days:			

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

*All but two of the residences in this neighborhood have off-street parking. Since we began taking home stay guests (on or about 23AUG2013) no overflow or overcrowding as the result of additional automobiles has occurred demonstrating strict or literal interpretation and enforcement is not required. Finally, the large unimproved area at Lexington and 14th, available for use as public parking, accommodates up to 6 additional vehicles.*

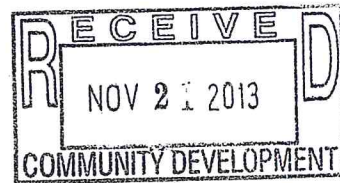
2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets; and

*We have been accepting home stay guests since on or about 23AUG2013 and the parking or loading of vehicles on public streets has not materially interfered with the free flow of traffic on 14th Street (Jerome to Lexington). The excess parking available as a result of the unimproved area of Lexington and 14th alone is sufficient to accommodate additional parking in addition to the parking available by using both sides of the street.*

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

*The designated "No Parking" strip ensures emergency access. Additionally the block that is 14th Street (Jerome to Lexington) is not a major thoroughfare or major route in the City, line of site vision and clearance is unrestricted and the street is straight.*

**Ed Mathews**  
1459 Jerome Ave.  
Astoria, Or. 97103  
503-325-6014  
[gmathews@pacifier.com](mailto:gmathews@pacifier.com)



**City of Astoria**  
**Planning Commission**  
1095 Duane Street  
Astoria, or. 971903

Dear sirs;

In regard to the application for a Conditional Use at 1098 14<sup>th</sup> St., Astoria. We do not need a Boarding House in a neighborhood of single family dwellings. In the entire square block there are two duplexes that have been there for over fifty years or more. Mr. Mauro has been operating this operation without the proper permits for a period of time. Why should he be given a permit now, after the fact?

In item 2, there is no off street parking now in this block and Mr Mauro wants to add 2 to 4 additional cars and sometimes boat and trailers to an area over crowded with cars. The planning Commission needs to inspect the area in the evening to check out the parking.

In closing, I think that both requests be turned down. This is not need in a neighborhood of single family homes that already has a parking problem. Mr Mauro does not need to be rewarded for running an illegal operation.

Thank you

  
Ed Mathews

## STAFF REPORT AND FINDINGS OF FACT

November 22, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: CONDITIONAL USE REQUEST (CU13-09) BY GARY MAURO TO OPERATE A TWO BEDROOM HOME STAY LODGING IN AN EXISTING DWELLING AT 1098 14TH STREET

### I. Background

- A. Applicant: Gary M. Mauro  
1098 14th Street  
Astoria OR 97103
- B. Owner: Gary M. Mauro  
1098 14th Street  
Astoria OR 97103
- C. Location: 1098 14th Street; Map T8N-R9W Section 17BA, Tax Lot 10500; north 52' Lots 7 & 8, Block 58, Shively
- D. Zone: R-1, Low Density Residential
- E. Lot Size: 52' x 100' (5,200 square feet)
- F. Request: To operate a two bedroom Home Stay Lodging with the owner residing full-time in an existing single-family dwelling

### II. BACKGROUND

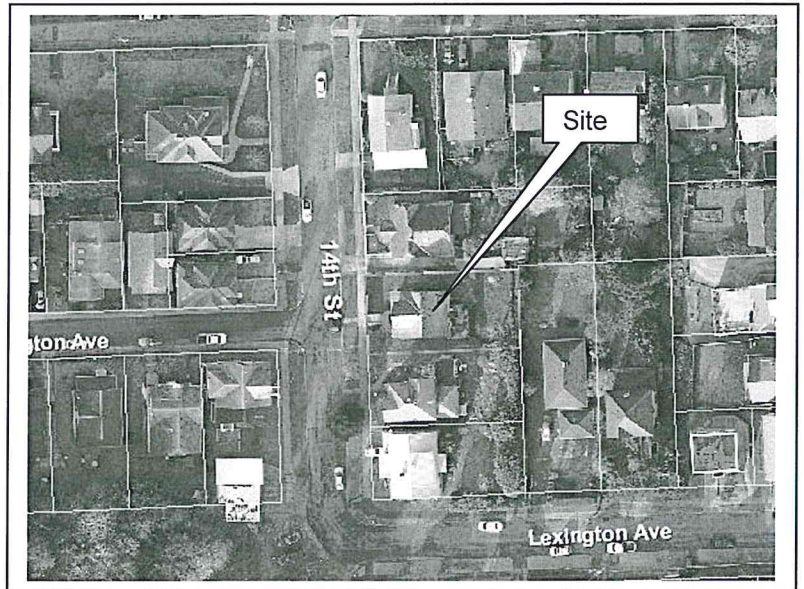
#### A. Site:

The residence is located on the east side of 14th Street. The house site is slightly higher than the street grade with a partial retaining wall along the front. The house is designated as historic within the Shively-McClure National Register Historic District.



B. Adjacent Neighborhood:

The neighborhood is developed with primarily single-family dwellings. Most lots are standard 5,000 square foot lots however there are some lots of 150' depth (7,500 square feet) and some double lots (10,000 square feet) which creates a neighborhood mostly with ample yards and open space. The 14th Street neighborhood is built on the hillside sloping up to the south creating a stair stepped lot development pattern.



C. Proposal:

The applicant requests a permit to allow two bedrooms to be rented for transient lodging. The City has different classifications of transient lodging facilities. A Bed and Breakfast has three to seven guest bedrooms and a Home Stay Lodging has one or two guest bedrooms. A two bedroom Home Stay Lodging facility requires that the facility be owner occupied and is an outright use in most zones but requires a conditional use permit in the R-1 Zone. The applicant is the property owner and would live in the house at the same time as the guests. The applicant began offering the rooms for rent before he knew that a permit was required. When notified, he worked with staff to submit a conditional use permit application.

The proposed use would require two off-street parking spaces which the applicant cannot provide. He has submitted a variance (V13-17) application which will be considered by the APC at this same meeting.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 8, 2013. A notice of public hearing was published in the Daily Astorian on November 26, 2013. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

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

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

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

Finding: The applicant proposes to operate a facility with two bedrooms and the owner residing full-time while there are guests. The facility is classified as a Home Stay Lodging and is being reviewed as a Conditional Use.

A letter was received on 11-21-13 from Ed Mathews, 1459 Jerome, stating "We do not need a Boarding House in a neighborhood of single family dwellings." The request is for a two bedroom Home Stay Lodging not a boarding house. A boarding house is defined as "A building where lodging . . . is provided . . . for not less than three nor more than fifteen persons in addition to members of the family occupying the buildings." A boarding house is not an allowable use in the R-1 Zone while a transient Home Stay Lodging facility may be allowed.

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

Finding: The proposed use will be in an existing single-family dwelling with two rooms for transient use. A total of four parking spaces is required for the proposed use. There are no off-street parking spaces for the dwelling. The applicant would need to provide the two additional spaces for the transient lodging or obtain a Variance. He has submitted an application for a parking variance which will be considered by the APC at this same meeting.

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

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

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

Finding: This neighborhood is single-family residential with no other non-residential uses within a block of the site. Increased traffic associated with transient lodging on a street could intrude on the neighborhood. However, the applicant has indicated that the site has been used for transient lodging for over a year and there have been no complaints. With a two bedroom facility, the number of vehicle trips would be sporadic and not on a daily

basis. With a single-family dwelling, the number of vehicle trips would include multiple trips daily. Use of the home for transient lodging would be a low impact use of the single-family home. The impact from two additional vehicles in the neighborhood on an occasional basis would be minimal. This is based on the concept that a "family" of four living in the home using all bedrooms for the family could theoretically have four vehicles which would be more of an impact than the one couple living there with two occasional guests.

*Trip Generation, Institute of Transportation Engineers, 1991* indicates the following averages for vehicle trips associated with these two uses:

<u>Day of Week</u>	<u>Single-Family Dwelling</u>	<u>Recreational Home</u>
Weekday	9.55	3.16
Saturday	10.19	3.07
Sunday	8.78	2.93

Therefore, the vehicle trips associated with a home stay lodging (recreational home) would be less than an existing or new single-family dwelling in this neighborhood. The traffic impact associated with this use would be minimal with approximately three vehicle trips per day.

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

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

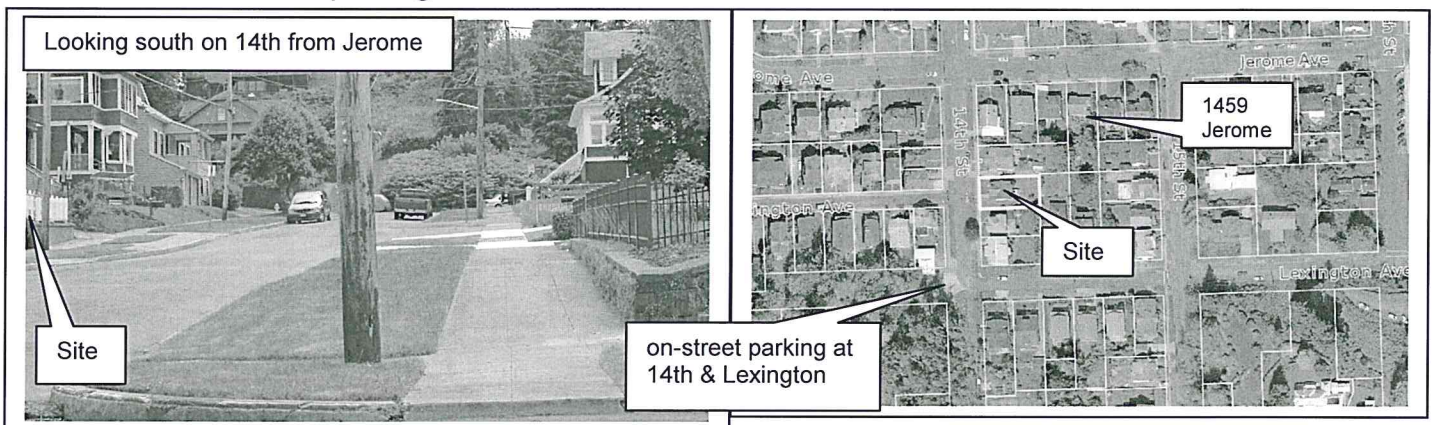
1. Section 11.030(A)(1) requires that *"the use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability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

Finding: The proposed use is an appropriate use of an existing residential structure. A Home Stay Lodging is conditional use in the R-1 Zone and an outright use in all other residential zones to assure that the impact on the neighborhood is reviewed. Location within a residential zone is appropriate due to the nature of Home Stay Lodging and B&B's to be located in private homes. The site is located on 14th Street which is easily accessible to travelers as access could be via 14th or 16th Street. It is located relatively close to Downtown and the River Trail but is not close to bus routes. The site is accessible by vehicle or a short 10 to 15 minute walk to downtown and other main attractions and restaurants. The applicant has submitted reviews submitted by guests noting the ideal location. The site is suitable for the proposed use.

2. Section 11.030(A)(2) requires that *"an adequate site layout will be used for*

*transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."*

Finding: The proposed use is for two bedrooms for transient use. 14th Street is platted 60' wide with a 24' paved road with parking and sidewalks on both sides. Kensington Street does not go through this block and dead ends at 14th Street. 14th Street dead ends at Lexington Avenue just half a block south of the subject site. However each of these dead ends connect with intersecting streets and are not true "dead end" streets, just terminus of that particular street. It is not a primary traffic route at this dead end portion of the two streets. Most houses on 14th Street have off-street parking.



A letter was received on 11-21-13 from Ed Mathews, 1459 Jerome, stating that "... there is no off street parking now in this block . . . sometimes boat and trailers to an area over crowd with cars. . ." The Home Stay Lodging would be located on 14th Street approximately 1.5 blocks from 1459 Jerome. Jerome Avenue is a more highly traveled east-west route than 14th Street. The possible addition of boats and/or trailers could potentially create more of a traffic / parking issue than a single vehicle. Therefore, it would be reasonable to limit the guest parking to personal vehicles only and prohibit the parking of boats and trailers including large motor homes. The applicant should warn potential guests of this parking limitation.

Future development is not anticipated in this area in the near future as the neighborhood is built out, and the proposed use would not overburden the existing street system for access.

Loading and unloading would be done from the vehicle parked at the curb on the street. The applicant has indicated that when there is a guest, that he parks at the end of 14th Street at Lexington so that the guests can park closer to the house.

The applicant has refuse collection for the home which would not be impacted by the additional use.

The proposed use would not create a safety issue. However, since the applicant cannot provide off-street parking, they would need to either find off-street parking, or obtain a variance from the parking requirement. A variance application has been submitted and will be considered by the APC at this same meeting.

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

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

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

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

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

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

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

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

owner shall notify the Finance Department concerning any change in operation of the transient lodging.

V. CONCLUSIONS AND RECOMMENDATIONS

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

1. The property owner shall reside in the dwelling on the same days as the transient guests.
2. The applicant shall provide off-street parking or obtain a variance.
3. Guest parking shall be limited to personal vehicle only and boats and/or trailers including large motor homes shall be prohibited.
4. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

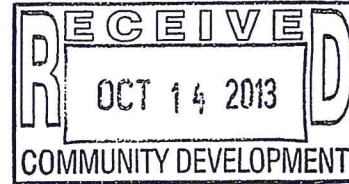
The applicant should be aware of the following requirements:

The applicant shall obtain all necessary City and building permits prior to the start of operation including registering with the City for the Transient Room Tax.



CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT



No. CU 13-09

Fee: \$250.00

## CONDITIONAL USE APPLICATION

Property Address: 1098 H<sup>th</sup>

Lot N 52' Lot 7-8 Block 58 Subdivision SHIPLEY

Map 17BA Tax Lot 10500 Zone R-1 HISTORIC 012

Applicant Name: GARY M. MAURO

Mailing Address: 1098 H<sup>th</sup> ST ASTORIA, OR 97103

Phone: 503 325 7986 Business Phone: N/A Email: GARYMAURO@YAHOO.COM

Property Owner's Name: GARY M. MAURO

Mailing Address: 1098 H<sup>th</sup> ST ASTORIA, OR 97103

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

Signature of Applicant: [Signature] Date: 09 OCT 2013

Signature of Property Owner: [Signature] Date: 09 OCT 2013

Existing Use: SINGLE FAMILY HOME DWELLING

Proposed Use: SFD w/ HOME STAY LODGING

Square Footage of Building/Site: APPROX 2,500

Proposed Off-Street Parking Spaces: NONE  
to operate a 2 bed room home stay lodging with owner

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

occupancy in an existing SFD.

For office use only:			
Application Complete:		Permit Info Into D-Base:	<u>10/15/13</u>
Labels Prepared:	<u>10/15/13</u>	Tentative APC Meeting Date:	<u>12/3/13</u>
120 Days:			

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

*Home stay is appropriate and congruent with R-1 zoning. Home stay lodgings are held in residential zones and the owner maintains their residence in the home. The site is accessible by normal use - steps.*

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

*With regard to the considerations indicated in 11.030(A)(2) access to the site is on a City street with easy access to the property. No parking overload has resulted from home stays that have occurred to date. No additional refuse collection or disposal points are or will be required. The site is close to downtown tourist services (which make the location very popular - see guest comments and reviews).*

*Traffic flow and safety have not been impacted owing to parking availability on both sides of the street and a large unimproved area that is available for additional parking (up to 6 vehicles) if necessary. Emergency vehicle access is assured by the "No Parking" strip where Kensington intersects with 14th Street. As half of the residents of this neighborhood have lived on this neighborhood for 25 years or more, traffic patterns are highly predictable.*

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

*No change. Home stay use is within design intent and capacity and will not result in any overburden in water or sewer facilities, storm drainage, fire or police protection or other utilities.*

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

*N/A*

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

*Remaining as residential. Existing landscaping and buffers are sufficient for additional guest use.*

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

*NOT APPLICABLE*

Below are a few examples from the reviews received by guests...among others, a consistent thread is the location of the house. All reviews can be accessed on line...highlighting, italics and underscore have been added in this document.

