



AGENDA

ASTORIA PLANNING COMMISSION

July 22, 2014

6:30 p.m.

2nd Floor Council Chambers

1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. May 27, 2014
 - b. June 24, 2014
4. PUBLIC HEARINGS
 - a. Parking Variance V14-06 by Jennie Hillard for Rod Gramson, from the required two off-street parking spaces to increase the existing single-family dwelling to a two-family dwelling with zero off-street parking at 1626 Grand in the R-3, High Density Residential zone. The applicant has requested that this item be continued to the August 26, 2014 meeting.
 - b. Conditional Use CU14-08 by Rickenbach Construction, Inc. for Columbia River Maritime Museum to locate professional offices in an approximate 2,600 square foot portion of an existing commercial structure at 1777 Marine in the FA, Family Activities zone. Staff recommends approval of the request with conditions.
 - c. Amendment A14-03 by Stefanie Slyman of Harper Houf Peterson Righellis, Inc for Nomadic Properties LLC, and Cannery Loft Condominium Owners Association to amend the land use and zoning map to rezone an area from GI (General Industrial) zone to S-2A. Staff recommends the APC recommend that the City Council adopt the ordinance.
 - d. Amendment A14-02 by the City of Astoria Community Development Department to amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential zone; add Civic Greenway Overlay zone; add clear and objective design standards for residential development; renumber several zones and overlay zone; misc. related changes with new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Streets, from the C-

3 (General Commercial) zone to CR (Compact Residential) zone. Staff recommends that the Commission recommend adoption by the City Council. The City Council meeting is tentatively scheduled for August 26, 2014 at 7:00 p.m. in City Hall Council Chambers. This item was continued from the June 24, 2014 Planning Commission meeting. The public hearing was closed at the June 24, 2014 Planning Commission meeting and Commission deliberation was continued to the July 22, 2014 meeting.

5. REPORT OF OFFICERS

6. ADJOURNMENT

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

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
May 27, 2014

CALL TO ORDER:

President Nemlowill called the meeting to order at 6:30 p.m.

ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Vice President McLaren Innes, Kent Easom, Peter Gimre, and Sean Fitzpatrick

Commissioners Excused: David Pearson, Thor Norgaard

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

APPROVAL OF MINUTES:

ITEM 3(a): February 25, 2014

President Nemlowill asked for approval of the minutes of the February 25, 2014 meeting. Vice-President Innes moved that the Astoria Planning Commission approve the minutes, with the following correction:

Page 3, just below the halfway mark – “Commissioner Fitzpatrick Gimre believed the quotes could be interpreted two ways...”

Motion seconded by Commissioner Gimre. Commissioner Easom abstained. Motion passed 5 to 0 to 1.

ITEM 3(b): April 22, 2014

President Nemlowill asked for approval of the minutes of the April 22, 2014 meeting. Commissioners Fitzpatrick and Gimre noted the following corrections that needed to be made:

Page 3, two-thirds down on the page – The motion should reflect that Commissioner Norgaard voted for and Commissioner Fitzpatrick voted against CU14-04.

Page 2, at the bottom – “Commissioner Gimre appreciated Mr. Smithart’s explanation...”

Page 3, the second and third paragraphs – References to Commissioner Norgaard should be changed to Commissioner Gimre.

Commissioner Gimre moved that the Astoria Planning Commission approve the minutes of April 22, 2014 with the corrections noted above; seconded by Vice-President Innes. Commissioner Easom abstained. Motion passed 5 to 0 to 1.

PUBLIC HEARINGS:

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

ITEM 4(a):

CU14-06 Conditional Use CU14-06 by Beth and David Fitch to operate a two bedroom bed and breakfast in one unit of an existing three unit dwelling at 1109 Harrison in the R-3, High Density Residential zone.

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

Commissioner Fitzpatrick declared a potential conflict of interest, as he owns 39 residential units within a block of the Applicant's property, another 8 residential properties two blocks away, and another 20 residential units located further from the property. He passes the property daily and his home and office have views of the property. He did not see this as a conflict because he and the applicants are not direct competitors; they have different products and price points, and approval of this application would reduce the supply of rental properties, which would indirectly create higher rents for his properties. However, he had concerns about the application. He offered to recuse himself and speak as a member of the public upon the request of the Applicants, City Attorney, or President Nemlowill.

City Attorney Henningsgaard said Commissioner Fitzpatrick would have a conflict of interest if he stood to benefit financially. If Commissioner Fitzpatrick believed the questions of proximity or similarities between the businesses would cause him to prejudge the application in an unfair manner, then bias becomes an issue. Commissioner Fitzpatrick could participate if he believed he could weigh the evidence and apply the criteria in a fair and even manner.

Commissioner Fitzpatrick said he believed he could be fair, but did have knowledge of some issues. City Attorney Henningsgaard said ex parte contacts could also be an issue if Commissioner Fitzpatrick had done any investigations of the application outside the scope of this hearing. Commissioner Fitzpatrick stated he had spoken to a few neighbors. Prior to seeing the application, he spoke with the current tenants. Earlier that day, he received emails from two of the tenants about unrelated matters. He had asked about the parking situation at the property and confirmed his beliefs about the parking by speaking with the adjoining property owner. He also spoke with the adjoining property owner about her feelings on the application.

City Attorney Henningsgaard said the Applicants would have the opportunity to discuss their concerns about those conversations. He asked Commissioner Fitzpatrick, given those conversations, if he believed he could weigh the evidence impartially. Commissioner Fitzpatrick confirmed that he believed he could.

Commissioner Gimre declared that he grew up in the house next door to the property. He still maintains the house and did not believe he had any kind of conflict. City Attorney Henningsgaard agreed.

President Nemlowill asked Staff to present the Staff report.

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

President Nemlowill called for questions of Staff. Hearing none, she opened the public hearing and called for a presentation by the Applicant.

David Fitch, 88916 Youngs River Road, Astoria, explained that he had been looking for space to house family visiting from out of town for extended periods. While it has worked fairly well in the past to have three long-term rentals, he wanted to try the bed and breakfast to see if it would help accommodate his family. During the periods when no family is visiting, income previously received from the long-term rental could be made up. He offered to answer any questions.

Commissioner Gimre noted the Applicant started to paint the house and asked if he had plans to complete the painting. Mr. Fitch said yes, he had been talking with a commercial painter.

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

Commissioner Gimre said the application met all of the criteria and he saw no reason to deny the request. Commissioner Easom and Vice-President Innes agreed.

President Nemlowill said she was concerned with the criteria that neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large-scale commercial, industrial, and public uses or activities. She believed the volume of requests that the Astoria Planning Commission had been receiving for transient lodging in neighborhoods, collectively, were an unnecessary intrusion on neighborhoods and their sense of community. Therefore, she did not support the application.

Commissioner Fitzpatrick recalled that in previous votes, he was not opposed to residential properties being used as bed and breakfasts. He and his wife received approval to operate a bed and breakfast in his nearby apartment complex, which for unrelated reasons, they chose not to pursue. However, his property and the properties for which he voted in favor of all had adequate designated accessible off-street parking and this property did not. Harrison is a narrow street, with a 60-foot right-of-way and 22 feet of pavement. The current tenants park three vehicles on Harrison and one in the driveway. It appears as if it is legal to park on both sides of the street. With three or more vehicles being parked on the street, there is only room for a vehicle to travel in one direction. When fire trucks drive up 11th Street, he grabs his keys in case they are headed to his complex. When the fire trucks pass Grand, heading to Harrison, he watches to see which direction they go. He believed the fire trucks usually take Harrison just to practice threading the needle. If there is oncoming traffic, gridlock occurs, as there is no way to get through. There are very few driveways and places for a car to pull off the street. During evenings and weekends, the street can only accommodate one-way traffic. In the 10 years that he has owned the nearby properties, he has never seen a car go into or out of either of the two-car garages and he has never seen a car parked in what the Applicants claim is the parking space. He walked to the property about an hour ago to check one of his units around the corner. The Applicants have a garden with a bench and potted plants laid out there. He views the property from his home and office and walks and drives past the property several times each day. The alleged five off-street parking spaces are not and have not been used as parking for as long as he has been familiar with the property. While he has voted in favor of similar applications, he stated he was not in favor of this application.

Commissioner Gimre moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use 14-06 by Beth and David Fitch, with Conditions; seconded by Commissioner Easom. Ayes: Vice-President Innes, Commissioner Gimre, and Commissioner Easom. Nays: President Nemlowill and Commissioner Fitzpatrick Motion passed 3-2.

President Nemlowill read the rules of appeal into the record.

ITEM 4(b):

A14-02 Amendment A14-02 by the Astoria Community Development Department to amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential Zone; add Civic Greenway Overlay Zone; add clear and objective design standards for residential development; renumber several zones and overlay zone; misc. related changes with new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Street, from the C-3 (General Commercial) zone to CR (Compact Residential) zone. Staff recommends that the Commission recommend adoption by the City Council. The City Council meeting is tentatively scheduled for July 7, 2014 at 7:00 pm in the City Hall Council Chambers.

President Nemlowill asked Staff to present the Staff report.

Planner Johnson briefly reviewed the written Staff report, noting that Matt Hastie would review the Code amendments. Instead of reviewing the entire Staff report, copies were made available to the Commissioners and the audience. She noted the Staff report addressed the various Comprehensive Plan sections that are applicable to the request, all of the sections concerning the Buildable Lands Inventory due to zone changes, and transportation issues pertaining to the change of uses in the area. She offered to answer any questions after Mr. Hastie's presentation. The only piece of correspondence received was a letter from Bob Goldberg, which was included in the Staff report.

President Nemlowill gave the Commissioners a moment to review the letter from Mr. Goldberg. She asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no

objections. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, she opened the public hearing and called for a presentation by the Applicant.

Matt Hastie, Angelo Planning Group, 921 SW Washington Street, Suite 468, Portland, said his firm had been assisting the City with the proposed Code amendments. He highlighted the recommended Code amendments via PowerPoint, noting that the amendments were intended to implement land use recommendations in the Riverfront Vision Plan.

President Nemlow called for questions from the Commission. Hearing none, she called for any testimony in favor of or impartial to the application. There were none. She called for testimony opposed to the application.

Floyd Holcom, 100 39th Street, Astoria, said he opposed the amendments for numerous reasons. Many things have been combined into two ordinances that affect a large portion of the east end of Astoria. At the last meeting he attended, three of the five people who testified did not live in the area. He left that meeting thinking that the opinions of those who live and work in the area did not matter. He constantly heard that the public supported the consultant's recommendations. All of the meetings he attended and the work he has done over the last 18 years was not included in the consultant's report or the Comprehensive Plan report from the Planner's office. Many people who work on the waterfront have very little time to defend their positions. However, he spent two days reading the ordinance changes. If 25 percent of the assessed value is used to change a building, the entire amount for everything a building owner does is affected. Clatsop County has kept assessed values down for so long because of Measure 51. The assessed value of Pier 39 is currently about \$650,000. This means if he spent \$65,000 to \$100,000 improving his historic building on Pier 39, he would trigger everything in the new zoning ordinance and his building and its use would be non-conforming. He recalled when his office was on 31st Street before Safeway came to town. Many people were planning the entire east end of Astoria. Many of the things they were able to move forward with were not done overnight. However, the Riverfront Vision Plan and the proposed ordinance amendments were done overnight in his opinion. All of a sudden, he must stop to read the documents. Now, his historic building is non-conforming even though it is included in the Comprehensive Plan. He questioned how to tell this to the bank, the Division of State Lands, and to all of the people he must work with to get approvals for what he does. He believed the Code amendments needed to be changed to accommodate his and the other building on Pier 39. Royal Nebeker's building was assessed at \$6,500, so if Mr. Nemicker wanted to put a new roof on his building, he would trigger a review and his building would be non-conforming as well. The Code amendments have nailed the only two buildings on the waterfront. He apologized that he was not 15 feet above the mean high water mark. The consultant did not conduct any engineering study for the development plan, with regard to the 15-foot height limit. He added that Planner Johnson was currently being challenged by Federal Emergency Management Agency (FEMA) on the flood plain maps. When the railroad laid track through Astoria in 1897, the 100-year flood plain was set at the elevation of the railroad track. Floodwaters have come close to the tracks a couple of times, but not over it. He questioned what would happen if he followed the new standards and FEMA told him his foundation could not be below the 100-year flood plain. Fifteen feet above the mean high water mark would put his foundation about eight feet above the 100-year flood plain and he would not have much room left. He questioned why the area included everything at the Maritime Museum and down through 41st Street. He was concerned about uses in conjunction with the Maritime Museum. For the last 10 years, he has hosted the Hanthorn Cannery Foundation's Bumble Bee Reunion. Now, he must call the Maritime Museum and host the event in conjunction with them. This is a public activity. He questioned what this had to do with his building in the Overlay Zone. Pier 39 has nothing to do with the Maritime Museum. He supports the museum, but the museum is not a government entity. He did not understand why he would have to work in conjunction with the museum. He believed the museum had enough going on right now. He believed there were many things in the proposed amendments that the City should spend more time on. Many things in the proposed amendment affect many people on the waterfront within the zone. Now, people will be educated. If the Planning Commission approves this, people will go to City Council. He did not believe the Code amendments deserved to go to City Council yet. He recommended that the Planning Commission go back through the documents, host more public workshops, and get all of the fine details aligned. He wanted people within the zone to have the opportunity to attend Planning Commission meetings to discuss how these Code amendments would affect them. He has spoken at public hearing twice and he has only one of two buildings on the waterfront. His concerns, which have been pretty well outlined, have not been heard. He did not believe the proposed changes were consistent with the Comprehensive Plan. While the Riverfront Vision Plan may have been adopted, it was not really adopted into the Comprehensive Plan. He questioned how the City could pass an ordinance that was not in the Comprehensive Plan. If he decides to spend \$300,000 on his building, he did not want to be subject to all of the proposed criteria all of a sudden. He believed the buildings should be grandfathered and building

owners should not have to explain what has happened on the waterfront over the last 145 years. He thanked the Planning Commission for their time and effort. Many things still needed work and he did not believe the proposed changes should be passed to City Council.

Planner Johnson clarified that the public use in conjunction with the Maritime Museum is a specific use. However, the requirement does not prohibit other uses in other buildings. Pier 39 is a private entity, not a public entity that would fall under other codes allowing water-related uses like marinas, fish retail outlets. The public use in conjunction with the Maritime Museum is specific to a public non-profit use.

Director Estes added that the language currently exists is Astoria's Code. The current Code language could be amended to refer just to public use.

Planner Johnson noted that the two historic buildings were exempt from design review in the draft; this was to encourage redevelopment and restoration of these buildings. She apologized that she was unable to find the exemption in the current draft and believed it may have been accidentally omitted. Buildings over the water constructed prior to a specific date should be exempt. The Planning Commission could vote to approve these amendments with corrections and changes and Staff would put the exemption back in to the draft.

Mike Weston, Executive Director, Port of Astoria, thanked Staff. He said that as a former planner, he understood all of the hard work that went into these amendments. Angelo Planning Group has done a great job. Currently, the zone at the Port is Marine-Related Industrial Use, which does not include a height restriction. There is a difference between a typical overlay and Astoria's zoning code. The proposed amendments put an overlay on top of a zoning code. Overlays are usually more in line with design review criteria and serve as guidelines that promote the kind of development the City is seeking. However, the proposed amendments place restrictions on height and size that could devalue property. This could cause property owners to face economic hardships in the future. There are currently multiple things going on at the Port, some development, some concepts, and some proposals. The Code amendments would conflict with those uses, preventing the Port from doing certain things. He believed Astoria was built on its working waterfront, which is a key feature for the city. Putting restrictions on the waterfront is not a good idea as the unpredictable economic ramifications this would create would be numerous. Jobs would be lost. Properties would be impacted, as they would not be developable. Property owners would be put into a stalemate, unable to move forward on anything. He recommended the Planning Commission do more work on the amendments. The proposed height limit is better because it is above the ordinary high water mark. However, this height limit results in a 7-foot high building, which is not sufficient to meet the need. The maximum gross floor area of 4,000 square feet would not do anything for him. He has garages at the Port larger than 4,000 square feet and he is unable to do anything with them. Direct limitations do not need to be applied. He suggested more of a constructive design review criteria that would allow creativity to make things look nice. The proposed standards would devalue the economic possibilities on public land and for the waterfront owners. He recommended Staff be directed to develop a more creative and fluid document that allows more creativity.

Tim Ramis, 2 Center Point, Lake Oswego, said his law firm serves as general counsel for the Port of Astoria and represents Pier 39. He presented a letter, on behalf of the Port, opposing the proposed amendments. Limiting height, size, use, and the distance between buildings, as proposed, completely undermines the Port's use of its property. This proposition is difficult for the Port, given its responsibility as a steward of public land. It is not unknown in Oregon for Planning Commissions to face situations where one set of values is argued by one constituent group, while a port has economic development and employment interests. Examples of this include the development of lands in northeast Portland where the Port of Portland went against environmental regulations and the Port of Hood River where the recreational uses of the waterfront needed to be balanced against employment uses. In each of those cases, the entities have not ended up in conflict to the point that lawyers were arguing with each other because there has been a reasonable balancing of interests. The resolutions in those cases were not as one sided as what is proposed in Astoria. The proposed amendments leave no serious economic ability to use land in a way that meets the public mission of the Port. As stated in its letter, the Port suggests the City take time to focus on the design issues and allow development to take place in the area so the Port can pursue its mission. The current design solution is 4,000 square foot buildings, 25-feet wide, spaced 75 feet apart, with certain limitations on use. This seems to be a blunt instrument way of designing a waterfront and does not seem effective for anyone. He suggested other solutions be explored. The harbors in Sydney and San Francisco are places where interests have been balanced in an effective way, allowing all users to enjoy the use of those areas. He asked the Planning Commission to remember that the Riverfront Vision Plan

has no legal status under Oregon law because it is not a legally adopted document; its policies are not legally binding in any way. The binding policies are found in the Comprehensive Plan and Zoning Code. The Comprehensive Plan states that major Port development will be encouraged at the existing Port docks and the East End Mooring Basin. The policy of the City, as presented to the State of Oregon in order to obtain acknowledgment of the plan, stated that major development by the Port would be encouraged. The overlay does not accomplish this and is not consistent with the policy. The Development Code for the A-1 Zone states that the purpose of the Aquatic 1 Development Zone is to provide for the maintenance, enhancement, and expansion of areas, activities, and structures needed for navigation and water-dependent industrial, commercial, and recreational uses. The adopted policies that are legally binding do not support the plan as it has been presented. Therefore, he asked that the Planning Commission take time to focus on design issues and address the legal policies, rather than just the policies of the Riverfront Vision Plan, which is not a legally binding document.