\*\*\*

Paula and Gary's place was great! The combination of classic character and modernity in this old Victorian make for a very comfortable stay. The neighborhood is a cute and quiet one and the views of the Columbia are gorgeous. All but 1 of the restaurants we had on our list were an easy 10-15 minute walk into town and had we been in the mood for shopping, all the shops are right there as well. Our only regret was that we didn't plan on staying for more than one night! Will definitely be trying to stay here again on our next trip to Astoria! - Ryan D

\*\*\*

Our stay at the house was fantastic. Three very comfortable beds, a great view, and close to downtown. We arrived to an open door and a note on the door. Could not have been easier. We would stay there again next time we are in Astoria - James R.

\*\*\*

The house was absolutely perfect. It was within walking distance to all local attractions and just a 15 minute drive to beach. Paula was an amazing host. I would highly recommend staying in this beautiful home when visiting Astoria - Jennifer F.

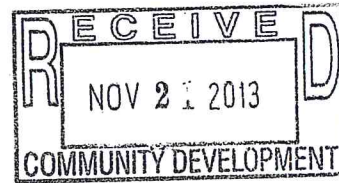
\*\*\*

This was our first Airbnb experience and I don't think it can get much better. My wife and I flew to Portland to start my "Unplugged and Uncorked" acoustic tour down the coast, starting in Astoria and ending in San Francisco...This amazing house is perfectly located overlooking Astoria with its' rich character that you feel as soon as walk up the front steps. Paula's place truly made us all feel like locals (Goonies:-) for a few days. We played the Voodoo Room on Friday night and had Saturday and Sunday to take in the town....amazing food wine and people...local seafood... One night in this house is not enough..very highly recommended...we will be back!! - Luba D.

\*\*\*

In town to enjoy a weekend in Astoria with friends. Paula's house was perfectly located for a hike up to Astoria Column, walk to local restaurants and shops, and lovely view of the Columbia. House is true to its historic past while having a great, modern shower and kitchen. Wish I could have stayed longer! - Rebecca G.

**Ed Mathews**  
**1459 Jerome Ave.**  
**Astoria, Or. 97103**  
**503-325-6014**  
[gmathews@pacifier.com](mailto:gmathews@pacifier.com)



**City of Astoria**  
**Planning Commission**  
**1095 Duane Street**  
**Astoria, or. 971903**

Dear sirs;

In regard to the application for a Conditional Use at 1098 14<sup>th</sup> St., Astoria. We do not need a Boarding House in a neighborhood of single family dwellings. In the entire square block there are two duplexes that have been there fore over fifty years or more. Mr. Mauro has been operating this operation without the proper permits for a period of time Why should he be given a permit now, after the fact?

In item 2, there is no off street parking now in this block and Mr Mauro wants to add 2 to 4 additional cars and sometimes boat and trailers to an area over crowed with cars. The planning Commission needs to inspect the area in the evening to check out the parking.

In closing, I think that both requests be turned down. This is not need in a neighborhood of single family homes that already has a parking problem. Mr Mauro does not need to be rewarded for running an illegal operation.

Thank you

  
Ed Mathews

## STAFF REPORT AND FINDINGS OF FACT

November 25, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: VARIANCE REQUEST (V13-18) BY DOUBLE R PRODUCTS FROM MAXIMUM ALLOWED SIGNAGE AND REQUIRED LANDSCAPING AT 2264 MARINE DRIVE

### I. BACKGROUND SUMMARY

- A. Applicant: Double R Products  
901 NW E St  
Grants Pass O 97526
- B. Owner: CKRD LLC  
PO Box 910  
Warrenton OR 97146
- C. Location: 2264 Marine Drive; Map T8N R9W Section 8DA, Tax Lots 1300 & 1400; Lots 1, 2, 3, 4, Block 126, Shively
- D. Zone: LS, Local Service
- E. Proposal: Variance for existing commercial site and building from
  - 1) maximum 150 square feet of signage to install approximately 209 square feet of signs
  - 2) maximum two signs per frontage to allow five signs on the south elevation
  - 3) required 20% landscaping to install approximately 14.2% landscaping

### II. BACKGROUND

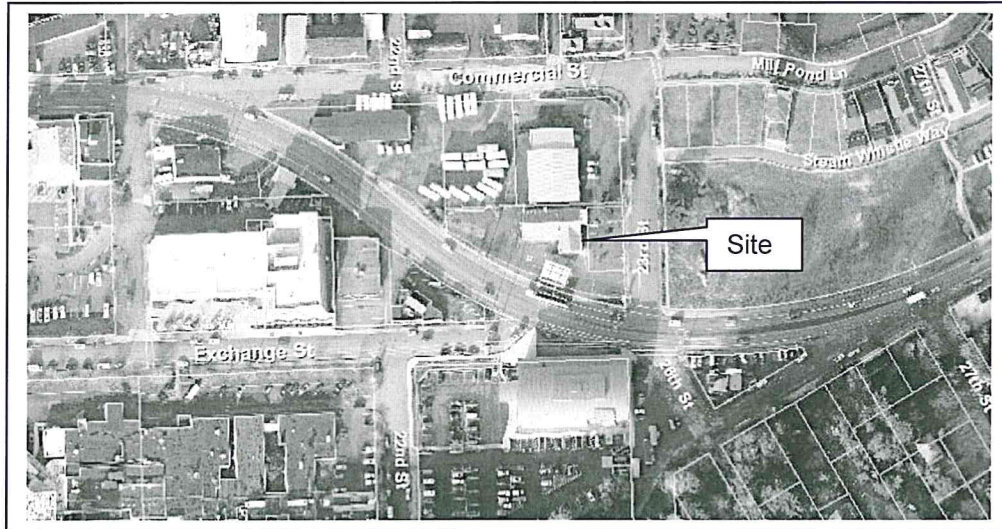
#### A. Site

The building is located on the north side of Marine Drive at the corner of 23rd Street. It is currently occupied by a commercial building previously used as a gas station, mini mart, and laundry mat. The business closed in December 2007 and has been vacant since that time. The new owner plans to reopen the same type of business at the location.



## B. Adjacent Neighborhood

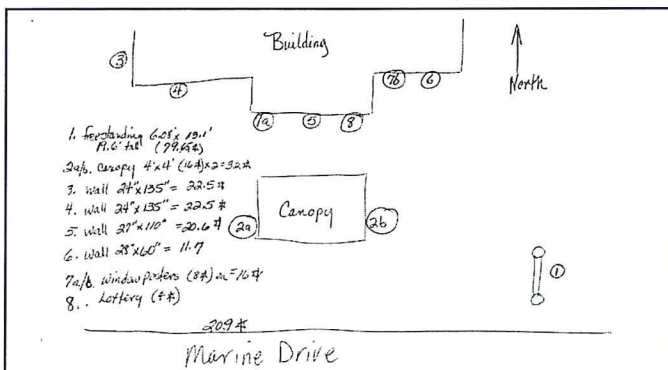
The site is surrounded by commercial development. To the south across the Marine Drive right-of-way is the Columbian Memorial Hospital and Pavilion; to the west across the right-of-way is Park Medical Center, Astoria Medical Center, and former Owl Drug; to the east across 23rd Street right-of-way is Mill Pond Village with housing and a vacant commercial lot; to the north is Napa Auto Parts and TP Freight.



## C. Proposal

The applicant is proposing to install the following signs for a total of approximately 209 square feet with five signs on one elevation in excess of the allowed 150 square foot and two signs per frontage maximum:

- 1) Freestanding sign on southeast corner – 6.1' x 13.1' (79.65 sqft)
- 2) Canopy signs on east and west (a & b) – 4' x 4' (16 sqft each) – (32 sqft)
- 3) Wall sign on west elevation – 2' x 11.25' (22.5 sqft)
- 4) Wall sign on south elevation, west end – 2' x 11.25' (22.5 sqft)
- 5) Wall sign on south elevation, center 2.25' x 9.2' (20.6 sqft)
- 6) Wall sign on south elevation, proposed east end addition – 2.3' x 5' (11.7 sqft)
- 7) Window signs on south elevation, center (a) and east end (b) – 2' x 4' (8 sqft each) – (16 sqft)
- 8) Wall lottery sign on south elevation, center – 2' x 2' (4 sqft)



The applicant is also proposing to increase the existing landscaping by 585 square feet for a total of 3,442 square feet (14.2%). The site is 24,200 square feet and the zone requires 20% (4,840 square feet) of landscaping.

The use of a freestanding sign and a sign that has internal lit lettering is discouraged by the Gateway Master Plan Guidelines. The applicant has submitted a Design Review Request (DR13-03) to allow this sign which will be considered by the Design Review Committee at its December 5, 2013 meeting.

### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on November 8, 2013. A notice of public hearing was published in the Daily Astorian on November 26, 2013. Comments received will be made available at the Astoria Planning Commission meeting.

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

- A. Section 8.150.A concerning Total Square Footage Permitted for signage in the LS Zone states that *"The total square footage of all signage associated with a business site, use, or activity shall not exceed 150 square feet, with no single sign exceeding 100 square feet."*

Finding: The proposed signs are approximately 209 square feet and exceeds the allowable maximum. A variance is required.

- B. Section 8.150.D concerning Number of Signs in the LS Zone states that *"The number of signs within the total allowable area is limited to two (2) signs per building frontage."*

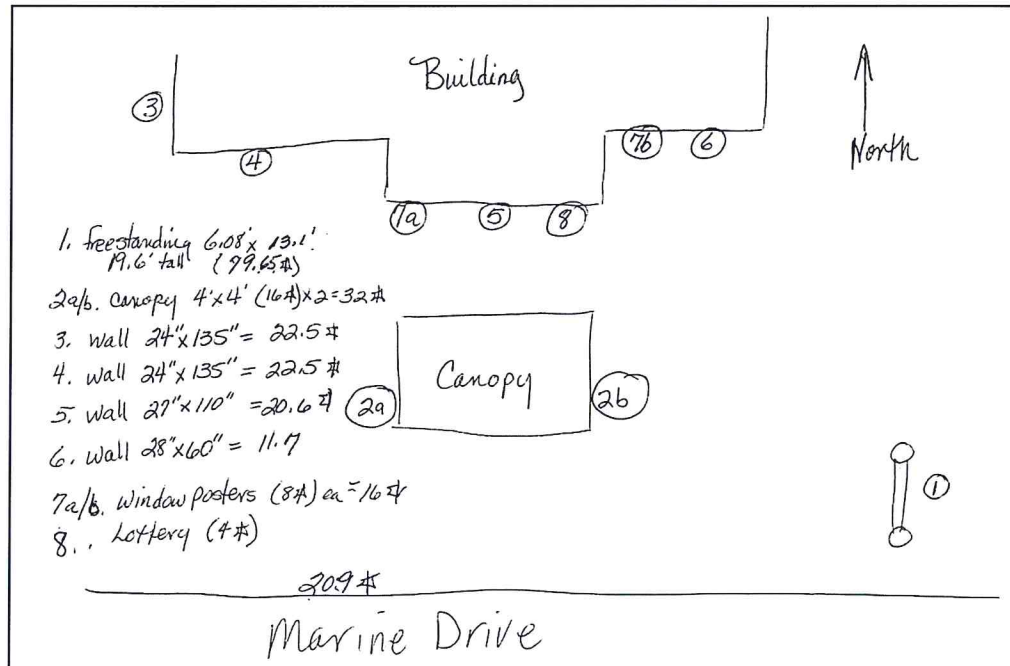
Finding: The applicant is proposing to install five signs on the south elevation which exceeds the maximum number allowed signage. A variance is required.

- C. Section 8.110.A requires that *"one of the following factors exists:*

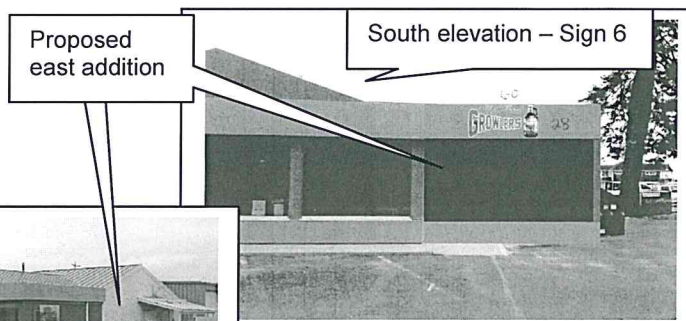
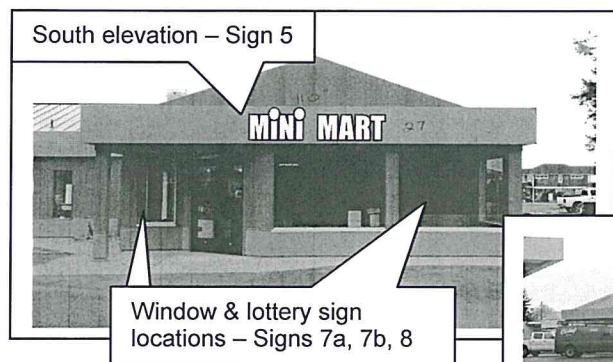
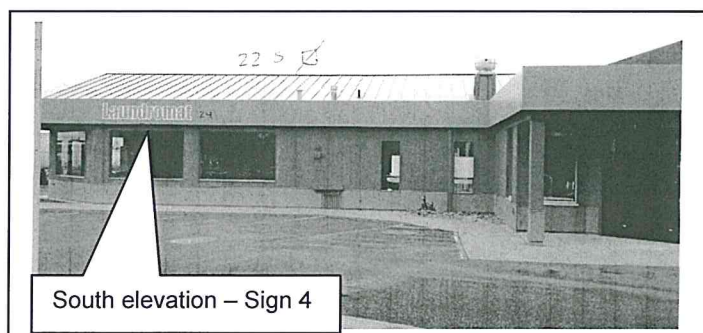
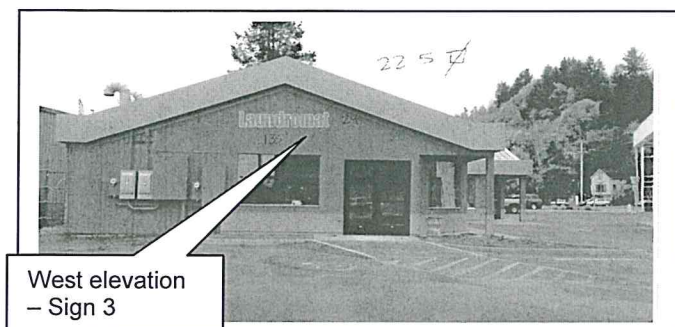
- a. *The variance would permit the placement of a sign with an exceptional design or style.*
- b. *The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.*
- c. *The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.*

- d. The requirement to remove a sign under Section 8.110(A) would constitute a severe or extreme economic hardship to the business or activity involved."

Finding: The building will house three business operations (gas station, mini mart, and laundry mat) as one business. The building is located on a curve on Marine Drive with limited visibility of various portions of the building due to the architecture of the building with the gas canopy and central portion that extends out beyond the front plane of the rest of the building. The proposed signs on the canopy (Signs 2a and 2b) and freestanding sign (Sign 1) are the minimal allowed by the corporate requirements for a Shell gas station. The west elevation contains the laundry mat and the signage (Signs 3 & 4) on that side of the building indicates that portion of the business. The two wall signs (Sign 5 & 6) on the south elevation identify the mini mart operation. This type of business generally has regular sale posters and lottery signs posted on the building and/or in the window and/or in portable signs on the site. The applicant proposes to have one lottery sign (Sign 8) and two window signs (Signs 7a & 7b) for changing sales and promotions.



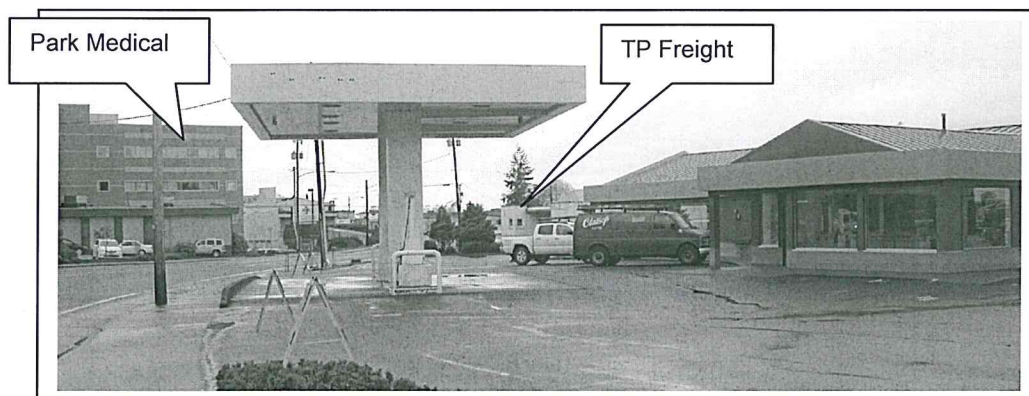
The site and building have large frontage areas. The applicant is proposing reasonable sized signage on each of the elevations. The 2' tall lettering would be readable at 240' distance and visible at approximately 1,000' distance according to the book "A Guideline Code for On-Premise Signs". The site is located on a curve on Marine Drive which reduces the visibility of the building to approximately 500' in either direction with less than 250' for actual readability of any signage. Therefore, the west and south elevation wall signs would be barely readable from Marine Drive. The window and lottery signs are smaller and would be intended for view by customers within the site. While building signage is not intended to be visible from large distances, the size of the building and location on the curve of Marine Drive justifies the larger lettering.



The applicant is proposing to reduce the size and height of the former freestanding sign. The variance would permit the placement of a sign that is consistent with the architecture of the structure, and would allow better visibility with the street configuration.

- D. Section 8.110(B) requires that *"the granting of the variance would not be detrimental to abutting properties."*

Finding: Businesses in this area of Marine Drive are located on large lots and have existing signage. With the 60' width of Marine Drive right-of-way and distances to other businesses, the proposed signs would not block other signage or visibility of businesses.

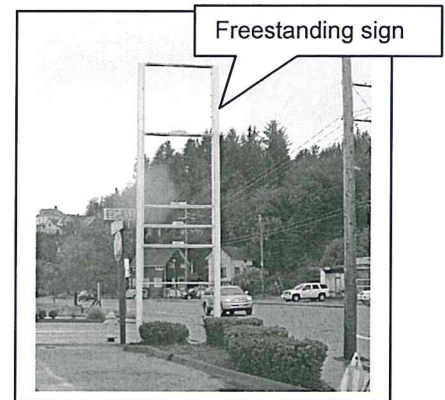


The signs will not be detrimental to abutting properties due to the existing development in the area.

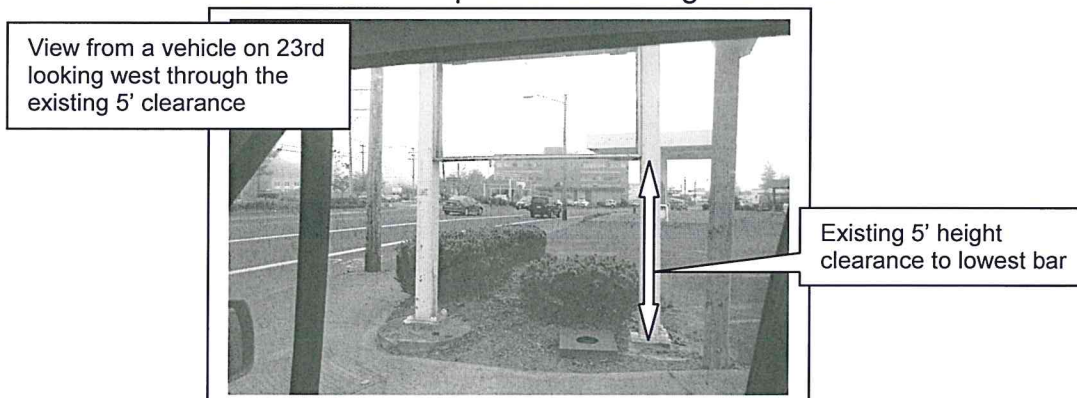
- E. Section 8.110(C) requires that *“the granting of the variance would not create a traffic or safety hazard.”*

Section 3.045.A, Clear-Vision Area, Requirements, states that *“A clear-vision area shall be maintained on the corners of all property adjacent to the intersection of two (2) streets or of a street and a railroad. A clear-vision area shall contain no planting, fence, or other temporary or permanent obstruction exceeding two and one half (2.5) feet in height, measured from the top of the curb, or where no curb exists, from the established center line grade of the street, except that trees exceeding two and one half (2.5) feet may be permitted if all branches and foliage to a height of eight (8) feet above the top of the curb are removed.”*

Finding: The existing freestanding sign was installed in 1997 and does not meet the current regulations for signs in the LS Zone. Freestanding signs are discouraged in this Zone and monument signs are encouraged. However, to replace the sign would be costly, so the applicant has submitted a request to the Design Review Committee to retain the freestanding sign. The applicant has agreed to reduce the height of the sign thereby also reducing the square footage.



An allowable monument sign at this location would create a visibility issue at the 23rd and Marine Drive intersection, therefore a freestanding sign with open area below would be safer. The clear vision area for corners states that there should be a clear sight line from 2.5' to 8' above ground at the corner. This sign would allow a clear line of sight from 2.5' to 6.5' above grade. Engineering Tech Dean Zeisbrach indicates that the existing lowest bar is at approximately 5' and the increase to 6.5' would allow sufficient visibility. The City Engineer has reviewed the proposed retention of the existing sign location and stated that the previous 5' clearance did not meet the standards, but did provide better vision opportunities than a solid monument sign would. He stated that if the vision clearance area is reduced that the sign should be relocated or the sign reconfigured to provide adequate sight distance. The applicant proposes to increase the existing 5' clearance to 6.5' clearance to provide better sight distance.



With the condition that the lowest bar allow a clearance of approximately 6.5', the sign would not interfere with the existing traffic visibility. Granting the variance will not create a traffic or safety hazard.

An email was received on November 21, 2013 from Jill Hendrickson, Oregon Department of Transportation (ODOT) Program Coordinator, Outdoor Advertising Sign Program, concerning the proposed signage since the signs would be visible from a State Highway. The email notes the State Oregon Revised Statutes (ORS) concerning signage on a State Highway and ODOT review of those signs. The signs would be located on the place of business and the signs will not move, rotate, or have lights that flash or scroll. It appears that the proposed signs comply with these requirements. However, the applicant will need to contact ODOT to verify compliance with the ORS and the ODOT Outdoor Advertising Sign Program.

- F. Section 8.110(D) states that sign variances are exempt from Section 12.030 (General Variance Criteria) through 12.040 (Variance from Standards Relating to Off-street Parking and Loading Facilities).

Finding: The application for a sign variance is exempt from Section 12.030 through 12.040.

- G. Section 14.285, Landscaped Open Area, states that *"A minimum of 20% of the total lot area will be maintained as a landscaped open area."*

Finding: The site is approximately 24,200 square feet and 20% would be 4,840 square feet. The applicant proposes to have 3,442 square feet (14.2%) of landscaping. A variance is required.

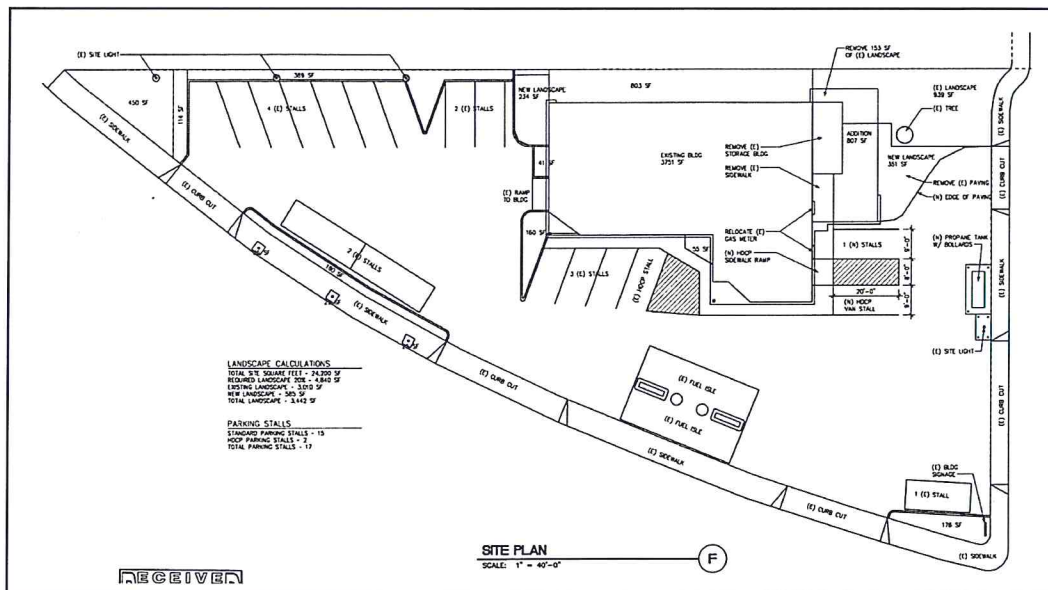
- H. Development Code Section 12.030(A) states *"the granting authority may grant a variance from the requirements of this Chapter, if on the basis of the application, investigation and the evidence submitted by the applicant, all four (4) of the following expressly written findings are made:"*

1. Section 12.030(A)(1) states that *"the request is necessary to prevent unnecessary hardship."*

*Relevant factors to be considered in determining whether a hardship exists includes:*

- a. *Physical circumstances related to the property involved;*
- b. *Whether a reasonable use, similar to like properties, can be made of the property without a variance;*
- c. *Whether the hardship was created by the person requesting the variance;*
- d. *The economic impact upon the person requesting the variance if the request is denied."*

Finding: While the site is large, the propose use as a gas station and mini mart require large maneuvering areas for vehicles and delivery trucks. Most gas stations are located in areas that require only 10% landscaping, however this site is within the Gateway Design Review Area which has a larger landscaping requirement of 20%.



The applicant purchased the existing buildings and site which had been constructed under a different set of code standards which required 10% landscaping which was met at that time. The existing landscaping is approximately 3,010 square feet (12.4%). The applicant has proposed to increase the landscaping by 585 square feet to a total of 3,442 square feet (14.2%). Due to the existing development of the site, it would be difficult to meet the additional 1,398 square feet of landscaping. It would be a hardship to reduce the parking and/or maneuvering area needed for vehicles for this type of operation.

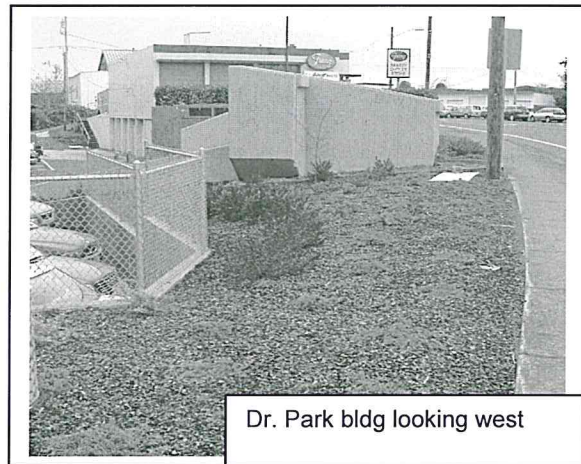
2. Development Code Section 12.030(A)(2) states that “*development consistent with the request will not be substantially injurious to the neighborhood in which the property is located.*”

*Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:*

- a. *The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards;*
- b. *The incremental impacts occurring as a result of the proposed variance.”*

Finding: The site is located along Marine Drive in an area that is mostly developed with commercial buildings such as the hospital, Dr. Parks

Medical Center, and TP Freight. The newer buildings have installed landscaping for their specific zone requirements. The adjacent HC (Health Care) and AH-MP (Attached Housing-Mill Pond) Zones only requires 10% landscaping. Only the housing area of AH-MP and the LS Zones in this area require 20%. The visibility along Marine Drive is critical as this is a State Highway and main east-west route. Therefore, landscaping along the property line and within the right-of-way must be kept low and to a minimum. With the proposed increase in landscaping, the applicant has attempted to meet the code while maintaining good visibility and ample maneuvering space on the property. Granting of the variance would not be substantially injurious to other properties in the area.



3. Section 12.030(A)(3) states that *"the request is necessary to make reasonable use of the property."*

Finding: The site development is existing. The applicant is proposing to increase the landscaping by 585 square feet but would not be able to meet the required 20% without reduction in parking and/or vehicle maneuvering area. The request is necessary to make reasonable use of the property.

4. Section 12.030(A)(4) states that *"the request is not in conflict with the Comprehensive Plan."*
  - a. CP.058.1, Gateway Overlay Area Policies, states *"The City will utilize the general vision of the Gateway Master Plan to direct future development in the Gateway Overlay Area. The overall Comprehensive Plan objectives are to: . .*
  - b. *enhance the primary uses, such as the Columbia River*

*Maritime Museum and Columbia Memorial Hospital, and work to redevelop areas such as the former Plywood Mill Site, which have significant development potential;*

- c. *promote new land uses complementary to the riverfront and existing development, particularly visitor oriented uses and high density housing;. . .”*

CP.058.4, Gateway Overlay Area Policies, states *“The former Astoria Plywood Mill Site will be developed as a mixed-use development which will complement the Gateway Overlay Area and the Downtown Area, and provide new housing opportunities. The Gateway Master Plan will serve as a guideline for the development of the Mill Site. Variations from the Gateway Master Plan may be appropriate provided the overall development proposal substantially carries out the Gateway Master Plan objectives.”*

Finding: The site is within the Gateway Master Plan area and was part of the former Astoria Plywood Mill Site. There is a need for tourist oriented uses such as a mini mart and gas station in this area of the City. There is only one laundry mat in Astoria and it is located on the south side of the City on West Marine Drive. There are no such facilities on the north side accessible to the residents of Mill Pond and the Uppertown and Alderbrook neighborhoods. The site was developed but has been vacant since December 2007. Reuse of the site with the existing building and proposed uses would be beneficial to the Gateway Area.

- b. CP.200, Economic Element, Economic Development Goal 1 and Goal 1 Policies states *“The City of Astoria will strengthen, improve, and diversify the area's economy to increase local employment opportunities.*

*Policies:*

1. *Encourage, support, and assist existing businesses.*
2. *Provide support to local start-up businesses.”*

Finding: The applicant proposes to start a new business at this location which will result in employment opportunities. The City can assist in this start-up business by allowing the variance to landscaping since the site was previously developed in compliance with the codes at that time and the proposed use would be the same but subject to stricter code requirements. To require the full amount of landscaping would be detrimental to the efforts by the applicant to turn this derelict site into an economically viable business.

Finding: The request is not in conflict with the Comprehensive Plan.

## **V. CONCLUSION AND RECOMMENDATION**

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

1. The applicant shall obtain Design Review approval for the proposed freestanding sign.
2. The lowest bar of the freestanding sign shall maintain a clearance of approximately 6.5'
3. The applicant shall contact ODOT to verify compliance with the ORS requirements and the ODOT Outdoor Advertising Sign Program.

The applicant should be aware of the following requirements:

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

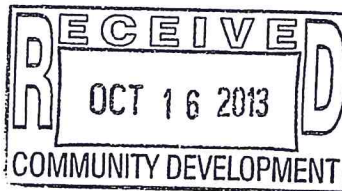
The applicant shall obtain all necessary City and building permits prior to the start of operation.