Jan Faber, 3015 Harrison Avenue, Astoria, said he has had many visitors. He takes his visitors to the Riverwalk, which he is proud of because the City put so much effort into building it. The Riverwalk is used by countless numbers of people during the day, as it is a great attraction in the city and makes the city more useable. He spent part of his winter in Fort Meyers, Florida, where the City Council indicated that riverfront land was too valuable to be a park and should be developed. Parks and forests are not built by developers; they are set aside from development. He was proud of Astoria and ashamed of Fort Meyers. Last month, he was at Central Park in Manhattan, New York, where the park land is priceless. The park had been set aside for non-development and is a focus for all of the residents. All of the housing near the park has gone up in value because they have access to the park. One neighborhood has a green path that divides the housing and runs south along the Hudson River. This riverfront land is too valuable to be a park. When the green path was preserved as a park, the apartment buildings along the path went up in value. Preserving land for citizens and for development does not mean development needs to be in the park. The reason people want to build on the riverfront is because Astoria has created things like the Riverwalk. Once the area gets crowded with houses and view corridors, the city will no longer have that appeal. The entire downtown area of Montevideo, Uruguay is on the riverfront, where there is no housing or development on the river. One side of the river is a public park and the other side is apartments with a view of the river, facing the park, and not blocking anyone. The apartments are very valuable because of their access to the river and the park. The proposed amendments allow for 10 foot corridors, little alleyways where people can go to see the river. What will happen to the wow factor when people come to Astoria? Currently, people think the view is beautiful. He believed the land was too valuable to be a park. Little housing clusters and little buildings along the side seem good for development in the short term. However, Astoria will lose future visitors. A 12-foot building along the Riverwalk might as well be 30 feet because the river cannot be seen. It is not great to peak between buildings to see the river. The condominiums east of 39th Street created a canyon along the Riverwalk, preventing views of the hills in Astoria. Omitting setbacks on the land side of the trail is incredible. You don't get the feeling of being blocked in when you get to the Hampton Inn. The plan is basically development; it includes housing clusters, but does not address preservation of greenways. He wanted a greenway for walking along the river, not exceptions, corridors, and viewing stands. Portland's Waterfront Park and the Mackenzie River in Eugene, Oregon were created this way. He was disappointed that he did not see this in the plan. He asked the Planning Commission to think about his concerns as they consider adopting the amendments.

Shel Cantor, 1189 Jerome, Astoria, said he did not live on the river, but believed he was entitled to speak because many people have access to the river and the Riverwalk is available to everyone. He read the following testimony into the record:

Three months ago, during your February 25 meeting, while debating a one-story allowance versus a riverbank height restriction for new construction over the river in the Civic Greenway, the two Commissioners who favored a one-story allowance supported that position by asserting no one would ever build there. According to the minutes from that meeting, Commissioner Gimre "believed it was unlikely that development would occur along this section of the river, agreeing that it would likely be cost prohibitive. He did not anticipate development regardless of the restrictions. It is good to have code, but he did not believe development would be an issue. Therefore, he had no concerns. [in favoring the one-story allowance] "Commissioner Fitzpatrick agreed. He believed the proposed [one-story] height limit would not result in any feasibility issues."

The minutes recount President Nemlowill's response as follows:

"Some Commissioners did not believe building height mattered because development would not occur in the Civic Greenway Area anyway. So, why not lower the building height?" If, for argument's sake, we presume that it would be foolish to try to build new construction over the river in this area, then the only people who could conceivably be inhibited by a riverbank height restriction would be those who would have otherwise tried to do

such a foolish thing. One of the strongest rationales for implementing any restriction is to prevent people from trying to do something foolish, leaving the rest of us to deal with the consequences.

In addition, getting back to this lack of concern, if a resident, as opposed to a Planning Commissioner, truly believes no one would build above the riverbank height in this area, that resident should not be concerned with whatever restriction there might be. But a Planning Commissioner does not have that luxury. With all due respect, the obligations of a Commissioner go unfulfilled when a Commissioner takes a position and claims his ability to predict the future excuses him from his responsibility to justify his position. Furthermore, you've been tasked to implement the Riverfront Vision Plan. Whether or not any of the code you approve for that purpose ends up being superfluous and whether you can infallibly predict that outcome are both irrelevant to your task. So now turning to that task, again from the minutes of your February 25 meeting, where Mr. Hastie's opening presentation to you is summarized, comes the following: "Limiting building height to the bank height was a popular idea at previous work sessions; however this would prohibit building anything other than a marina or dock, and essentially eliminate the ability to have any kind of actual building. This could be what people are looking for, but [Mr. Hastie] and Staff did not believe this was consistent with the Riverfront Vision Plan. Director Estes noted the Riverfront Vision Plan does not state that there would be no development in the Civic Greenway Area, but that development would be limited." I can corroborate that. Because the Plan explicitly calls out what that allowable, limited development could be, giving three, and only three, examples: "docks, piers, marinas," all structures routinely below riverbank height. That is the limited development the Plan's actual words allow, not one-story buildings.

The meeting minutes continue: "The committee that worked on the recommendations for the Plan agreed that small buildings associated with water-dependent and water-related uses would be acceptable in the Civic Greenway Area like a bait shop, snack shop or smoke shop." I was not able to corroborate that. I don't doubt that was discussed by the Steering Committee as they formulated the Vision Plan. Yet, when I searched for the words "bait" or "snack," or "smoke" in the Vision Plan appendix, which includes the Steering Committee meeting minutes, I didn't find any mention of those words. What I found there, however, is that Steering Committee meeting #8 (on April 21, 2009) was the only meeting wherein the minutes included any decision by the committee regarding over-water development in the Civic Greenway.

Here is the relevant excerpt on that subject. "The committee also agreed that several types of improvements should be allowed in these areas, such as piers, docks, marinas and repairs or renovations to existing structures."

Incidentally, the minutes of the subsequent Steering Committee meeting, on June 9, 2009, include the following: "Steve Faust gave a brief summary of results from the Civic Greenway and Neighborhood Greenway open house. Approximately 40 people attended the open house, [several of Faust's comments were included here, finishing with] They do not want to see overwater development in these areas.

"Steering committee members who attended reported on their conversations with open house attendees. They generally confirmed Steve's summary and also noted that people want to see open spaces and broad vistas in these areas... Some participants also say they have concerns about their voices being heard." If you reviewed the Vision Plan appendix, you observed that the theme of we "do not want to see [new] overwater development" predominated, and the concern about our "voices being heard" was often repeated in the feedback documented in that appendix.

Returning to your task now, Staff has instructed you on several occasions that you are not allowed to change the Vision Plan, because this Plan was approved by the City Council as written. The Plan states, "such as docks, piers, marinas;" not, "such as bait shops, snack shops, smoke shops," nor any other example of a building above the riverbank height which would block our river vistas. The Vision Plan also states the primary objective for the Civic Greenway is to protect our river vistas. You do not protect a view by allowing it to be blocked. Therefore, it is the one-story allowance which does not comply with the approved Plan. In contrast, the Riverbank height restriction protects our river vistas and allows precisely the limited development specifically called out in the Plan "such as docks, piers, marinas." The riverbank height restriction is consistent with the spirit and objective of the Plan, consistent with what residents who participated in the Visioning process overwhelmingly wanted, consistent with the documented decision of the Steering Committee in formulating the Plan, and, most importantly for your task, consistent with the actual words in the approved Plan.

Commissioners Nemlowill and Innes staunchly understood this. As a result, to date, according to your minutes, there has not been a single working session when a majority of the Commissioners present endorsed the one-story allowance. I urge you to poll yourselves this evening. Let each commissioner, in turn, state clearly for the record which of the two options meets your requirement of complying with the approved Vision Plan, and please justify your position.

George Brugh, Astoria OR said he has lived in the community for 45 or 46 years. He owns a parcel that is proposed to be rezoned as Compact Residential. He believed this zone should be at Mill Pond, not on his commercial parcel. At one time, he had barge loads of rock and sand delivered to this parcel, which required a water-dependent use. He has since sold this business. He commended Mr. Holcom and Mr. Weston for what they have attempted to convey to the Planning Commission. Mr. Holcom had the opportunity to spend two days going over the proposed code amendments, but he has not done the same. He believed there would be an appeal if the Planning Commission is unable to see the light at the end of the tunnel. The greenway Astoria currently has at the river is enjoyed every day and he could not see how it would go anywhere else or be built on. He owns about six parcels in the water on the other side of the Riverwalk and he did anticipate he would not own them much longer because there is no future for those parcels. The Riverwalk views must be protected. Maybe we could keep from getting into a cluster.