## CITY OF ASTORIA

Founded 1811 • Incorporated 1856

## COMMUNITY DEVELOPMENT

No. V 13-18FEE: Administrative Permit \$150.00  
or Planning Commission \$250.00Pd by  
Visa

## SIGN VARIANCE APPLICATION

Property Location: Address: 2264 Marine Dr Astoria ORLot 1-2-3-4Block 126Subdivision ShivelyMap 8 DATax Lot 1300-1400Zone LS

OK

Applicant Name: Double R ProductsMailing Address: 901 NW "E" St Grants Pass OR 97526Phone: 541 476 1387

Business Phone: \_\_\_\_\_

Email: jian@doublerproducts.comProperty Owner's Name: OKRP LLCMailing Address: P.O. Box 910 Warrenton, Or 97146Business Name (if applicable): Min! Mart 338-0713 Don L Patterson @

hotmail.com

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

Date: 10/15/13

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

Date: 10/15/13Existing/Proposed Use: Gas Station

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

We would need a variance on the Maximum Height of a monument sign from the allowed 10' to our proposed 17' from required 30% landscaping to install approx 14.2% landscaping from max 150 sq ft of signage to install approx 209 sq ft of signs & from max 2 signs per frontage to allow five signs on the south elevation of the existing corner building.

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

## For office use only:

Application Complete:		Permit Info Into D-Base:	<u>10/24/13</u>
Labels Prepared:	<u>10/24/13</u>	Tentative APC Meeting Date:	<u>12/3/13</u>
120 Days:			

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

Briefly address the following criteria for **SIGN RELATED VARIANCES**:

8.110. VARIANCES FROM STANDARDS RELATING TO SIGNS.

Variances to the sign regulations of this Section may be approved by the Planning Commission following the procedures of Section 12.060 to 12.120 where the Planning Commission finds that the variance meets the following criteria:

A. One of the following factors exists:

1. The variance would permit the placement of a sign with an exceptional design or style.

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2. The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.

A gas station requires a sign with good visibility to advertise current fuel prices the increase of the sign height over the existing allowed height would allow for this

3. The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.

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4. The requirement to remove a sign under Section 8.100(A) would constitute a severe or extreme economic hardship to the business or activity involved.

The proposed sign uses columns from an existing freestanding sign, to re-locate the sign would incur a significant cost as new footings would have to be placed

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B. The granting of the variance would not be detrimental to abutting properties.

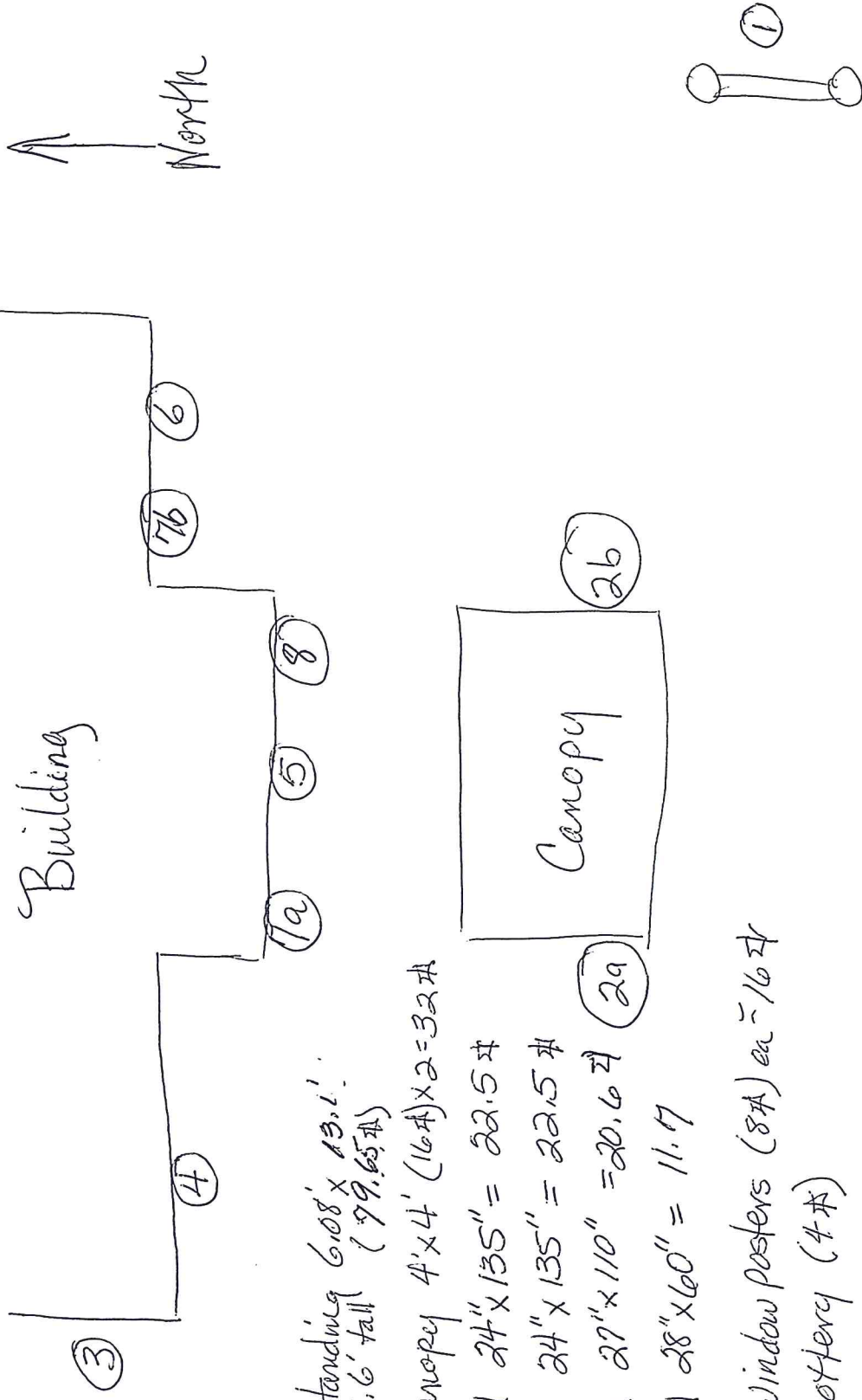
The existing use of the site remains unchanged, and the height of the proposed sign is lower than that of the existing sign

C. The granting of the variance would not create a traffic or safety hazard.

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D. Sign variances are exempt from Sections 12.030 through 12.040.



1. freestanding  $6.08' \times 13.1'$   
 $19.6'$  tall ( $99.65 \text{ ft}^2$ )

2a/b. Canopy  $4' \times 4'$  ( $16 \text{ ft}^2$ )  $\times 2 = 32 \text{ ft}^2$

3. wall  $24'' \times 135'' = 22.5 \text{ ft}^2$

4. wall  $24'' \times 135'' = 22.5 \text{ ft}^2$

5. wall  $27'' \times 110'' = 20.6 \text{ ft}^2$  (2a)

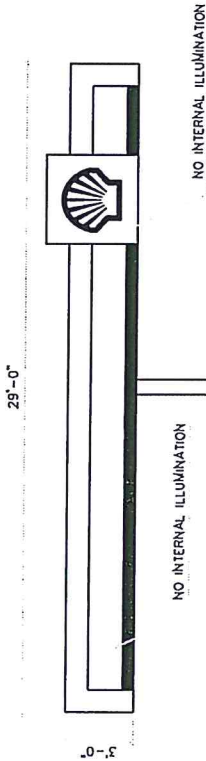
6. wall  $28'' \times 60'' = 11.17$

2a/b. window posters ( $8 \text{ ft}^2$ ) ea  $\sim 16 \text{ ft}^2$

3. lottery ( $4 \text{ ft}^2$ )

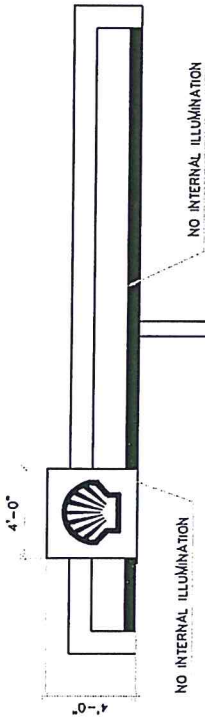
20.9 ft

Marine Drive



## PROPOSED WEST ELEVATION

SCALE: 1/8" = 1'-0"



## PROPOSED EAST ELEVATION

SCALE: 1/8" = 1'-0"



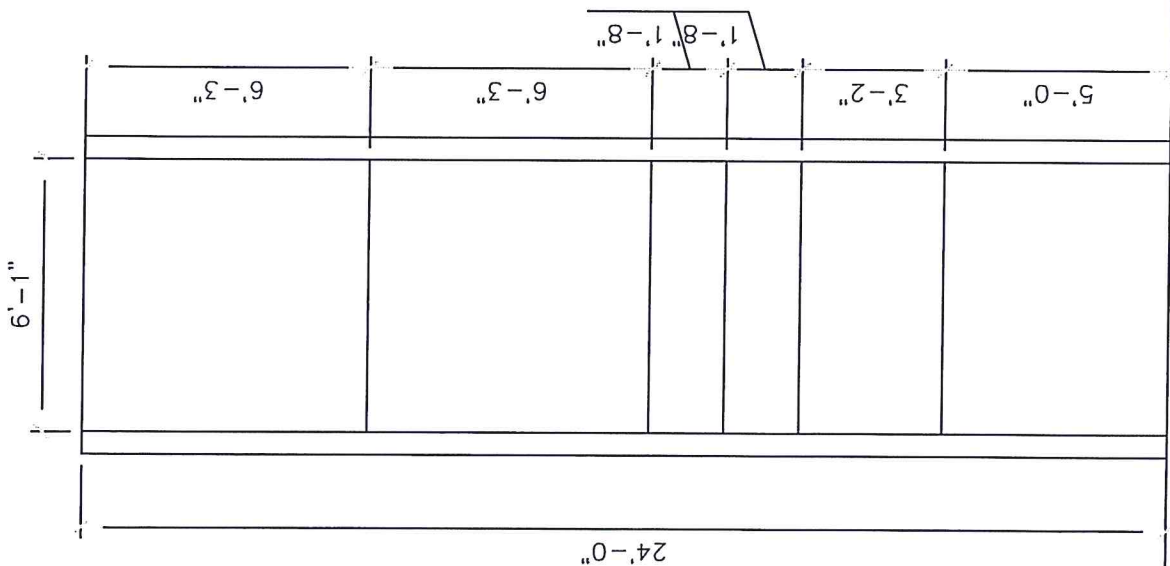
PROJECT:  
SHELL EVO IMAGE

**FREESTANDING  
SIGN**

DATE: 9/12/13  
JOB: 13-0136

SHEET  
A-4

OF 4



# PROPOSED SIGN

SCALE:  $\frac{1}{8}" = 1'-0"$

## EXISTING SIGN

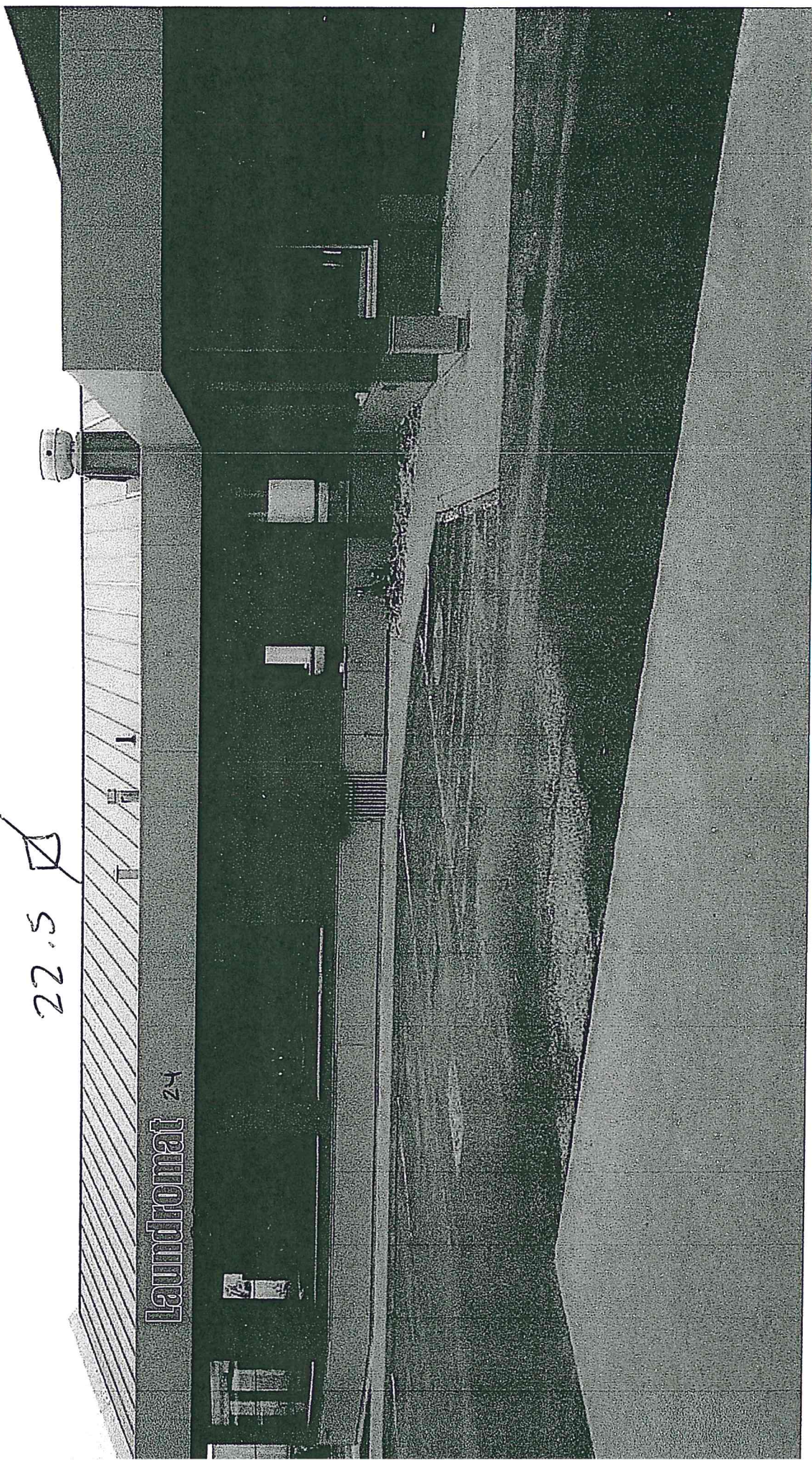
SCALE:  $\frac{1}{8}" = 1'-0"$

24" x 135"

4

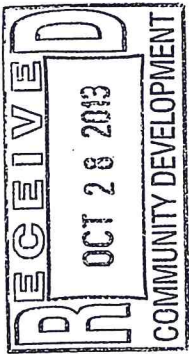
22.5

RECEIVED  
OCT 28 2013  
COMMUNITY DEVELOPMENT



24" x 135"

3



22.57



28" X 60"  
Addition

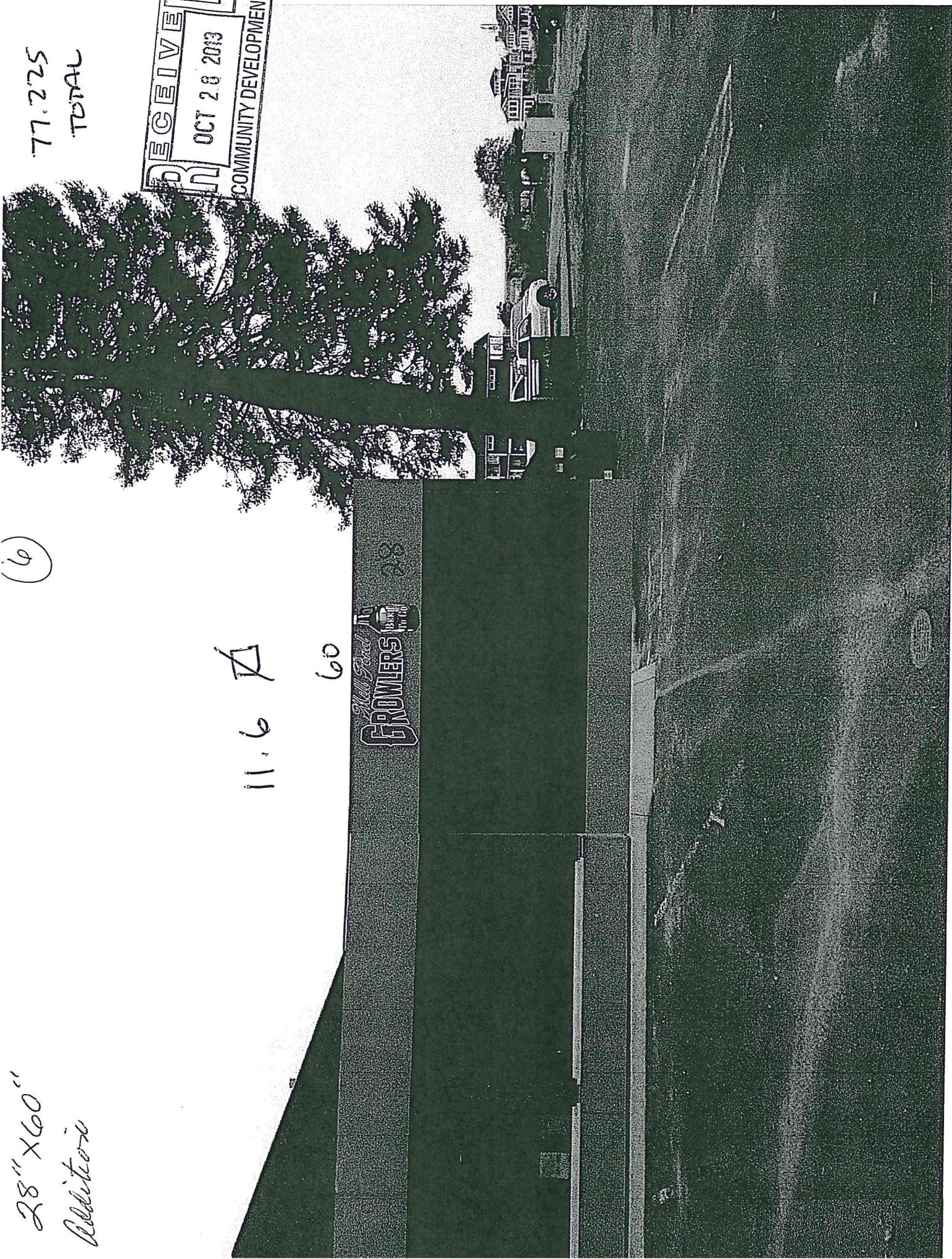
(6)

11.6  $\nabla$  60

Will Ford  
GROWERS  
BERRY  
INC. CO.