Cindy Price, 1219 Jerome, Astoria, said a lot of history was being discussed at this meeting. She believed what Mr. Cantor did was very important, going back over the history of what had been promised, said, and discussed. Citizens elect people based on what they say. Elected officials appoint Planning Commission members based on how the public has voted for them. There is a lot in the record, but she was not able to find anything about bait shacks, snack shop, sea lions, dogs, or baby carriages. The record does reflect that virtually everyone, except for the few people who own property in the area, want to protect broad vistas and views. This is in the minutes of the various meetings. She was attending meetings from the beginning in early 2008. At a recent meeting, Mr. Cantor spoke about the Civic Greenway Area being the bone that was thrown to the people who wanted much less development than the current Plan allows. She believed Mr. Holcom had some good points and she agreed that it was too early to send the code amendments to City Council. There is a lot that needs to be looked at. She believed Pier 39 was a marvelous addition to the waterfront and she did not believe the owner should be limited to \$100,000 in improvements; this seemed nutty to her. When she first came to Astoria in 1996, there was a landscape architect, Robert Murasse, who spoke about the riverfront as being a gem that needs polishing. Mr. Murasse has said that in life and in art, people can become so engrossed in history that it becomes limiting. You can learn from history, but you also have to fight for a path beyond it. She believed this was what Astoria has done over and over again, trying to get away from the fact that Astoria used to be filled with canneries and a working waterfront that everyone supported at the time. Astoria has not been this way for a long time and we need to move beyond this. If the only people who have a say about what goes on along the waterfront are the property owners there, then we have all been wasting a lot of time. Everyone owns the waterfront. Everyone has a say in it, so let's have more discussion about it. She believed that the Riverfront Vision Plan was a good plan. For two years, there was massive amounts of public comment and the Plan is a very nice compromise that needs a little tweaking. She suggested another meeting before moving.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said she became involved in this process when the condominiums near 39th Street were built. She is always walking on the Riverwalk. When the condominiums were built, she began to ask Staff how it happened and how to prevent more from being built. She began discussing ways to change the Development Code many years ago. These conversations have been going on for a while and the process has been very emotional. She understood that the historic buildings, like Pier 39, are not part of the code amendments.

Planner Johnson explained that the intent was to exempt the existing buildings from restoration percentages, so they would not be required to comply with the Civic Greenway Overlay Zone during renovations.

Ms. Menetrey knew that this had been discussed before, so she was surprised that she did not hear it. She agreed with Mr. Cantor and Mr. Faber, who both spoke eloquently. She believed she was speaking for a lot of people who feel strongly about the riverfront. You have to work hard to preserve things. Before the economy tanked, there was talk about building projects. If the City does not have a strict guideline, things will be built. Restrictions must be laid out. Variances and vague code language allow things to be built. This is why the Planning Commission needs to restrict development to riverbank height. She was surprised to see eating and drinking establishments had been included, referring to Page 10, Item 15(f) of the Staff report. She recalled discussing that these establishments would not be allowed and she opposed them. She noted that she was a member of the Riverfront Vision Plan Steering Committee. This area was meant to be clear and have wide open vistas. The Port has come late to this discussion and she questioned where they were over the years spent working on the Plan. Suddenly, at the last moment, the Port has decided to give input, which confuses her. This seems to be skewing things a certain way. She recalled City Attorney Henningsgaard say that legally, the code amendments must follow the Plan and the Port is part of the Civic Greenway Area.

City Attorney Henningsgaard said the Port has property in the Civic Greenway area.

Ms. Menetrey agreed and understood that the Port would be included in any decisions made about the whole area. She was concerned about what the Port wanted as opposed to the rest of the area and whether decisions would be based on what the Port wanted. She clarified that the Port was not considered during discussions of the Civic Greenway Area; the East End Mooring Basin was considered separate. The Port did not come forward, so it was not part of the discussion during the Riverfront Vision planning process. Someone from the Port came forward at a Planning Commission meeting to express their concerns, but the Plan had already been developed. She questioned whether City Council could deal with this separately.

President Nemlowill asked if Ms. Menetrey was suggesting the scope of this stretch of the Riverfront Vision Plan be changed.

Ms. Menetrey said if the Civic Greenway Area was going to be based on what the Port needs, then the Civic Greenway Area and the Port must be separate. She asked if the Port would be limited to the riverbank side, no higher than the riverbank. This could be tricky and the Port might need to be considered separately. Astoria has a gem that must be preserved for future generations. This is absolutely vital.

Sylvia Davis, 2775 Steam Whistle Way, Astoria, said the trolley and Riverwalk are superb. She noted that several bushes along the Riverwalk were over one-story high, blocking part of the river. She believed the Riverwalk should be left alone.

Chris Farrar, 3023 Harrison Avenue, Astoria, appreciated all of the comments that had been given. Upon reviewing the proposed amendments, he agreed with Mr. Holcom that the amendments were too comprehensive to implement as a simple amendment. The amendments should have been separated into parts, as the changes to the plan are radical. He cared about the green, the view, and the open space. He commended Mr. Faber for his comments, which reflected his feelings closely. The riverfront view is worth something; it is worth more than a business that sells French fries and has lasting value. What business has been in Astoria for 200 years in the same building? The edge of the river will remain for thousands of years, even after a tsunami cleans out all of the development built in the flat land. The river is a lasting piece of value and we should not obscure it from people. People are getting too far removed from nature. Many children don't look at flowing water; they look at a picture of it on a screen to try to get in touch with it. We need to be taking children down to the river to get them in tune with the environment and use the great asset to the community. The river is what makes this a fine community. Astoria has commercial areas, but needs open space. People need the opportunity to get their brains back in focus after being immersed in development and noise by walking on the river. He asked the Planning Commission to promise not to pass the amendments on to City Council at this meeting because the amendments are not ready. The amendments throw out the essential greenway entry way to the town. The Planning Commission cannot just throw that out and say that Astoria is not going to have a vision of the river from that location anymore. The basic idea of this part of the Plan was the dog bone thrown to the community. The City would give Astoria a little bit of view down at the east end of town and Astoria would like to keep this view, as this was the deal that the citizens expected the City to keep. He wants the view to be preserved and wants the Planning Commission to walk the full length of the river to get an appreciation for it. Maybe the Commissioners had been away from the river too long. Blocking the view is a bad idea.

LaRee Johnson, 1193 Harrison Avenue, Astoria, said she did not own property on the river, but hearing all of the comments has reminded her of the saying about selling your soul to the devil. She recalled working on the Lewis and Clark Bicentennial, noting that she was on the board for many years. One of the board's first trips was to Great Falls, Montana, where she was impressed with their Lewis and Clark Interpretive Center, which included 17 miles of a river trail along the riverfront. Nothing was on the trail and it was open to the public. People were biking, walking, and enjoying the outdoors. She believed there were health benefits to the community because the open green space encouraged people to get out and walk. People are not as interested in walking down a concrete tunnel, like Seaside created in their downtown. She echoed the previous comments about the amendments not being ready and keeping the area green. Looking down at the river from the Column, it is difficult not to imagine the small canoe that Lewis and Clark came down the river in. When you see the river, you appreciate what the 33 men did to explore the area and establish the community. Astoria has an historic view shed that needs to be preserved without obstructions for generations to come.

Charlene Goldking, Marine Drive, Astoria, said she has lived in Astoria for two and a half years. The vista is absolutely priceless. The view from Jerome is the same as the view from the Column. She can see the view from her apartment. Along the Riverwalk, the weeds are as tall as she is in some areas. Keep what we have, but let's also start maintaining it. Don't sell the vista short because it is priceless.

Tracy Black, 2505 Mill Pond Lane, Astoria, said he and his wife recently moved to Astoria from California. The wow factor of Astoria led to their decision to make it their permanent home. After doing some due diligence, they believed there might be a pier out on the water. However, this seemed to go into the toilet overnight. He wished he had known more about this issue before digging a hole in the ground. It is a shame. He and his wife love the community and the people in Astoria are so friendly and nice. He lived in the same California town for 55 years in the same home and no one said hello when you walked down the street, unless they wanted something. In Astoria, people say hello when he walks down the street. He asked that Astoria be kept the way it is.

Ted Thomas, 398 Atlantic, Astoria, said he agreed with almost all of the other comments, especially Mr. Cantor. He has heard that if the Riverwalk were developed, there would be nothing left but view corridors. He questioned how big the view corridors would be. It is easy to understand that the Civic Greenway Area and the view shed of the Riverwalk is a commons that enriches the entire community. Property values are very tangible, but will be eroded, just like when Central Park in New York City was developed. Enabling development is a taking of public wealth and a closure of the commons.

Jim Wolcott, 2735 Mill Pond Lane, Astoria, said he recently moved to Astoria after spending 45 years looking for a place in Oregon to retire. He noted that he was from Anaheim, California where there is no downtown area. Anaheim is almost as old as Astoria. Everything was moved as the town focused on Disneyland and the downtown declined. The history that existed there disappeared. He was concerned that focusing too much on the east side of town, a Compact Residential zone, high density development, and fish and chip stands over the river would suck more vitality from downtown. We still have an opportunity to do something with downtown as there are still many vacancies. Water-related businesses obviously need to be on the water, but fish and chip shops could be on land. He encouraged the Planning Commission to look comprehensively at what the City wanted to do. It is great to go after tax revenue and development, building 24 units per acre and creating a nifty residential area. However, this creates parking issues and problems with egress. The public hearing for Item 4(a): CU14-06 indicated that parking was 1½ parking spaces per unit. This means 36 parking spaces would be needed to accommodate 24 units per acre. In many cases, the streets are substandard for the existing traffic. He did not believe that enough practical energy had been spent looking at development of the area and its impact on the rest of the community. He urged the Planning Commission to step back and take a look at all of Astoria and consider how major development on the east side would impact the rest of the town.

Pamela Alegria, 1264 Grand Avenue, Astoria, said she had not thoroughly read the proposed amendments, but attended the meeting because she loves the Columbia River. The river is a magnificent river and an economic engine for Astoria. Once development occurs, the river will be gone and Astoria will be just like any other town. Sometimes, people who have lived here all their lives forget the beauty of the river. There are a few clusters. She understood that the Plan had been well thought out, but perhaps not always agreed upon. She could not see using the Plan to develop residences. There are other places to develop and redevelop. She agreed that something should be done about the Port and was not sure 4,000 square feet was appropriate for economic viability. She did not agree with allowing a few people in the cluster development to enjoy the river, as opposed to every resident and visitor. She said she would try to address this, as it pertains to the criteria, in a letter. She asked that the river be preserved.