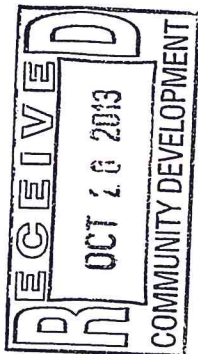
77.225  
TOTAL

RECEIVED  
OCT 28 2013  
COMMUNITY DEVELOPMENT

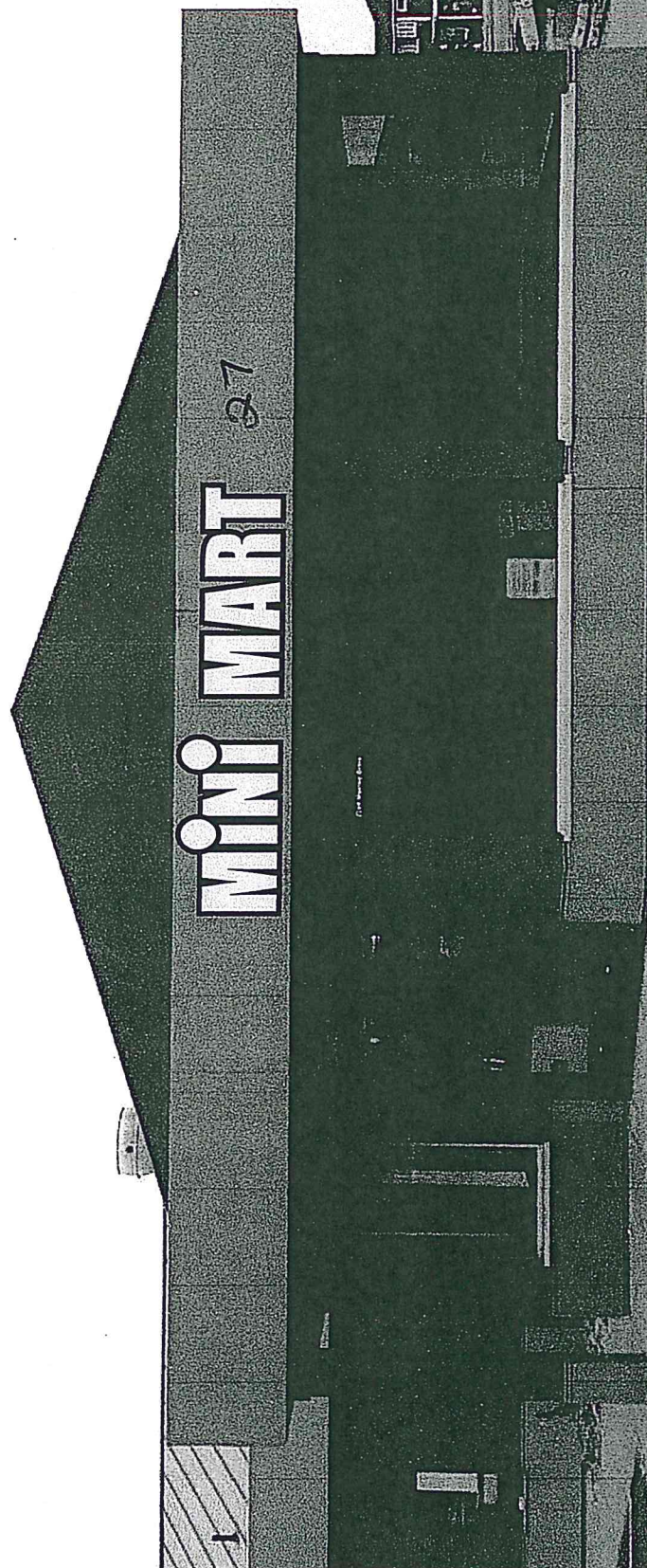


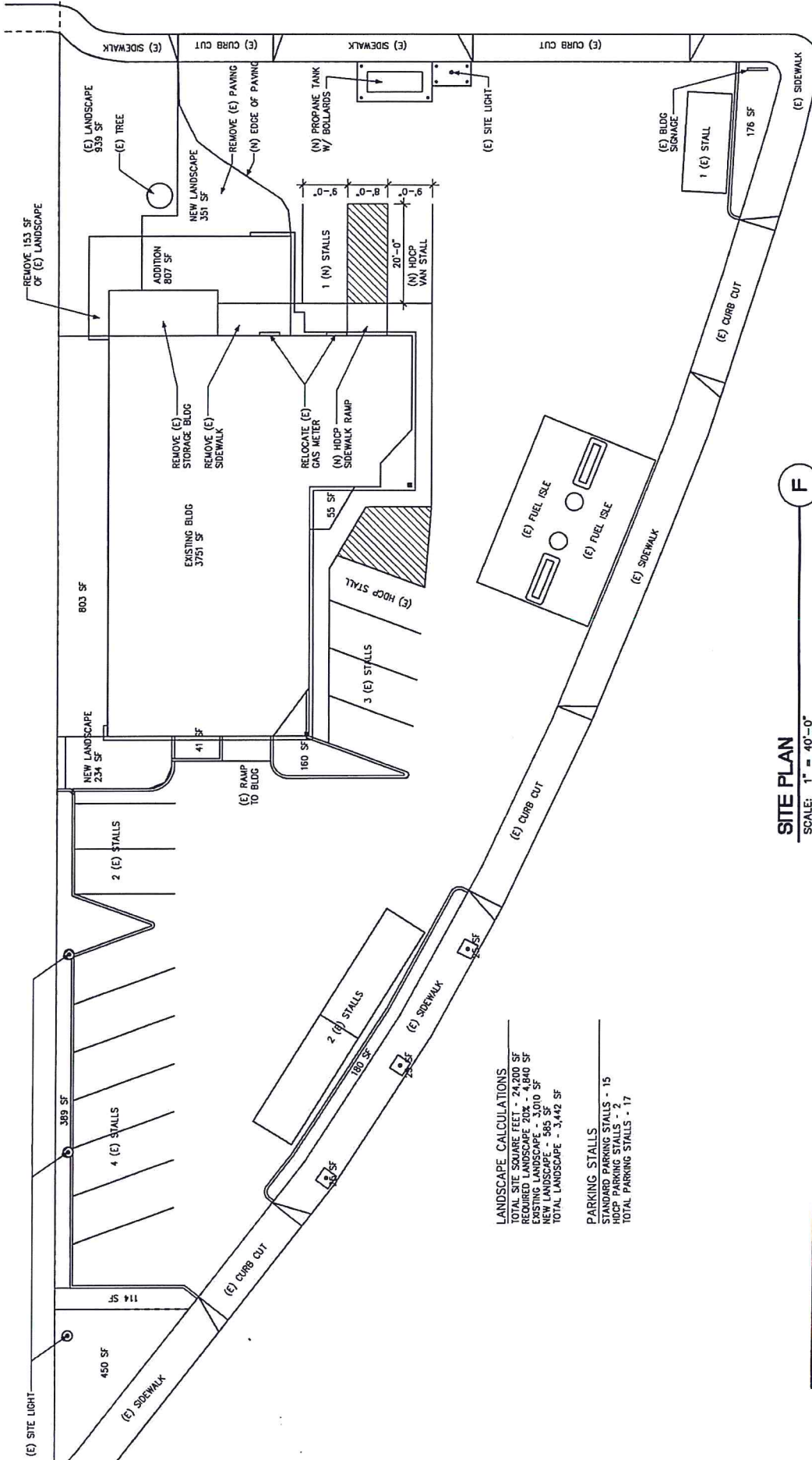
27" x 110"

(5)



20.625 ✓



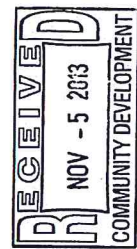


F

**SITE PLAN**  
 SCALE: 1" = 40'-0"

**LANDSCAPE CALCULATIONS**  
 TOTAL SITE SQUARE FEET - 24,000 SF  
 REQUIRED LANDSCAPE 10% - 2,400 SF  
 EXISTING LANDSCAPE - 3,010 SF  
 NEW LANDSCAPE - 585 SF  
 TOTAL LANDSCAPE - 3,442 SF

**PARKING STALLS**  
 STANDARD PARKING STALLS - 15  
 HOCP PARKING STALLS - 2  
 TOTAL PARKING STALLS - 17



## Rosemary Johnson

---

**From:** Sherri Williams  
**Sent:** Thursday, November 21, 2013 9:04 AM  
**To:** Rosemary Johnson  
**Cc:** HENDRICKSON Jill M (Jill.M.HENDRICKSON@odot.state.or.us)  
**Subject:** FW: DRS\_Mauro-DoubleR\_(3Tally)  
**Attachments:** 734-059-0030 Compensation.doc; 377.715 - Basics & Not in ROW.DOC; 377.720 - Prohibited 2011.doc; 734-059-0020 Business.doc; 734-059-0025 Open to Public.doc

Jill, I am forwarding your emails to Planner Rosemary Johnson for review and response.

*Thanks!*

*Sherri*

---

**From:** HENDRICKSON Jill M [mailto:Jill.M.HENDRICKSON@odot.state.or.us]  
**Sent:** Thursday, November 21, 2013 8:35 AM  
**To:** Sherri Williams  
**Cc:** CASWELL Matthew C  
**Subject:** FW: DRS\_Mauro-DoubleR\_(3Tally)

Good Morning Sherri,

In the public notice below, item #3 is a sign variance request for Double R Products, which would be visible to US-30, requesting to place 5 signs per frontage. If the 5 signs are at a place of business or activity open to the public and no compensation is being exchanged the signs would only need to meet the general safety and prohibited statutes in Oregon Revised Statutes 377.715 & 377.720 which are attached for reference.

If compensation is exchanged for either ad copy or for the right to place the signs at the location, or if they are not at a business or activity open to the public, the signs are outdoor advertising signs and would require state sign permits.

All signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they can not resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed to be on or to overhang the state right of way.

Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or having moving parts. Sign messages must come all on and go all off at one time and must hold for at least 1 second. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway.

Signs may not imitate or resemble any traffic control signs or devices, or appear to attempt to direct the movement of traffic. Signs may not obstruct the view of traffic control signs or devices or approaching or merging traffic.

The statues and rules that regulate safety and prohibited signs are attached to this message, as well as the definitions of "business", "open to the public", and "compensation" as they are defined by the Outdoor Advertising Sign Program.

Please let me know if you have any other questions and have a good weekend!

Best, Jill

**Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section**  
4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302  
Voice: 503.986.3635 | Fax: 503.986.3625

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**From:** CASWELL Matthew C  
**Sent:** Thursday, November 14, 2013 10:19 AM  
**To:** HENDRICKSON Jill M  
**Cc:** KEARNS Richard A; WILLIAMS Virginia L  
**Subject:** FW: DRS\_Mauro-DoubleR\_(3Tally)

Jill,

Please see the sign variance notice #3 below for your review and comment if necessary.

**Matt Caswell, P.E.**

Oregon Department of Transportation  
Development Review Coordinator  
Region 2, 455 Airport Rd SE, Bldg. B  
Salem, OR 97301-5395  
503.986.2849 (Office)  
503.986.2630 (FAX)  
e-mail: [matthew.c.caswell@odot.state.or.us](mailto:matthew.c.caswell@odot.state.or.us)

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**From:** JOHNSON Christina R **On Behalf Of** ODOT Reg 2 Planning Manager  
**Sent:** Thursday, November 14, 2013 9:58 AM  
**To:** CASWELL Matthew C; JOHNSTON Bill; KEARNS Richard A; WILLIAMS Virginia L  
**Subject:** DRS\_Mauro-DoubleR\_(3Tally)

Planning Commission Public Notice

- 1) Mauro – 2 bedroom home stay lodging
- 2) Mauro – Off Street Parking
- 3) Double R – Sign Variance

*Christina Johnson*  
ODOT - Region 2  
455 Airport Rd. SE, Bldg A  
Salem, OR 97301  
503.986.2610

# Memorandum

**Date:** November 26, 2013  
**To:** City of Astoria Planning Commission  
**cc:** Brett Estes and Rosemary Johnson, City of Astoria Community Development Department  
**From:** Matt Hastie, Shayna Rehberg, and Cathy Corliss  
**Re:** Draft Civic Greenway Plan Area Amendments #1a (Task 3.1) <sup>1</sup>

## A. INTRODUCTION/OVERVIEW

In 2009 the City of Astoria adopted the Astoria Riverfront Vision Plan. The Riverfront Vision Plan describes a future vision and specific recommended implementation measures related to open space, land use, and transportation plans along the Columbia River waterfront. For purposes of the Riverfront Vision Plan, City's riverfront was divided into four plan areas: Bridge Vista, Urban Core, Civic Greenway, and Neighborhood Greenway.

In 2012-2013, the City of Astoria requested and received a Transportation and Growth Management (TGM) Code Assistance grant to develop and write updated comprehensive plan language, development code text, and map amendments to implement policies and recommendations in the City's adopted Riverfront Vision Plan for the Civic Greenway Plan Area (Phase 1) and Bridge Vista Plan Area (Phase 2). As a first step in this process, the project team prepared a Code Evaluation Report summarizing development code issues to be addressed in drafting these amendments for the Civic Greenway Plan Area, which is shown in Figure 1. The current zoning within the Civic Greenway Plan Area is shown in Figure 2.