President Nemowill called for rebuttal.

Planner Johnson recalled comments that the flood elevation could impact how far over the river a building would be allowed. Currently, buildings are to be 12 feet above the bank. This is based on current flood maps. The proposed flood maps are not adopted. Any changes in those maps would be considered in the future. The Plan is based on existing adopted flood maps, not proposed maps.

Director Estes noted that many people at the meeting had not been involved in the process that the Planning Commission had been working on for over six months. Several people commented that they wanted the area to be left as is. Currently, some areas along the river do not have any height limits, which would allow development to occur. The Planning Commission is proposing a new set of guidelines that would establish height limits within

the area, both over water and on land. The proposed code amendments are based on discussions Staff had with the Planning Commission and feedback from the public. At this meeting, the Planning Commission can discuss items they would like to adjust. The new residential area between Mill Pond and Safeway has been proposed because it was part of the adopted Riverfront Vision Plan. This residential area would be compact, consisting of smaller single-family homes on small lots with low heights. This plan reduces the height in some zones, so a developer could not build as tall as the apartment complexes in Mill Pond. This was done at the direction of the Planning Commission.

President Nemlowill closed the public hearing and called Commission discussion and deliberation.

The Planning Commission and Staff discussed the possibility of considering the Port property separately from the rest of the Civic Greenway area. Staff explained how this could be done in accordance with the Riverfront Vision Plan, noting that uses could be changed, but design standards needed to remain consistent. However, recommendations could be made to City Council to amend the Riverfront Vision Plan.

City Attorney Henningsgaard explained that the task of the Planning Commission was to implement the Riverfront Vision Plan and the Riverfront Vision Plan does not segregate the Port property, public properties, or private properties. The Plan does not include a separate set of standards for each type of property. The Planning Commission could make a recommendation that the Plan include such differentiations, but this would likely result in a situation where the Port had no building height limits or other restrictions on the size and scope of the structures.

Director Estes noted for President Nemlowill that the Blueway Zone was a concept that was applied to the entire Civic Greenway Area.

City Attorney Henningsgaard responded to Mr. Ramis' argument that the Riverfront Vision Plan was never officially adopted as part of the Comprehensive Plan. He had not looked into this statement in depth, but it could be true. If the Riverfront Vision Plan was never adopted and it conflicts with the current Comprehensive Plan, the City may need to officially adopt the Plan or portions of it into the Comprehensive Plan.

Director Estes confirmed for Commissioner Fitzpatrick that different types of zoning could be allowed in different areas along the waterfront. Commissioner Fitzpatrick believed the area in front of the Barbey Center was very different from the area near Pier 39. Director Estes said the Planning Commission could consider different sets of uses in different areas, like restaurants and gift shops in one area and residential units in another. City Attorney Henningsgaard said different development standards could be implemented to the extent that they were consistent with the Riverfront Vision Plan. The Riverfront Vision Plan does not specifically mention heights, but does state views should be protected and any overwater uses should be maritime uses. It is up to the Planning Commission to decide how to implement this direction.

President Nemlowill recalled discussion that she did not want buildings higher than the riverbank and did believe uses like eating and drinking establishment should be allowed, as they are not water-dependent uses. Those statements have not been reflected in this application. However, there is real potential for the public to make use of public economic land, like the Port of Astoria, with water-dependent uses that could be small enough to preserve the views and provide more balance and viability to the land. The Port has a mission to create economic development for the public, despite what everyone thinks. Allowing the Port to create jobs could balance the Riverfront Vision Plan well if most of the areas in the Civic Greenway Area had such reduced height limits that there would be no development. She did not have enough information, nor had she received feedback from the public as to whether she supported two or three story buildings over the water along the riverfront on Port property. She supported forwarding a plan to City Council that would reduce development below bank height from the Maritime Museum to the Port property and prohibit uses like eating and drinking establishments.

Commissioner Gimre agreed that the view of the waterfront should be protected for future generations. He did not have a problem with the residential use as proposed because the zone is more height restricted than Mill Pond. He believed the residential zone would bring more people to Astoria. He was concerned with what occurred on the waterfront, but did not want to prohibit what occurred on 39th Street. Therefore, he supported separating the waterfront.

President Nemlowill clarified that she had been speaking about residences over the water, not the proposed Compact Residential zone.

Commissioner Gimre continued, stating that he had no opposition to what was proposed for the south side of the Riverwalk. There is a reason no development, including docks and marinas, has occurred on the north side over the last 50 years; it is cost prohibitive, regardless of height restrictions. He believed all development on the river should be prohibited because he did not anticipate anyone trying to build with the proposed limits.

Mr. Holcom said that for the last 18 years, the City has planned to build an additional marina in the area he owns. If these amendments pass, he would not be able to continue with this plan.

Vice President Innes said the Planning Commission has had a lot of meetings about each part of this plan. The Planning Commission thought they had heard from people who were concerned, interested, and informed. Apparently, there were many more. She has become lost in the details, but hoped the City would end up with a Civic Greenway Area that could be enjoyed as parks and a lot of visuals across the river. She believed the Planning Commission was doing well at finding middle ground on height limits. Throughout the process she felt accountable to some level of development and no level of development and believed the plan had accomplished this. She indicated that she was unsure how to vote.

Commissioner Fitzpatrick understood that the waterfront from 16th to 41st Streets was required to have one set of restrictions. He did not understand how different zoning or uses could be applied to the parcels on the south side, but the entire waterfront had to be considered as one parcel. He had strong feelings about what should and should not be allowed in the area beginning at 16th Street and heading east. He also understood the importance of property rights and allowing a certain level of development on Port property and Mr. Holcom's property. Public input at this meeting clearly indicated that no one liked the proposed amendments. He was aware of this as he left the Planning Commission meeting on February 25, 2014 and there was some misunderstanding about the comments that he and Commissioner Gimre made. He recalled that the height limit would allow a shack that could be used for something like renting kayaks to be built on a floating dock. He was clear that no one could build a building over the water. He did not believe anyone in the audience was suggesting no development at Pier 39, nor did he believe that Mr. Holcom or the Port was suggesting condominiums or any other development be built in front of the Barbey Center. Therefore, he hoped the areas could be divided in some way to allow different height limits in different areas. He was not comfortable with a blanket for the entire area. He wanted to reconsider the proposed housing in the current commercial zone, as at least two people opposed the residential area. He also wanted to know what the Port had planned for their property.

The Planning Commission and Staff discussed where and how to divide the riverfront. The on-land portion of the Civic Greenway Area already allows for different zoning restrictions and varying height restrictions. Therefore, the overwater portion of the Civic Greenway Area was being considered for division. However, this division needed to be done in compliance with the Riverfront Vision Plan.

- Commissioner Fitzpatrick believed the wording indicated that large scale development was not anticipated in the area, rather than prohibiting development in the area. He primarily wanted to change the height and use of various areas on the water, not the landscaping or design review. However, some landscaping might need to be changed as well.
- Proposed use and height restrictions over-water within the area between 16th and 34th Streets, excluding the Port property, was discussed.
 - Commissioner Gimre reminded that building over the water allows public access out on the river, which he believed people would support. He did not have a problem with the height limitation on the river and the proposed uses because those restrictions get more people out where they enjoy being and enhance the waterfront more than no development would. He supported the use and height restrictions as written.
 - Commissioner Fitzpatrick recalled his understanding that the 12-foot height limit would only allow a shack to be built on a floating dock. No one could build a fixed 12-foot structure on piling. He said he defaulted to the height restriction he discussed on February 25, 2014.
 - Planner Johnson clarified that the proposed height limit did not restrict permanent structures. The amendment did not require structures to be built on a floating dock; it only required a height limit of 12 feet above the bank.
 - Commissioner Fitzpatrick noted that this was not his understanding. He and Staff recalled the discussion, noting that Mr. Holcom had brought up issues with tides and base flood elevations. He recalled discussing the height restriction again with City Council, where his understanding of it was

different from the discussion on February 25, 2014. He confirmed that he did not agree with height restrictions and uses as outlined in the current draft of proposed code amendments, especially after the public input at this meeting.

- Vice President Innes was uncomfortable proceeding with the entire draft. Parts of the draft are okay, but there were inconsistencies and lack of information. She was okay with the use and height restriction for over-water development because the Port was excluded and there were no current plans for development.
- Commissioner Easom was opposed to the use and height limit. He believed the use should be more broad and the height limit should be higher. Limiting development by zoning allows for broad view corridors and some development.

Director Estes understood that the biggest issue was overwater heights and uses. The Planning Commission has a variety of opinions, but there seemed to be interest in splitting up the waterfront into areas with low height limitations and areas near the Port with higher height limitations. He asked the Planning Commission to specifically define those areas and set a height threshold.

Mr. Hastie noted that the Compact Residential zoning recommendations in the Riverfront Vision Plan are pretty clear. He believed the proposed code amendments were consistent with the Plan and did not contain as much ambiguity. He heard a few comments about the residential zone, but not many. He agreed that most comments were about the over-water development height and use restrictions.

President Nemlowill said that without a proposal, it was difficult for her to decide what the threshold should be. However, the Riverfront Vision Plan preserves vistas and limits development in this area, but doesn't necessarily preclude water-dependent development.

Planner Johnson suggested that over-water development be limited to the height of the riverbank from 13th to 35th Streets, and 38th to 41st Streets. Over-water development in the area from 35th to 38th Streets could be limited to 28 feet high.