After reviewing the Code Evaluation Report with City and TGM program staff, as well as members of the Astoria Planning Commission, the project team began drafting preliminary code amendment language to address selected code issues. The group agreed to prepare three sets of draft code amendments to allow for adequate review of the draft code amendments with the Planning Commission and public. This memo represents the first set of draft code amendments for the Civic Greenway Plan Area (Amendments #1a). These amendments address the following topics:

- Overwater development regulations
  - Allowed Uses
  - Building Size Limits
  - Building Height Limits
  - Building Width Limits

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<sup>1</sup> This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), local government, and State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

- Applicability
- Landscaping regulations
  - Height and Spacing
  - Native Plants
  - Trail Amenities
  - Landscaping Credits/Reductions
  - Applicability

For each code topic, the project team has identified one or more options for consideration and discussion by the Planning Commission. In some cases, options may be combined or further refined to identify a preferred option. In a number of cases, this memo describes examples of implementing code language found in other communities. In some cases, options range from making minimal or no changes to existing code language to making more significant changes or amendments. In other cases, they represent different approaches to addressing a given topic.

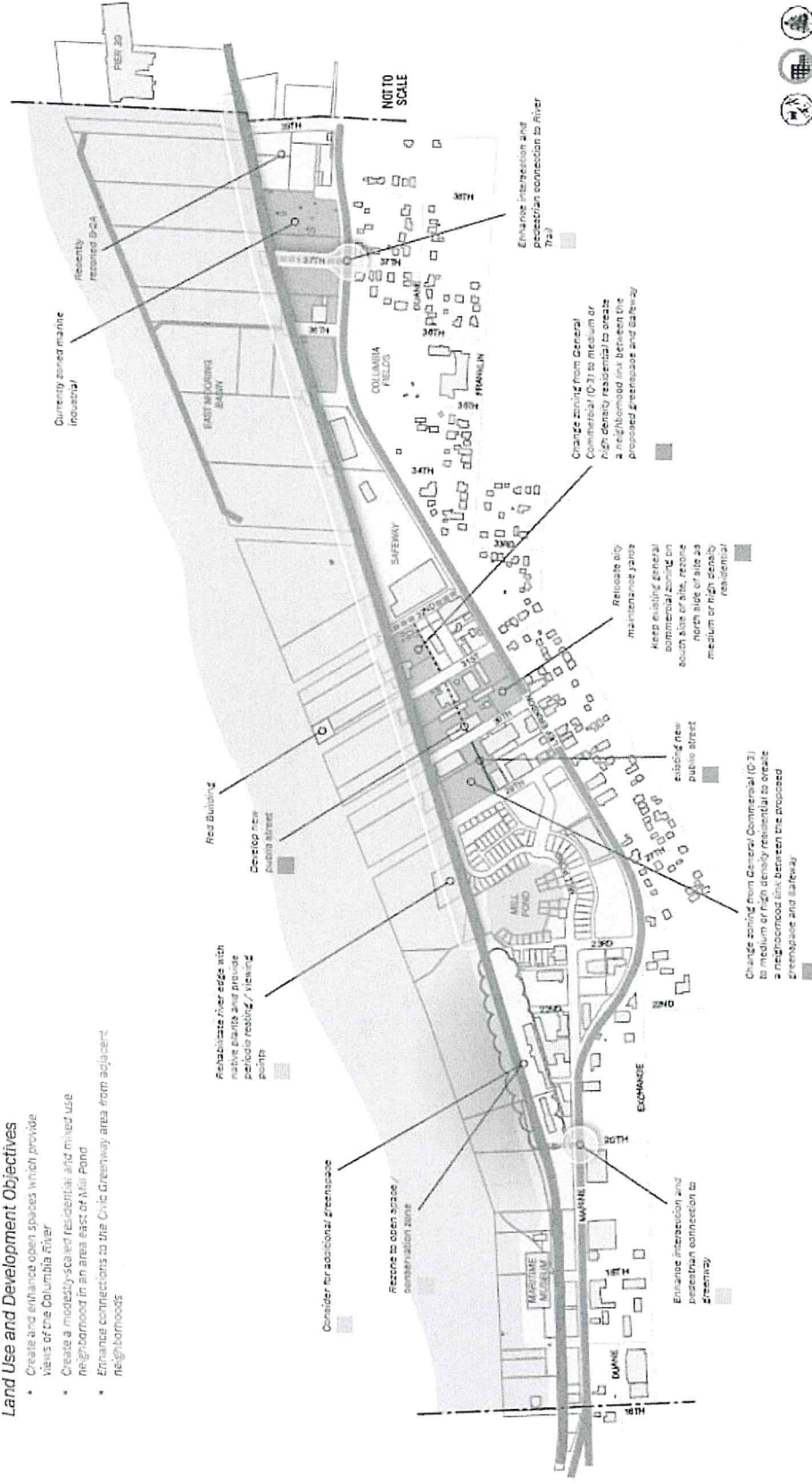
Ultimately, new or amended code provisions may be implemented by integrating them into existing articles of the Development Code (e.g., zones, Columbia River shorelands, Additional Development Standards) or by including them in a new overlay district developed for the Civic Greenway Plan Area. These alternatives will be further discussed and determined once all of the code elements that will apply to the Civic Greenway Plan Area are developed.

**Figure 1: Civic Greenway Plan Area**

## CIVIC GREENWAY

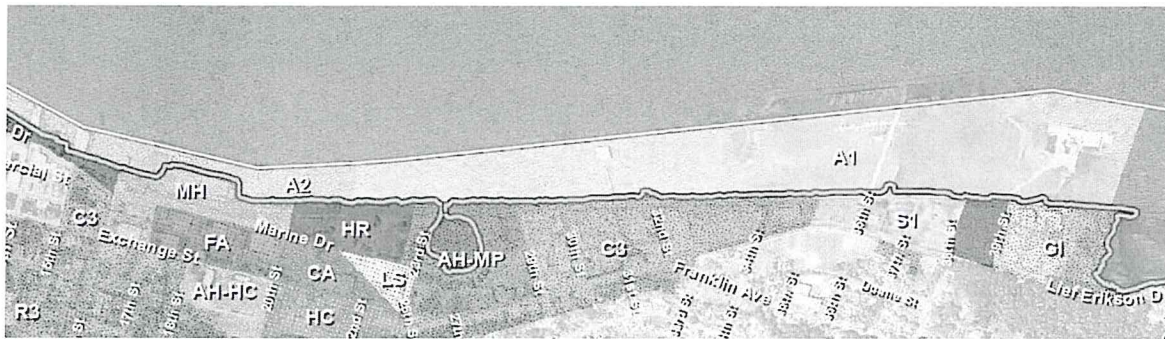
## Land Use and Development Objectives

- Create and enhance open spaces which provide views of the Columbia river
- Create a modestly-scaled residential and mixed use neighborhood in an area east of Mill Pond
- Enhance connections to the Civic Greenway area from adjacent neighborhoods



**ASTORIA RIVERFRONT VISION PLAN  
LAND USE AND URBAN DESIGN IDEAS  
OCTOBER 2008**

**Figure 2: Zoning in the Civic Greenway Plan Area**



## **B. OVERWATER DEVELOPMENT REGULATIONS**

The following options for overwater development regulations are intended to limit the impact of overwater development. They are the regulations described in terms of a “blueway” zone, discussed in the Evaluation Report (Task 1.1) and the Riverfront Vision Plan.

Overwater areas within the Civic Greenway Plan Area are primarily zoned Aquatic-One Development (A-1) with a small amount of Aquatic-Two Development (A-2) zoning in the western portion of the area. Overwater development is subject to the provisions of these zones (Article 2 of the Astoria Development Code) in addition to the Columbia River Estuary and Shoreland Regional Standards (Article 4).

### **1. Uses**

Use standards for the overwater areas in the Civic Greenway Plan Area are addressed by the A-1 and A-2 zones; estuary and shoreland standards deal more with other development standards.

In a few isolated locations within the Civic Greenway area, the area between the River Trail and the shoreline also is wide enough to accommodate additional structures (e.g., between approximately 31<sup>st</sup> and 39<sup>th</sup> Streets). In these areas, amendments also may be needed to non-aquatic zones to implement limitations on uses, similar to what is described for the A-1 and A-2 zones below. Additional recommendations to that effect may be provided in a subsequent draft of potential code amendments. Note land zones where land is wide enough to site structures – near 31<sup>st</sup> and near east mooring basin.

The Riverfront Vision Plan and Evaluation Report discussed limiting overwater uses to those that are water-dependent or associated with a water-dependent use. Upon review of uses currently permitted in the A-1 and A-2 zones, it was found that most of the uses are already water-dependent, water-related, or required to be “in conjunction with” a water-dependent use. However, some of those uses in both zones may be in conflict with the “Blueway” zone recommendations. A number of the permitted and conditional uses in the A-1 and A-2 zone listed below also appear to be of potential concern.

- *Mining and mineral extraction*

- *Aquaculture*
- *Water-dependent commercial and industrial use*
- *In-water log dump, sorting operation*
- *Eating and drinking establishment open to the general public which provides significant visual access to the waterfront.*
- *Hotel, motel, inn, bed and breakfast which provides significant visual access to the waterfront.*
- *Tourist-oriented retail sales establishment which provides significant visual access to the waterfront.*
- *Indoor amusement, entertainment, and/or recreation establishment which provides significant visual access to the waterfront.*
- *Professional and business office, personal service establishment limited to beauty and barber services and garment alterations, residence, and arts and crafts studio meeting the requirements of Section 2.540(10).*
- *Conference Center which provides significant visual access to the waterfront.*

Because some of these uses are permitted conditionally, their development could be limited by conditions imposed by the reviewing and approving body, in addition to limits already imposed by Sections 2.515 and 2.540.

Given other development regulations regarding height, width, and size addressed in Sections B.2, B.3, and B.4 of this memo, the following options related to use are proposed for consideration.

- Option 1: Maintain uses currently permitted in the A-1 and A-2 zone.
- Option 2: Prohibit selected conditional uses that are not water-dependent or water-related and which are not associated with water-dependent uses and/or are otherwise appear to be in conflict with the recommended “Blueway” recommendation.
- Option 3: Prohibit selected conditional and outright permitted uses that are not water-dependent or water-related and which are not associated with water-dependent uses and/or are otherwise appear to be in conflict with the recommended “Blueway” recommendation

Options 2 and 3 could result in changes to outright permitted or conditional uses allowed in the A-1 and A-2 zones within the Civic Greenway Plan Area, as highlighted in Figures 3 and 4 below.

### **Figure 3: Uses Considered for Potential Amendments to the A-1 Zone**

#### ***A-1: AQUATIC ONE DEVELOPMENT ZONE***

*[...]*

#### ***2.505. PERMITTED USES.***

*The following uses and activities and their accessory uses and activities are permitted in the Aquatic One Development Zone, subject to the appropriate provisions of Section 2.515, Development Standards and Procedural Requirements:*

- 1. Water-dependent commercial or industrial use. (consider limitations)*
- 2. Navigational structure.*
- \* 3. Water-dependent public recreational facility, including boat ramp, dock, moorage and marina for commercial and recreational marine craft.*
- 4. Shoreline stabilization.*
- \* 5. Flowlane disposal of dredged material.*
- 6. Pipeline, cable, and utility crossing.*
- \* 7. Storm water and treated wastewater outfall.*
- 8. Communication facility.*
- 9. Temporary dike for emergency flood protection limited to 60 days subject to State and Federal requirements.*

- \* 10. *New dike construction.*
- 11. *Maintenance and repair of existing structure or facility.*
- 12. *Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the permitted uses 1 through 11 listed above.*
- 13. *The following water-related commercial and industrial uses:*
  - a. *Boat and/or marine equipment sales;*
  - b. *Fish or shellfish retail or wholesale outlet;*
  - \* c. *Charter fishing office;*
  - d. *Sports fish cleaning, smoking, or canning establishment;*
  - \* e. *Retail trade facility for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use;*
  - f. *Eating and drinking establishment which provides a view of the waterfront, and which is in conjunction with a water-dependent use such as a marina or seafood processing plant;*
  - \* g. *Cold storage and/or ice-processing facility independent of seafood processing facility.*
- 14. *Navigation aid.*
- 15. *Piling and pile supported structure as necessary for any of the permitted uses 1 through 14 listed above, or as necessary for any use permitted in the adjacent shoreland.*
- 16. *Bridge crossing.*
- \* *Not permitted at South Tongue Point.*

#### 2.510. CONDITIONAL USES.

*The following uses and activities and their accessory uses and activities may be permitted in the Aquatic One Development Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.515, Development Standards and Procedural Requirements. It must also be shown that these uses and activities are consistent with the purpose of the Aquatic One Development Zone.*

- 1. *Mining and mineral extraction. (consider limitations)*
- 2. *Active restoration.*
- 3. *Bridge crossing support structure.*
- 4. *Aquaculture and water-dependent portions of aquaculture facility. (consider limitations)*
- 5. *In-water log dump, sorting operation. (consider limitations)*
- 6. *A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.*
- 7. *Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.*
- 8. *Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the conditional uses 1 through 7 listed above.*
- 9. *Water-related recreational use.*
- 10. *Water-related commercial or industrial use other than those listed under Section 2.505(13) of this zone. (consider limitations)*
- 11. *Piling as necessary for any of the conditional uses 1 through 10 listed above.*
- 12. *Temporary use meeting the requirements of Section 3.240.*
- 13. *Non-water dependent and non-water related uses may be located in existing, under-utilized buildings provided the use does not preclude future water-dependent or water-related uses.*

**Figure 4: Uses Considered for Potential Amendments to the A-2 Zone**

**A-2: AQUATIC TWO DEVELOPMENT ZONE**

[...]

**2.530. PERMITTED USES.**

*The following uses and activities and their accessory uses and activities are permitted in the Aquatic Two Development Zone, subject to the appropriate provisions of Section 2.540 Development Standards and Procedural Requirements:*

- 1. Water-dependent commercial and industrial use. (consider limitations)*
- 2. Small boat building and repair.*
- 3. Water-dependent facilities including dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.*
- 4. Public pier.*
- 5. Navigational structure.*
- 6. Shoreline stabilization.*
- 7. Pipeline, cable, and utility crossing.*
- 8. Storm water and treated wastewater outfall.*
- 9. Communication facility.*
- 10. New dike construction.*
- 11. Maintenance and repair of existing structure or facility.*
- 12. Public use in conjunction with the Columbia River Maritime Museum.*
- 13. Flowlane disposal of dredged material.*
- 14. Dredging or filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the permitted uses 1 through 13 listed above.*
- 15. The following water-related commercial uses:*
  - a. Boat and/or marine equipment sales;*
  - b. Fish or shellfish retail or wholesale outlet;*
  - c. Charter fishing office;*
  - d. Sports fish cleaning, smoking or canning establishment;*
  - e. Retail trade facility for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use.*
  - f. Eating and drinking establishment which provides a view of the waterfront, and which is in conjunction with a water-dependent use such as a marina or seafood processing plant (consider adding here and eliminating conditional use 13)*
- 16. Navigation aid.*
- 17. Piling as necessary for any of the permitted uses 1 through 16 listed above.*

**2.535. CONDITIONAL USES.**

*The following uses and activities and their accessory uses and activities may be permitted in the Aquatic Two Development Zone as Conditional Uses when authorized in accordance with Article 11 Conditional Uses. These uses and activities are also subject to the provisions of Section 2.540 Development Standards and Procedural Requirements. These uses and activities must be consistent with the purpose of the Aquatic Two Development Zone.*

- 1. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.*
- 2. Dredged material disposal at sites not designated for dredged material disposal in the Comprehensive Plan, provided the dredged material is utilized as a source of fill material for an approved fill project.*
- 3. Aquaculture and water-dependent portions of aquaculture facility. (consider limitations)*
- 4. Water-dependent or water-related recreational use not listed elsewhere in this zone.*
- 5. Active restoration.*
- 6. Bridge crossing and bridge crossing support structure.*

7. *A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the City's Comprehensive Plan.*
8. *Fill in conjunction with any of the conditional uses 1 through 7 listed above pursuant to the applicable standards in Section 4.050.*
9. *Mining and mineral extraction. (consider limitations)*
10. *Dredging in conjunction with any of the conditional uses 1 through 9 listed above, pursuant to the applicable standards in Section 4.050.*
11. *Water-related commercial or industrial use not listed under Section 2.530. (consider limitations)*
12. *Eating and drinking establishment open to the general public which provides significant visual access to the waterfront, except within the Civic Greenway Area where this use is not permitted.*
13. *Hotel, motel, inn, bed and breakfast which provides significant visual access to the waterfront, except within the Civic Greenway Area where this use is not permitted.*
14. *Tourist-oriented retail sales establishment which provides significant visual access to the waterfront, except within the Civic Greenway Area where this use is not permitted.*
15. *Indoor amusement, entertainment, and/or recreation establishment which provides significant visual access to the waterfront, except within the Civic Greenway Area where this use is not permitted.*

## 2. Building Size

Another way to limit the impact of overwater development within the Civic Greenway Plan Area is by restricting the size or floor area of development. The Riverfront Vision Plan and Evaluation Report discussed the option of restricting the size of buildings in overwater development.