President Nemlowill, Vice President Innes, and Commissioner Fitzpatrick agreed they would be comfortable with limiting over-water development to bank height from 16th to 34th or 35th Streets. Commissioner Gimre said he would support the height restriction to 30th or 31st Streets.

Staff understood that the Planning Commission was not able to determine appropriate height limits at this meeting and asked if they believed the other proposed building restrictions were appropriate for over-water development in the area that includes the Port property. Staff wanted more direction on the Commission's threshold for development within the area before making recommendations.

Commissioner Fitzpatrick did not like the proposed building restrictions for maximum square footage, height, and width. He believed these restrictions were a bad compromise that would not be effective. He and Vice President Innes wanted to know what the Port considered feasible.

President Nemlowill re-opened the public hearing.

Commissioner Fitzpatrick said he would not be opposed to allowing the Port and Mr. Holcom to prepare a presentation to be given at a later time.

President Nemlowill confirmed that the meeting would be continued, but the Planning Commission currently needed to provide Staff with some direction. She invited the public to speak about the Port in an effort to help guide this direction.

Floyd Holcom, 100 39th Street, Astoria, said he agreed with Commissioner Fitzpatrick that he should be given time to prepare a more detailed presentation. He noted past public hearings indicate his plans have not changed over the last 15 years. He would like to continue with these plans. At this meeting, he was focused on whether or not the Planning Commission would forward the code amendments to City Council. His recommendation was to vote against forwarding the amendments and schedule another work session.

Mike Weston, Port of Astoria, said he agreed with the comments regarding the area between 35th and 16th Streets. He did not believe anything would be developed in that area, but did suggest Royal Nebeker's building be exempt from the building restrictions. He explained that the Port has two cruise ships come in at a time and the Port will need a place to put the second cruise ship. He would like to establish a dock, a welcoming center or convention center, and possibly an aquatic center. It was his intention to develop tourist friendly and industry based projects that would promote jobs. The Port has the potential to support manufacturers as well. The Columbia River is developing into one of the top 10 traffic highways in the world. He asked the Planning Commission to consider what the Port does for the community economically. For every dollar donated to the Port, about \$300 is generated. The Port generates about \$550 million in economic return for the community and cruise ships and logging are a big part of this. The Port employs many people and serves as a great economic engine. He asked the Planning Commission to consider what the Port could do with an extra six acres of developable land.

President Nemlowill asked why the Port was not involved in the Riverfront Vision planning process in 2008 and 2009.

Mr. Weston said he did not work for the Port at that time; He was working as a planner for Clatsop County.

Director Estes said the Port was involved in the Vision planning process and there have been some changes in their perspective over time. Mr. Weston confirmed that.

Mr. Weston confirmed for Vice President Innes that the Port was specifically concerned with the property between 35th and 38th Streets.

Director Estes continued, explaining that during the visioning process, the Port was interested in preserving the ability to continue to maintain the East End Mooring Basin. The Riverfront Vision Plan addressed this interest in its provision to include waterfront areas for maritime-related uses, including marinas, etc.

President Nemlowill reiterated that this meeting would be continued and called for more public testimony.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said during the planning process, she did not believe the Port had any specific plans and wanted to leave their options open. There is currently a view of the river from the parking lot and she anticipated this view would be blocked by buildings. The ability to see part of the river while driving was part of the discussion. She did not envision large buildings along both sides, changing the entire nature of what she had been trying to talk about. The spirit of the Riverfront Vision Plan is that the Civic Greenway, from 16th to 41st Street, have very limited over-water development. She anticipated the Port asking for an exception for a specific project, which City Council could consider. However, allowing 28-foot buildings through the entire area is not appropriate. She believed the entire Civic Greenway Area should be a park and encouraged the Planning Commission to keep the bank height restriction. She suggested the Planning Commission suggest to City Council that the Port have some say in getting some variances when they have a project planned.

Jan Faber, 3015 Harrison, Astoria, understood the Planning Commission and the audience agreed that a large part of the area would be free of over-water development above the bank. He did not agree with the argument that the 12-foot height limit would be appropriate because development would not be economically feasible. If the city wants heights limited to bank height, then go ahead and set that limit.

Commissioner Fitzpatrick clarified that he was not just throwing something out there, saying it would not happen. As a business person and a real estate developer, he knows what is feasible and what is not. He reiterated that he had been speaking about a structure on a floating dock that would be a shack to rent or sell something out of. He was not taking this issue lightly, but wanted to make it clear that he had an understanding of the repercussions of a bad decision. He hoped that Mr. Faber and the audience understood. Every one of the Commissioners takes this seriously.

Mr. Faber said he was not suggesting that Commissioner Fitzpatrick had not taken the issue seriously. After sitting through the meeting and reading the Staff report, he understood and commended the Planning Commission for their work.

Shel Cantor, 1189 Jerome, Astoria, understood that Ms. Menetrey suggested the City wait until the Port has a project before considering a variance or exception. He believed the City should also consider whether the Port had funding for the project.

Connie Spencer, 3930 Abbey Lane, A307, Astoria, asked where Mr. Holcom's property was located.

Staff described the exact location of his property using a map, explaining that it was over the water. When Mr. Holcom applied for the zone change to build the Hampton Inn, he had also discussed the concept of a marina.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he believed the wording in any amendments or recommendations to City Council must be definite. Basing restrictions on the idea that no one would build anyway is ridiculous. He was sorry if this offended Commissioner Fitzpatrick. If the City does not want 12-foot high buildings, this should be unarguably stated. It is too risky to simply hope that no one would build 12-foot tall building. He believed Mr. Hastie's comment that large amounts of development were not expected was too nebulous. He wanted to discuss how many lots on land could be developed and asked how wide the lots between 16th and 41st Streets were. He believed some lots were quite large. The proposed restrictions would allow 50 percent of the area to be covered by buildings. He did not want a concrete canyon, like the one near 39th Street. Density should be considered, as well as the height. He hoped the wording would be made legally tight.

Cindy Price, 1219 Jerome, Astoria, said she now understood why Ms. Menetrey fought so hard during the planning process to have zoning as part of the plan. She believed most of the people involved in the planning knew this issue would come up and would take a long time to resolve because it is so complex. She believed the Planning Commission had been doing great and had come to a decision. The decision tonight is whether to send the draft amendments to City Council for approval. She understood that the Planning Commission did not agree with the amendments for one reason or another. She believed allowing the Port exemptions and variances made the most sense because it follows the intent of the Riverfront Vision Plan.

Planner Johnson explained that variances were for numeric issues, like height limits, building width, and square footage. Conditional Use permits allow a specific use under certain conditions if criteria for approval have been met. The use must be listed in the code; it is not a use that is added after the fact.

Director Estes said height could be limited to bank height and a variance could be granted to allow something higher. Usually, variances are requested when there are extenuating circumstances. He confirmed that Staff would present some recommendations at the next Planning Commission meeting on June 24, 2014. He would like to get documents from the Port in advance so they could be included in the Staff report.

Commissioner Gimre said he had commented that 12-foot high buildings might never be built. It is ludicrous to say that he was suggesting this statement be included in the wording of a document and he did not appreciate this accusation.

President Nemlowill asked if the Planning Commission unanimously agreed that over-water building heights should be limited to bank height and the Port property should be considered separately, while still reflecting the values as outlined in the Riverfront Vision Plan. Commissioner Fitzpatrick did not agree.

Staff understood there was not a consensus among the Planning Commission, but believed they had all of the information and direction they could get for the time being. Staff would prepare a recommendation for the Planning Commission to respond to.

President Nemlowill thanked the audience for speaking, noting that the Planning Commission was listening to their comments and concerns. She continued the public hearing to June 24, 2014 at 6:30 pm. and reminded that any comments about this application needed to be done at the meeting.

City Attorney Henningsgaard clarified that the Commissioners were entitled to visit the property, speak to constituents, and conduct their own investigation because this was more like passing a law, as opposed to a judicial matter.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:27 pm.

ATTEST:

APPROVED:

Secretary

Community Development Director /
Assistant City Manager

DRAFT

ASTORIA PLANNING COMMISSION MEETING
Astoria City Hall
June 24, 2014

CALL TO ORDER:

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

ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Vice President McLaren Innes, David Pearson, Thor Norgaard, Kent Easom, Peter Gimre, and Sean Fitzpatrick

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

APPROVAL OF MINUTES:

ITEM 3(a): May 6, 2014

President Nemlowill asked for approval of the minutes of the May 6, 2014 meeting. Vice President Innes moved that the Astoria Planning Commission approve the minutes as presented; seconded by Commissioner Easom. Motion passed unanimously.

PUBLIC HEARINGS:

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

ITEM 4(a):

CU14-07 Conditional Use CU14-07 by Jim Ray, Board President of the Astoria Rescue Mission, to locate a semi-public use as a two-unit family Mission facility in an existing single-family dwelling at 64 W. Bond in the R-3, high density residential zone.

ITEM 4(b):

V14-05 Variance V14-05 by Jim Ray, Board President of the Astoria Rescue Mission from the required 4 off-street parking spaces to provide zero parking for a two family Mission facility at 64 W Bond in the R-3, high density residential zone.

President Nemlowill requested that public hearings for Items 4 (a) and (b) be conducted simultaneously, as both applications were by the same Applicant. She asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, she asked Staff to present the Staff Report.

Planner Johnson reviewed the written Staff Reports. No correspondence had been received for either application and Staff recommended approval of both requests with the conditions listed in the Staff Reports.