A variety of local codes use thresholds of 3,000 or 5,000 square feet for small-scale retail uses, including eating and drinking establishments. For example, 3,000 square feet is used as a limit for retail and commercial uses in Oregon's unincorporated community rule for "rural unincorporated communities" while 5,000 is the limit for "urban unincorporated communities." Similarly Metro, the cities of Portland, Milwaukie, Tualatin and others use a 5,000 square foot limit to allow for retail and commercial uses in industrial areas. Examples of a 3,000 square foot use in Astoria include Ship Inn and Blue Scorcher. Examples of a 5,000 square foot use include Bridgewater Bistro and Fulios.

Given that most of the uses that involve buildings are permitted only conditionally in the A-1 and A-2 zones, there is an existing mechanism to limit size.<sup>2</sup> However, this does not apply to all buildings permitted in these zones. Therefore, options to address this issue are proposed below.

---

<sup>2</sup> The following floor area provisions currently apply to non-water-dependent or -related uses in the A-2 zone, pursuant to Section 2.540.

10. Professional and business office, personal service establishment limited to beauty and barber services and garment alterations, residence, and arts and crafts studio are permitted where they are part of a mixed-use development that also includes some of the tourist-oriented uses listed in Section 2.535 (12 through 15), under the following conditions:

a. Single-Story Structure: The office, personal service establishment, residence, or arts and crafts studio uses shall constitute no more than 25% of the total project's gross floor area.

b. Multi-Story Structure, shall conform to one of the following options:

1) The office, personal service establishment, residence, or arts and crafts studio uses shall constitute no more than 50% of the total project's gross floor area.

2) A multi-story structure which maintains at least 75% of the ground floor or street level space for tourist-oriented uses as listed above, may devote 100% of the upper floors to non-tourist oriented uses, consisting of professional and business offices, personal service establishment limited to beauty and barber services and garment alterations, residences, and arts and crafts studios.

- Option 1: Maintain existing regulations, with no size restriction on allowed or conditional uses.
- Option 2: Establish a maximum gross floor area of 5,000 square feet.
- Option 3: Establish a maximum gross floor area of 3,000 square feet.

*[Note: Future draft may include supporting code graphics, if needed.]*

### **3. Building Height**

Limiting building height is an important way of limiting impacts of overwater development and, in particular, preserving views out across the river from the riverfront. This was emphasized in the Riverfront Vision Plan and Evaluation Report. Currently there are no height limits in the A-1 zone and a limit of 28-45 feet in the A-2 zone. More restrictive height standards may be desired in the Civic Greenway Plan Area. If height standards are not changed from existing standards, there are still options to address impacts through building size limits (Section B.2) and building width limits (Section B.4).

- Option 1: Establish a maximum height of two stories (28 feet) and use building size and width regulations to further limit overwater development and preserve views.
- Option 2: Establish maximum height as one story/15 feet.
- Option 3: Establish maximum height as riverbank height/"grade of adjacent shoreland" (a term used elsewhere in the code) plus height of fences, walls, and hedges allowed by existing code. In the A-1 and A-2 zones there are no limitations on the height of fences so additional limits on their height also would be needed.

*[Note: Future draft may include supporting code graphics, if needed.]*

### **4. Building Width**

Limiting building width is another way to address overwater impacts and views, as discussed in the Evaluation Report. Building widths can be regulated in terms of either a percentage of a parcel's width or a specific width dimension. The dimension proposed below (25 feet) is based on the minimum lot frontage required by existing City land division standards. Percentages are intended to capture a range of allowing for visual access through a parcel.

- Option 1: Establish a maximum building width as 40% of parcel width, up to a maximum of 50 feet.
- Option 2: Establish a maximum building width as 25% of parcel width, up to a maximum of 50 feet
- Option 3: Establish a maximum building width as a percentage of parcel width (from Option 1 or Option 2) or 25 feet, whichever is greater, up to a maximum of 50 feet.

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*11. Accessory structures in the Aquatic Two Development Zone are limited in size to a maximum of 10% of the primary structure.*

*[Note: Future draft may include supporting code graphics, if needed.]*

## **5. Applicability**

Based on discussions during the development of the Riverfront Vision Plan and review of the Evaluation Report, there appear to be two basic options for the extent of applying new overwater development regulations.

- Option 1: Apply new overwater development regulations to parts of Civic Greenway Plan Area where there is public upland ownership.
- Option 2: Apply new overwater development regulations throughout the Civic Greenway Plan Area.

**Staff Recommendation:** Option 2.

## **C. LANDSCAPING REGULATIONS**

Landscaping provisions have been categorized as those that would apply to the “river side” of the Astoria River Trail and those that would apply to the “land side” of the trail. Landscaping on the two sides of the trail serve different purposes to some degree. On the river side of the trail, landscaping’s primary purpose is to help stabilize the shoreline and provide a more natural look and feel to the area. At the same time, it is important that vegetation on the river side not block views of the river, which are important to people using the River Trail. On the land side of the trail, vegetation can be used in part to buffer private development from River Trail users, improve the appearance of that development, and meet a variety of other objectives, such as provide shade, help filter stormwater, and absorb carbon dioxide. On the land side, blocking views of adjacent uses may be less important in some circumstances; however, for public safety it is important to maintain “eyes on the trail.” On both sides of the trail, but particularly on the river side, community members have said that it is important to allow for more of a natural look and feel and not to create a “manicured” look. Attachment 3 includes images of trails, pathways and open spaces near a river edge and preferences identified by participants in a community meeting during the Riverfront Vision process. Many of the images are consistent with the optional standards described in this section of the memo.

The River Trail is within a former rail right-of-way and currently is a separate property owned by the City as an “interim owner.” This is important to consider in structuring landscaping requirements for land on one or the other side of the trail. The following is a summary of existing setback, landscaping, and related requirements on the two sides of the trail within the Civic Greenway Plan Area.

- The minimum setback requirements for zones on land in the Civic Greenway Plan Area are as follows:
  - AH-MP – None listed
  - C-3 – None, except 5-foot “buffer” for yard adjacent to residential zones
  - HR – None listed
  - MH – None listed
  - S-1 – None listed

- S-2A – None listed
- Columbia River Estuary and Shorelands Overlay (CRESO) Zone regulations (Article 4 of the Astoria Development Code) apply to the area within 50 feet of the shoreline and to all aquatic and shoreland zones, irrespective of the distance from the shoreline. (Note: In most of the Civic Greenway, the River Trail appears to be farther than 50 feet from shoreline, with the exception of land just west of 39<sup>th</sup> Street. There are also limited sections of the Civic Greenway where there is enough land to build between the trail and shoreline; for example, there are existing buildings just east and west of 31<sup>st</sup> Street on between the trail and shoreline.)
- CRESO Zone regulations regarding vegetation are as follows: *Plant species utilized for vegetative stabilization shall be selected on the basis of potential sediment containment and fish and wildlife habitat values. Trees, shrubs and grasses native to the region should be considered for vegetative stabilization; however, plant species and vegetation stabilization techniques approved by the Soil Conservation Service, the U.S. Army Corps of Engineers and other participating Federal and State resource agencies are also appropriate. Stabilization of dike slopes must not include vegetation (particularly trees) which jeopardize the dike (Section 4.060.(9)).*
- Landscaping requirements for parking lots state that “(p)lanting areas shall be designed to separate parking lots from the sidewalk and street and shall contain a mixture of trees and shrubs,” with exceptions where there are chairwalls or public utilities. Landscaping requirements specify minimum heights and calipers for trees, minimum spread for shrubs, and maximum spacing for ground cover.
- The minimum landscaping requirements for zones on land in the Civic Greenway Plan Area are as follows:
  - AH-MP – Minimum of 20% of the total area within the AH-MP Zone for parcels adjacent to Marine Drive, and 10% of the total area for all other parcels within this zone
  - C-3 – Minimum 10% of total lot area
  - HR – Minimum 10% of total lot area
  - MH – Minimum 10% of total lot area
  - S-1 – None specified
  - S-2A – None specified
- Existing zoning and landscaping provisions do not specifically require landscaping along the River Trail.

## **1. Requiring Landscaping**

Pursuant to existing regulations, landscaping is provided along the River Trail only to the extent that shoreline stabilization is needed and that an applicant elects to set buildings back from the River Trail property in the AH-MP, C-3, HR, and MH zones and use that area to meet part or all of their landscaping requirement. Therefore, there is a question as to whether landscaping along the River Trail should be specifically required, and this is a question for consideration by the Project Management Team, Project Advisory Team, and Astoria Planning Commission. In general, staff's recommendation is that landscaping only be required for new development or expansions to existing uses located north of the River Trail.

## **2. Height and Spacing**

As noted previously, landscaping serves multiple objectives on both sides of the River Trail, including:

- Preserve views of and over the river.

- Provide access to trail and safety/“eyes on the trail.”
- Buffer trail and land side/upland development.
- Beautify the trail and adjacent areas.

Height and spacing standards will be instrumental in meeting several of these objectives and will vary on either side of the River Trail. The following sets of options summarize proposed requirements associated with height and spacing.

### **River Side of the Trail**

On the river side of the River Trail, one of the primary objectives of landscaping is to preserve views of and over the Columbia River. To this end, the options below present increasing degrees of height and spacing regulations to allow for these views. Height dimensions are based on City vision clearance standards. Further, in the case of Option 3, consideration is given to views down right-of-way corridors to the river.

- Option 1 – Maximum shrub height 30 inches; no requirements for minimum pruning height or placement of trees
- Option 2 – Maximum shrub height 30 inches; trees pruned to 9 feet and no restrictions on placement
- Option 3 – Maximum shrub height 30 inches; no trees planted at the intersection of a public right-of-way; and with either limitations on the width of groves or clusters of trees and/or requiring individual trees not planted in clusters or groves to have 20 feet clear between branches at maturity.

### **Land Side of the Trail**

On the land side of the trail, objectives are more divided between providing a buffer between development and the trail and allowing for views and “eyes on the trail.”

There are three questions to consider here:

1. Do the existing requirements for perimeter parking lot landscaping apply to the edge of the parking lot adjacent to the River Trail?

Currently the code requires buffering planting areas only where they are adjacent to sidewalks and streets. It appears that provision currently is not being applied to the edge of a parking lot or site adjacent to the River Trail. Assuming this is the case, the code should be updated to ensure that it is applied.

2. Are parking lot perimeter landscaping standards appropriate for the edge of the lot adjacent to the trail (per the balance we’re trying to strike)?

Current requirements are very general, simply requiring that “*Planting areas shall be designed to separate parking lots from the sidewalk and street and shall contain a mixture of trees and shrubs, except where the presence of chairwalls or public utilities makes the planting infeasible, as determined by the City Engineer, in which case concrete, stone, or other manufactured containers may be used.*” (Article 3.120.7). More specific requirements may be needed or desired to address the objectives identified here.

3. Are landscaping standards for sites adjacent to buildings sufficient to meet our objectives for landscaping to buffer buildings and the River Trail from each other (and maintain a certain level

of visibility) adequate and are they also flexible enough to ensure that people who want views of the river from the buildings can have them?

As noted above, existing landscaping requirements are relatively general and do not appear to directly address this objective. Amendments to the existing standards likely will be needed.

Issues associated with parking lot landscaping may be addressed by changing landscaping requirements in parking lots (Option 2) or by creating a general maximum spacing standard and/or other provisions for landscaping along the trail (Option 3).

Regarding views and natural surveillance, property owners will likely be motivated not to install landscaping that is so tall that it would block their views of the river, so maximum height requirements should not be needed. However, minimum planting spacing standards (Option 4) could be considered in order to maintain views of the trail.

- Option 1 – Maintain existing landscaping provisions, which do not require landscaping on the land side of the trail.
- Option 2 – Establish requirements that parking lots adjacent to the River Trail must provide planting areas between the parking lot and trail.
- Option 3 – Require landscaping along the land side of the River Trail at a minimum spacing of trees at 20 feet on center, shrubs at 2 feet on center, with potential variations based on the category of adjacent uses.
- Option 4 – Require landscaping along the land side of the River Trail at a maximum spacing of trees at 30 feet on center, shrubs at 5 feet on center, and ground cover in between, with potential variations based on the category of adjacent uses.

More specific recommended code language will be drafted after obtaining more guidance on which of these options to pursue.

### **3. Native Plants**

Existing code provisions in the CRESO Zone call for native plants to be used in shoreline stabilization, except when otherwise recommended by state and federal resource authorities. The options below related to native vegetation along the River Trail range from relying on existing provisions, which may result in minimum amounts of native planting, to more robust requirements to use native plants and draw from native plant lists.

- Option 1: Maintain existing code (CRESO Zone shore stabilization native planting).
- Option 2: Add code provisions either requiring or encouraging the use of native plants, like those in the Willamette River Greenway Plan (Figure 4) for any landscaping provided between the River Trail and shoreline. If requiring the use of native plants, specify the process (e.g., Community Development Director discretion) for approving the use of plants other than native plants.
- Option 3: Include lists of native plants – or a reference to the lists – in new provisions described in Option 2. Model plant lists are presented in Attachment A.

**Figure 5: Potential Code Requirements for Native Plants (Options 2 and 3)**

*Landscaping in the Civic Greenway Area located between the River Trail and shoreline (mean high water line) shall consist of native plants. Refer to the native plant lists in [reference] for trees, shrubs, and grasses appropriate to riparian environments.*  
*The Community Development Director may approve plants that are not native in the Civic Greenway Area if it is determined that the plant better addresses environmental constraints, habitat value, resilience, and maintenance needs.*

[Note: Future draft may include supporting code graphics, if needed.]

#### **4. Trail Amenities**

Given the trail environment in which these landscaping regulations are being considered, trail amenities are another element to potentially address in the regulations. Existing landscaping regulations address amenities to some extent; seating and “street furniture” may be counted toward meeting existing landscaping requirements, pursuant to Section 3.120(12). For this issue, options include retaining existing regulations or expanding them to more strongly encourage or require trail amenities.

- Option 1: Maintain existing landscaping requirements that allow seating areas and “street furniture” to count toward landscaping requirement.
- Option 2: Create reductions/credits for providing a trail amenity from a “menu” of amenities when landscaping requirements are triggered by the conditions discussed in Section C.6. (See Figure 5.) Sample images of amenities are presented in Attachment B.

**Figure 6: Potential Code Language for Trail Amenities (Option 2)**

*Providing one of the following amenities adjacent to the River Trail will qualify the applicant for a [25%] reduction in the landscaping requirement, upon approval of the Community Development Director or Planning Commission, as appropriate. See [reference] for sample images of the following amenities.*

- a. Bike rack*
- b. Bench*
- c. Table*
- d. Drinking fountain*
- e. Signage – directional, informational/interpretive*
- f. Trash/recycling container*
- g. Lighting*
- h. Restrooms [amenity beyond scale of others]*

[Note: Future draft may include supporting code graphics, if needed.]

## **5. Landscaping Credits/Reductions**

Astoria Community Development staff has noted that current landscaping requirements do not allow for non-vegetative amenities to count toward meeting landscaping requirements except through a variance process. Non-plant features can help make a development more unique or attractive. At the same time, these amenities do not serve all of the same purposes as traditional landscaping (e.g., shading, screening, stormwater management).

In addition to the trail amenities discussed in the previous section, it is possible to allow for landscaping requirement credits or reductions for providing non-plant amenities on a site in the Civic Greenway Plan Area. These credits/reductions are intended to apply not just to the potential new landscaping requirements directly adjacent to the River Trail frontage but to the overall site landscaping requirements for future development in this area and possibly in other parts of the City as well.

- Option 1: Maintain existing landscaping requirements.
- Option 2: Allow for up to 10% of required landscaping to be non-vegetative features approved by the Community Development Director. An application to allow for greater than 10% of landscaping to be non-plant features would be subject to approval by the Planning Commission or the Design Review Committee.

## **6. Applicability**

Until code amendments can be considered in more detail for other areas of the Riverfront Vision Plan Area, it is recommended that landscaping regulations proposed in this memo apply specifically to the Civic Greenway Plan Area.

Also at issue is what conditions will trigger the landscaping requirements in the Civic Greenway Plan Area. Existing triggers include “new construction, or for remodeling with a value of at least 33% of the assessed value of the structure, or in the event of a change of use or installation of new parking areas,” pursuant to Section 3.110. The following options focus the conditions on exterior remodeling and present various ways to calculate the percentage of assessed value.

- Option 1: Maintain existing triggers for landscaping requirements.
- Option 2: Modify existing triggers to specify that remodeling must include alterations to a building’s exterior, and the value of the exterior remodeling be at least [10-15%] of the structure’s assessed value.
- Option 3: Modify existing triggers to specify that remodeling must include alterations to a building’s exterior, and the total value of all remodeling be at least 33% of the structure’s assessed value.
- Option 4: Modify existing triggers to specify that remodeling must include alterations to a building’s exterior, and the total value of all remodeling be at least 20% of the structure’s assessed value.

*[Note: Future draft may include supporting code graphics, if needed.]*

## Attachment A

### Oregon City Native Plant List

<http://www.orcity.org/sites/default/files/Native%20Plant%20List.pdf>

Riparian trees and arborescent (tree-like) shrubs, shrubs, and ground covers

Scientific Name	Common Name	Habitat Type							
		Wetland	Riparian	Forest	Oak Wood	F. Slope	Thicket	Grass	Rocky
TREES AND ARBORESCENT SHRUBS									
Abies grandis	Grand Fir	X	X	X			X		
Acer circinatumAS	Vine Maple			X			X		X
Acer macrophyllum	Big-Leaf Maple			X			X		
Alnus rubra	Red Alder		X	X			X		
Alnus sinuata	Sitka Alder	X							
Arbutus menziesii	Madrone			X					
Cornus nuttallii	Western Flowering Dogwood			X			X		
Cornus sericea ssp. sericea									
Crataegus douglasii var. douglasii	Black Hawthorn (wetland form)	X	X						
Crataegus suksdorfii	Black Hawthorn (upland form)	X	X	X			X	X	
Fraxinus latifolia	Oregon Ash	X	X						
Holodiscus discolor	Oceanspray								
Malus fuscaAS	Western Crabapple		X	X				X	
Pinus ponderosa	Ponderosa Pine			X			X		
Populus balsamifera ssp. Trichocarpa	Black Cottonwood	X	X						
Populus tremuloides	Quaking Aspen	X							X
Prunus emarginata	Bitter Cherry		X				X	X	
Prunus virginianaAS	Common Chokecherry		X	X				X	
Pseudotsuga menziesii	Douglas Fir			X			X		
Pyrus (see Malus)									
Quercus garryana	Garry Oak			X			X		X
Quercus garryana	Oregon White Oak								
Rhamnus purshiana	Cascara		X	X			X		
Salix fluviatilisAS	Columbia River Willow	X	X						
Salix geyeriana	Geyer Willow	X							
Salix hookerianaAS	Piper's Willow	X	X						
Salix lucida ssp. lasiandra	Pacific Willow	X	X						
Salix rigida var. macrogemma	Rigid Willow	X	X						
Salix scouleriana	Scouler Willow	X	X	X					
Salix sessilifoliaAS	Soft-Leafed Willow	X	X						
Salix sitchensisAS	Sitka Willow	X	X						
Salix spp.*	Willows								
Sambucus spp.*	Elderberries								
Spiraea douglasii	Douglas's Spiraea								
Taxus brevifolia	Pacific Yew		X	X			X		
Thuja plicata	Western Red Cedar	X	X	X			X		
Tsuga heterophylla	Western Hemlock		X	X			X		

Portland Plant List (2011)

City of Portland Bureau of Planning and Sustainability

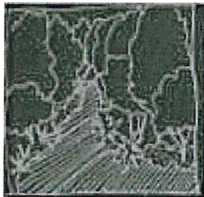
<http://www.portlandonline.com/auditor/index.cfm?&a=322280&c=34460>

Trees, shrubs, and grasses for “Deciduous Forested Wetlands and Floodplains; Along the Willamette and the Columbia Rivers, the large floodplains and wetlands support a riparian community dominated by deciduous trees”

## 2.4

## DECIDUOUS FORESTED WETLANDS AND FLOODPLAINS

*Along the Willamette and the Columbia Rivers, the large floodplains and wetlands support a riparian community dominated by deciduous trees.*



The soil ranges from loamy to sandy or gravelly, and well drained but with a high water table and frequent flooding. Water saturates the soil much of the year. The dominant trees are black cottonwood, Oregon ash, various willows, and red alder, all of which can quickly recover from periodic flooding.

On higher ground which floods less frequently big-leaf maple and garry oak are common. Western red cedars appear in the transition zones between the lowlands and the forested bluffs overlooking the rivers.

This is a dynamic community that responds to periodic flooding and high disturbance; floods which can rip trees out of the ground or bury them with sediment. Plants are typically fast growing and can readily reestablish themselves after a disturbance.

### 2. NATIVE PLANT COMMUNITIES

#### KEY

Most common species appear in bold type

*Italic type indicates species that rarely occur in this community within Portland*

	Latin Name	Common Name
TREES	<i>Alnus rubra</i>	Red Alder
	<i>Crataegus sutsdorfii</i>	Black Hawthorn
	<i>Fraxinus latifolia</i>	Oregon Ash
	<i>Populus balsamifera</i> var. <i>trichocarpa</i>	Black Cottonwood
	<i>Populus tremuloides</i>	Quaking Aspen
	<i>Salix lucida</i> ssp. <i>lasianдра</i>	Pacific Willow
	<i>Salix scouleriana</i>	Scouler Willow

## Attachment B

### Pierce County, Washington Draft 2012 Trail Design Guidelines

<http://www.co.pierce.wa.us/DocumentCenter/View/4979>

#### Trail amenities:

- Bike racks
- Benches
- Tables
- Fencing
- Drinking fountains
- Signage – directional, informational/interpretive
- Restrooms
- Trash/recycling containers
- Lighting

#### Benches

Benches provide people of all ages and abilities a place to sit and rest along the trail. When designing or purchasing a bench, consider user comfort, simplicity of form and detail, ease of maintenance, durability of finish, and resistance to vandalism. Above all else, benches should accommodate all users and should include back rests and arms. Typically, a bench's seat is located between 16" and 18" above the ground, with handrails at the end between 6" and 12" above the seat. The depth of the seat ranges from 18" to 20". Usually a width of 24" to 30" is allotted per person. Benches and other furniture should be placed away from pedestrian and bicycle circulation paths, at least 3' from the trail edge, to allow adequate room for people's outstretched legs. There must be a clear level space where a person using a wheelchair can rest adjacent to seated people. This area must be at least 30" by 48" and should be located adjacent to the benches. Benches must be positioned on an accessible surface with an accessible walk to the seating area.



Existing bench example



Accessible bench.



Metal vertical slats bench  
Source: Barco Products

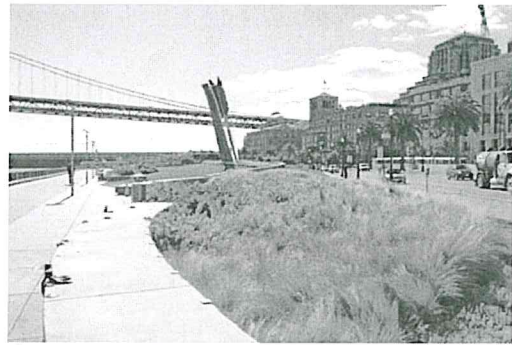
**Attachment C – Riverfront Vision Planning Process, Comments on Development and Design of Paths, Trails and Open Spaces**

## Parks, pathways and open spaces



Green – 11; Red – 3

- These are really urban/big city applications
- Like historic/personable looking lights



Green – 1; Red – 8

- Like pilings and natural look!
- Nature drives pilings?



Green – 4; Red – 3



Green – 6; Red – 4



Green – 12; Red – 1

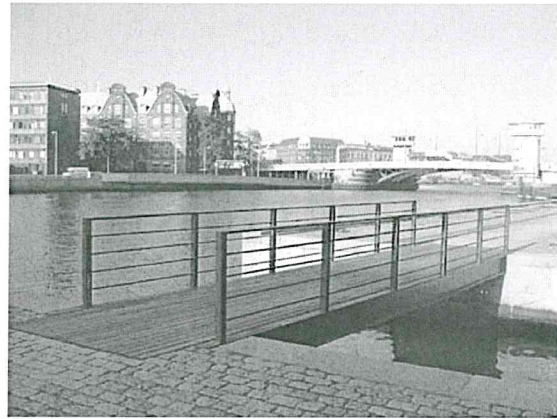
- I don't like wood. It's going to rot. Stone would look better.
- Wood makes some sense when it's over water, but on land it looks fake/unreal.



Green – 3; Red – 8



Green – 1; Red – 8



Green – 2; Red – 2



Green – 6; Red – 0



Green – 0; Red – 5

- These cobbles are smart application. For repairs, you just remove the stones and reuse the stones when you are done.



Green – 7; Red – 1



Green – 4; Red – 4



Green – 7; Red – 2



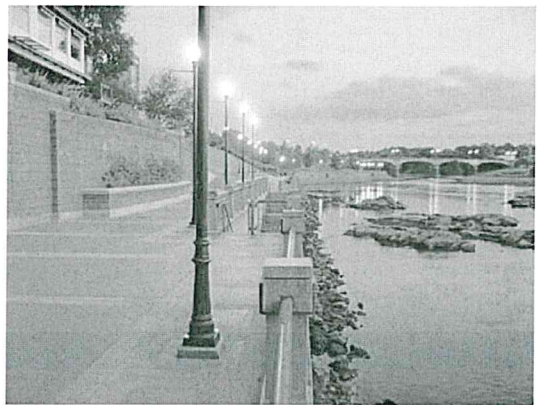
Green – 1; Red – 2



Green – 9; Red – 3



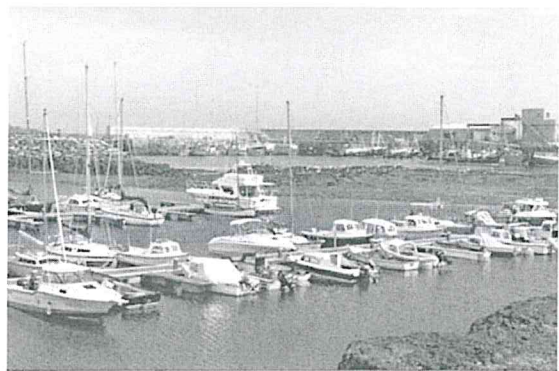
Green – 13; Red – 0



Green – 7; Red – 1



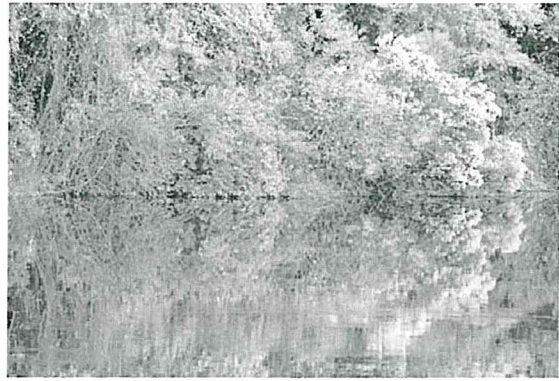
Green – 10; Red – 1



Green – 8; Red – 1



Green – 7; Red – 2



Green – 5; Red – 0



Green – 5; Red – 5



Green – 9; Red – 1



Green – 14; Red – 0



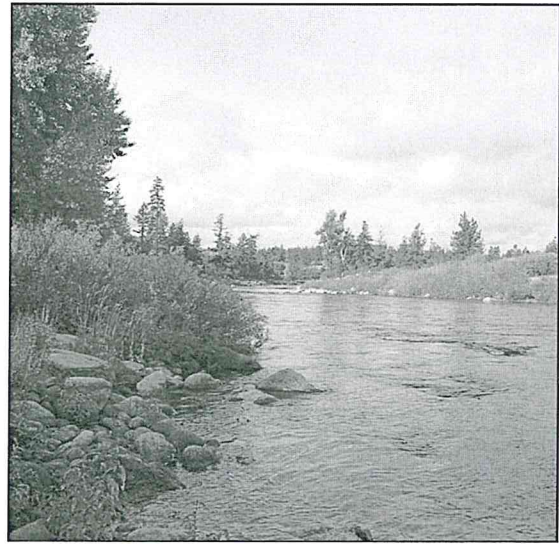
Green – 8; Red – 0



Green – 8; Red – 4



Green – 7; Red – 3



Green – 8; Red – 0



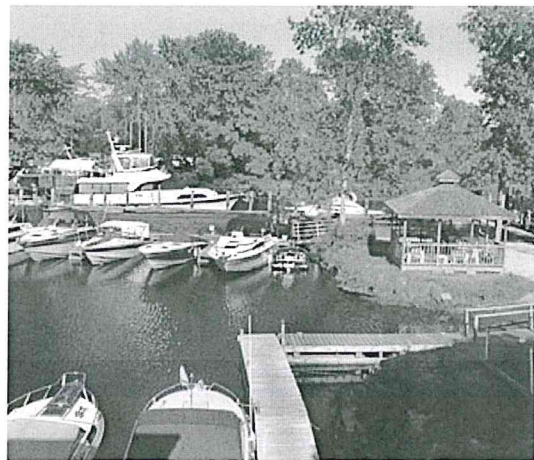
Green – 7; Red – 0



Green – 9; Red – 3



Green – 16; Red – 1



Green – 2; Red – 5



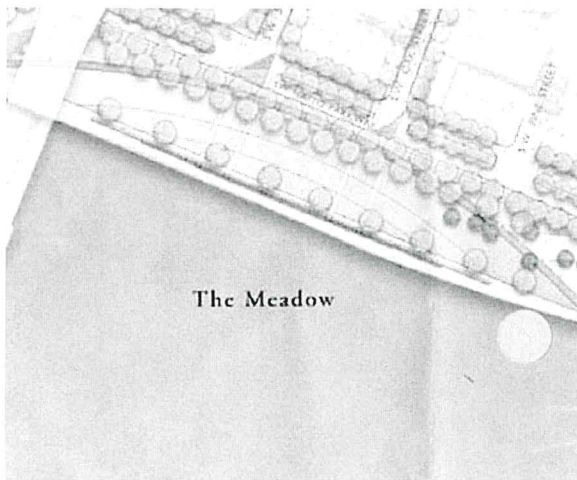
Green – 6; Red – 2



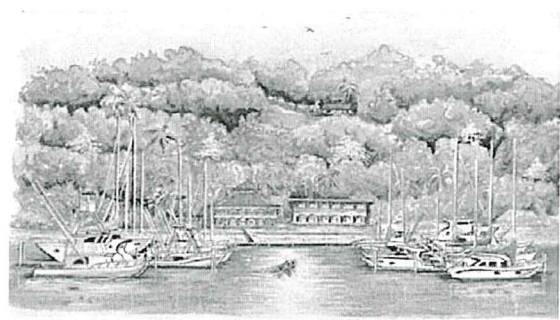
Building: Green – 0; Red – 8

Pathway/trees: Green – 10; Red – 1

- Wall and trees nice! Not buildings.



Green – 9; Red – 1



Green – 1; Red – 1

General comments:

- I'd like to see development commercial/residential above and pedestrian below. Continuous pedestrian walkway (I don't see picture)



Green – 8; Red – 1