President Nemlowill called for questions of Staff. Hearing none, she opened the public hearing and called for a presentation by the Applicant.

Jim Ray, Board President, Astoria Rescue Mission, PO Box 294, Hammond, OR, 97121, said the Rescue Mission had no objections to the Staff Reports or the Findings. The Staff Reports were well written. He offered to answer questions.

Commissioner Pearson asked if the building needed major or superficial improvements. Mr. Ray replied the building needs a new foundation, a new roof, and complete interior renovation. The building has not been maintained for years.

President Nemlowill called for any testimony in favor of, impartial to, or opposed to the applications.

Lorrie Durham, 398 Atlantic, Astoria, asked how tenants parking in Warrenton would get to their vehicles. She also wanted to know if the building/parking was secure.

Mr. Ray responded that the mission has a van that is used to transport people to the hospital, doctor's appointments, church, pharmacies, and other appointments. Residents that need to park at Gateway Church in Hammond would be followed to the church in the van, and then brought back in the van. Residents would be taken back to their vehicle in the van when necessary.

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

Commissioner Pearson said the applications appear to meet all of the criteria that the Planning Commission has been asked to review. He supported both applications.

Commissioners Fitzpatrick, Norgaard, Gimre, Easom, and Vice President Innes agreed. Commissioner Gimre added that he has never heard anything negative about the work that the Rescue Mission has done. This is an opportunity for a house to be rehabilitated and he fully supported the applications.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff Report and approve Conditional Use 14-07 by Jim Ray, with Conditions; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff Reports and approve Variance 14-05 by Jim Ray, with Conditions; seconded by Commissioner Norgaard. Motion passed unanimously.

President Nemlowill read the rules of appeal into the record.

ITEM 4(c):

A14-02 Amendment A14-02 by the Community Development Department, City of Astoria, to amend the Development Code and Zoning Map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential zone; add Civic Greenway Overlay zone; add clear and objective standards for residential development; renumber several zones and overlay zone; miscellaneous related changes with the new Code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Streets from the C-3 (General Commercial) zone to CR (Compact Residential) zone. The City Council meeting is tentatively scheduled for July 21, 2014 at 7:00 pm in City Hall Council Chambers. This item was continued from the May 27, 2014 Planning Commission meeting.

Planner Johnson reviewed some highlights and changes in the written Staff Report and direction Staff received from the Planning Commission at the May 27, 2014 meeting. She handed out copies of the changes made to the draft at the dais. Page 13, Item C.2 contained a typographical error and should read "The maximum width of an individual overwater building located greater than 500 feet from the shoreline shall be a maximum of 50 percent of the total parcel width (measured along the parcel frontage adjacent to the Columbia River) or 150 feet, whichever is less." She noted that Tim Ramis' letter discussed the East End Mooring Basin Master Plan, but the Port does not currently have a master plan for the area that has been submitted to the City. Therefore, it is premature to include the master plan in the ordinance. Staff is recommending that the Port work on a master plan outside of this amendment process. Once a plan is adopted, the Port can come to the City to work on integrating the plan into the Code and/or make any necessary amendments. After the public hearing, Staff would like the Commission to respond to the following:

- If overwater building heights are limited to the bank height, does the Commission want to limit the restriction to no variances in the future?
- The exact location of the potential overwater development above the bank line, which Staff has recommended be located from 35th to 39th Streets and at 500 feet from the shoreline.
- Two pieces of correspondence were received, the letter from Mr. Ramis included in the Staff Report, and a letter from Annie Oliver. Staff recommends the Planning Commission recommend that the City Council approve the amendments.

President Nemlowill called for questions of Staff. Staff responded to Commissioner's questions and concerns with these comments:

- The Code currently allows potential development of the East End Mooring Basin area for grain terminals, coal and oil terminals, and cold storage. More research would be needed to determine if a liquefied natural gas facility would be allowed, which was mentioned in a document prepared by Port of Astoria representative Attorney Jordan Ramis. These uses would still be limited to height and mass restrictions in the new Code.
- Page 7 of the Amendment Request document cited Comprehensive Plan language that stated major Port development would be encouraged at the existing Port docks and East End Mooring Basin. Many of those Comprehensive Plan sections were written in 1982, and then amended in 1986. The Port had two major holdings, the west docks and the East End Mooring Basin. North and South Tongue Point were not under Port control at that time. At the time that language was written, it was envisioned that the two largest Port areas would be the West end and Tongue Point areas and the Comprehensive Plan acknowledged that the Port had control of the East End Mooring Basin. The Plan did not specifically state what could be developed.
- The A-2 zone, which is the overwater area between 17th and 21st Street, currently allows professional and business office, personal service establishments, residences, and arts and crafts studios as conditional uses. These uses are limited to upper floors because the building must have approved commercial or tourist-oriented uses on the ground floor. Up to 25 percent of the ground floor can be used for the business and residential uses. These uses would be eliminated from the Civic Greenway Area, but other A-2 zones elsewhere in the City would retain these uses.
- The Gateway Overlay Zone would still be applicable within the Civic Greenway Area because the Gateway Overlay Zone has its own set of standards and its own design review criteria. The Civic Greenway Area overlaps some of the Gateway Overlay Zone. The design guidelines between the two areas are similar, but the overlap will put a few more restrictions on the Gateway properties, such as the setbacks and some building setbacks being proposed for on-land development standards.
- Home stay lodgings are being considered as a conditional use in the Compact Residential zone. However, the intentions for the neighborhood are affordable housing for working Astorians. This use could be removed if the Commission believes the area should not have any transient lodging. Home stay lodgings would be restricted to owner occupied, one or two bedroom dwellings.
- Transportation issues have not been included in the Compact Residential zone section of the Code because it has been addressed in the Transportation System Plan (TSP). Requirements for connections from developments within a certain distance of transit to transit facilities have been included in the TSP. Those requirements apply throughout most of the City. The proximity of subdivisions to transportation facilities and routes are considered at the time of development.
- The Planning Commission had been divided on the decision to include the allowance of overwater eating and drinking establishments in the Code. Staff kept the use in the Code, but added more restrictions, because clear and unanimous direction was not given by the Commission.
- Generally, variances are from numeric values. However, the proposed amendment includes a variance process from development that is restricted to below bank height, which is not a numeric value. Staff believed it was important to specifically state whether a variance was allowed to avoid future misinterpretations.
 - President Nemlowill stated that she hoped to hear from the public about the variance process because it was an important issue.
- Height restrictions for on-land development would apply to the vacant commercial property in Mill Pond along Marine Drive. The new height restrictions would be a reduction from the current allowable height, which is 45 feet. Staff understood that the Planning Commission wanted the remaining vacant lots to be reduced in height.
- The Recommended Native Plant List was reviewed by several people who deal with street trees as well as the Columbia River Estuary Study Taskforce (CREST), who reviews shorelands and native vegetation. President Nemlowill wanted to ensure that the trees conformed to size standards.

- Handrails on gangways and walkways must be at bank level, so the walkway would be need to be stepped down from the bank level. Planner Johnson displayed a graphic showing two examples, Pier 39 and 36th Street causeway to the East Mooring Basin and noted that an exception for handrails could be included in the amendment.

Matt Hastie, Angelo Planning Group, 921 SW Washington, gave a PowerPoint presentation, which included a summary of the May 27, 2014 Planning Commission meeting. He noted that most of the proposed amendments are limited to the overwater development standards. He briefly reviewed these proposed overwater development standards, showing graphics that demonstrated examples of the standards. A local arborist and CREST reviewed the proposed tree species in conjunction with the rest of the Code amendments; however, he did not confirm whether the heights of the tree species would comply with building height limits. Criteria for the trees on the list include species that were not super tall and species that were columnar. The intent was to prevent planting trees that would block views of the river.

President Nemlowill opened the public hearing and called for testimony in favor of the application.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said that like Planner Johnson, she has been involved with this project since 2007. She noted that no consensus was received from the Planning Commission that the eating and drinking establishments were desired, but they felt out of place to her. She was unclear about the variance from the bank height. However, she was happy and believed this was the closest the City has been to something that is really in harmony with the spirit of preserving open water. Many people have talked to her about the ordinance and she believes she represents many of these people. She reiterated that she was happy with the proposal.

Planner Johnson explained that the Planning Commission needed to clarify for Staff whether they wanted to include variances to the bank height restriction in the Code.

Michael McCusker, 757 27th Street, Astoria, stated he was confused as to whether he was for or against the amendments. He read his written statement into the record, and gave a copy of his statement to Staff. He stated that it is essential that the City preserve the people's right to public use of the Riverfront. He did not want to see condominiums, cruise ship docks, aquariums, hotels, restaurants, etc. on the Riverfront. He stated that limited views from these facilities was not what was envisioned by the Riverfront Vision Plan as waterfront views. He believed a park atmosphere was the best use of the Riverfront.

President Nemlowill reminded that this portion of the public hearing was open to those who wish to speak in favor of the application.

Chris Farrar responded that Mr. McCusker's comments were the most favorable the Planning Commission would hear.

Cindy Price, 1219 Jerome, Astoria, said she felt a little like Mr. McCusker, but more like Ms. Menetrey. She believed that with some exceptions, Astoria had the best of the worst set of Codes. She encouraged the Planning Commission to refrain from implementing variances and implement President Nemlowill's suggestions into the Code. Her neighbor was surprised to hear that she had been attending Planning Commission meetings because implementation of the Riverfront Vision Plan has not been in the paper. Most Astorians who have known about the Riverfront Vision Plan have been very concerned about potential development on the river, particularly in the Civic Greenway Area, which she has come to love for its vast open spaces over the last seven years as she engaged in the Plan. Her neighbor thought the Riverfront Vision Plan had been put to bed years ago and was concerned that the river would be taken away from the citizens. Ms. Price told her neighbor there was talk about development on the river, like the Cannery Pier Hotel. The neighbor indicated that while she liked the hotel, she would not want more overwater development. Ms. Price believed this spoke to the types of exceptions being discussed. Stay below river bank height and do not allow variances. Shel Cantor and Ms. Menetrey's presentations at previous meetings were heartfelt and data-rich. She wanted to add to those presentations by bringing attention to the landscaping. She did not spend a lot of time looking at the trees because she believed European horned beams and sugar maples easily grow in this area up to 90 feet and are very wide. She understood the value of native plantings. She is a Master Gardener and has spent many of the last 16 years digging up plants in her own garden that she believed would be cool, but turned out to be thugs. Some of those plants are on the list of recommended shrubs to be planted on the river side of the River Walk at a maximum of three feet high. Most of the plants on the list start at three feet. The Ribes Lobbi stops at about six

feet and most of them get as much as 28 feet high. The plants sucker prolifically and produce colonial thickets. Many produce beautifully colored berries that birds adore, eat, and deposit the seeds in yards, which have to be dug up. All of the shrubs on the list require a lot of maintenance, at least semi-annually. Almost all of the shrubs on the list will require some digging up because they will get so enormous, and she doubted digging was wanted on a riverbank. She urged the City to re-examine and extensively revise the shrub list because this is all about details. The same goes for the herbaceous grasses and ground covers list. Everyone should be wary of common firewood, horsetail, clasping arnica, sharp tooth angelica. These plants are not what the City wants. One aspect of open views of the river that she considers supremely important is the riverbank, the ebb and flow of the tide, the hide and seek the tides play with the rocks, piers and artifacts, and the slap of water made by the wake of a passing ship. She wants to see and hear all of these things and they need protection.

Robert Clark, 145 2nd Street, Astoria, said that implementation of the Civic Greenway Area would either be a feature or a problem for the sea lions in the East End Mooring Basin.

President Nemlow believed Mr. Clark needed to address a different commission with his concern. Mr. Clark responded that the Civic Greenway Area would include the East End Mooring Basin. He wanted to know if this would be considered a feature or a problem since the sea lions would be in the East End Mooring Basin.

Director Estes explained that the City of Astoria had no control over how the sea lions were managed and where they congregate. State agencies deal with those issues. The zoning process did not include reviews of sea lion habitat.

Mr. Clark asked if the dwellings in the area would be floatation based.

Director Estes said no, that pilings would be driven and dwellings would have to comply with all Federal and State statutes for overwater development. This is required for any work done along the Columbia River.

Jan Faber, 3015 Harrison Avenue, Astoria, asked for clarification on the height requirements for on-land development on the river side of the River Walk. He wanted to know if the bank height restriction was only for overwater development.

Planner Johnson confirmed that only overwater development was proposed to be restricted to bank height.

Mr. Faber said he didn't mind the look of the buildings on either side of the walkway out to Big Red, but if those buildings lined the shoreline all along the River Walk, it would not matter what occurred over the water because the water could not be seen.

Planner Johnson explained that the bank height restriction would not affect buildings on the land north of the River Trail. However, there are very few areas, if any, that would have enough land to support a building not partially over water. She believed the existing building near Big Red was partially over the water because it was built on pilings.

Mr. Faber stated that it makes no sense to allow development of this land and attempt to preserve views by limiting overwater development to bank height. He suggested the City conduct an inventory before the amendments are adopted to determine which parcels are open for building, even a one-story building. Otherwise, preservation means nothing. He asked if overwater development was allowed to be 500 feet out and 28 feet high. Planner Johnson said the only place 28-foot high buildings, 500 feet out, are being recommended is between 35th and 39th Streets. All other development would be limited to bank height. The Planning Commission could consider limiting development to bank height north of the railroad tracks, rather than just over the water, which would address Mr. Faber's issue of buildings along the bank. She showed a photograph of an existing building on the riverfront by Big Red (100 31st Street), noting that the building was partially supported by pilings.

Mr. Faber said after receiving the agenda packet, he wanted to express his appreciation to anyone who volunteers for commission work. The public attends the meetings when they are interested, but Commissioners are present even for things they are not interested in. Regardless of whether the public is for or against an issue, he appreciated the citizens who volunteer. He agreed that visitors are constantly appreciative of what Astoria looks like. He was sure that the Commissioners enjoyed that as well. The comparisons made in Mr. Ramis' letter are the reasons people live in Astoria and get off the cruise ships and walk around. This is not Chicago, Seattle,

or San Francisco. He was reminded of Waterfront Park in Portland, also known as Tom McCall Waterfront Park. Mr. McCall and a group of citizens fought against commercial development on valuable land. What they did and preserved is enjoyed by everyone that comes to Portland and by Portland citizens. Years after Mr. McCall and the group of citizens have passed, people go to the park and say, "Look what a wonderful thing". By preserving the area for the future, people who come to town years after the Planning Commission and their children are gone will remember that this is what the Commission preserved for posterity. He urged the Planning Commission to preserve the area. He stated he was always worried about restrictions that offer the opportunity for exceptions. The next Planning Commission or City Council could be pressured for exceptions and it is not possible to know the criteria. If the Commission is going to preserve the area, they need to do it without exception. He urged the Planning Commission to say no to variances from overwater height limits. He was interested in the exception for restaurants with fish processing plants and asked about its purpose. He was concerned about people wiggling around the preservation standards. He was unsure why the exception would allow a dock possibly with only two slips to have a restaurant. Astoria is not such a large city that someone would be unable to get to a restaurant from a marina. He preferred a preserved beautiful park through the entire area. Nevertheless, in view of competing interests, he believed the Planning Commission had made some accommodations. The Port and Floyd Holcom weighed in at the last meeting and it seems like the City Staff has come back with allowances for what they want to do. After looking at the list of things Mr. Holcom wants struck out of the ordinance, he believed Mr. Holcom wanted the whole riverfront. He believed the proposed amendments were a good compromise. He urged the Planning Commission to support the amendments with the restrictions for on-land development north of the River Walk.

Vickie Baker, 3015 Harrison, Astoria, thanked the Planning Commission and Staff for all of the hard work they have done. She wanted the Planning Commission to consider no variances which would be very important for preserving the area because wiggle room allows many things to happen later down the road. She opposed the eating and drinking establishments. There are many wonderful restaurants and people would appreciate keeping them in the downtown area instead of in the Civic Greenway Area. Removing the eating and drinking establishments would prevent people from building more than Astorians want built out on the water. She believed the list of recommended plants should be removed from the proposed amendments. The City should consider asking Master Gardeners to look at the landscaping because so many plants are listed and they may have some serious repercussions.

President Nemlow called for any testimony impartial to the application. Hearing none, she called for testimony opposed to the application.

Lorrie Durheim, 398 Atlantic, Astoria, stated she agreed with Mr. McCusker and Mr. Faber. Through the County and the Port, she has seen the variance problem, which puts fear in her heart that at some point someone will put on the pressure and build whatever they want on either the north or south side of the River Walk. She believed the City needed to be very careful about this. She understood that the Planning Commission was trying to be fair, but the Commission really needs to preserve the area. Astoria is unique. Does Astoria want to become like Malibu or someplace where the ocean or a river cannot be seen without going down a little view corridor? She was surprised about the liquid natural gas (LNG) and knew this would not happen, but once the view is gone, it is gone and will never come back the way it is. Astoria has wonderful hotel and building renovations that are so important to the City's future. Astoria will either preserve the riverfront or allow room for people to maneuver and do what they want for economic gain. She knows Mr. Ramis, the Port's attorney, and she has been fighting against LNG terminals, whether import or export, for almost ten years. Mr. Ramis was one person supporting the people who want this development here. She does not trust Mr. Ramis.

Floyd Holcom, 652 Alameda Avenue, Astoria, said he lives on the south slope of Astoria and owns a building at 100 39th Street called Pier 39, formerly called the Hanthorn Cannery Foundation since 1875. He is not in favor of the ordinance whatsoever. As citizens, everyone must try their best, tell the truth, and give everyone what is believed to be the right way to do things. Being born and raised in Astoria, he had some great founding fathers. Duncan Law was his Scout Master in Boy Scouts. He looks at ordinances critically because they are law. So, he agreed with everyone who had spoken for or against this application. He believed several comments about economics and the environment were true. However, when it comes down to the ordinance there is a different perspective. People like Mr. Ramis are hired because no one out there is smart enough to really figure out the law the citizens just asked City Council to approve. The citizens really do not know how the law affects them. He was part of the Astoria Riverfront Vision Plan, but had to ask to attend because he was never invited. Many of the things he proposed never made it into the Plan. However, the City gave him the Dr. Edward Harvey Award

for renovating a building over the water at the end of 31st Street. He has never received the award for Pier 39. He is a developer, but was offended by the names that Mr. McCusker called developers. Every dime he has made from his tenants at Pier 39 over the last ten years has gone back into the building; he has not made a dime. He believed the issue was getting off track because the facts were not facts, the citizens were presenting emotions to the Planning Commission. The Planning Commission must make a decision to send an ordinance, a change in the way Astoria does things, to City Council. He was opposed to the ordinance going to City Council. He moved his family back to Astoria so he could invest all of his funds in the community. He could count how many buildings he remodeled back to their historic significance. He wanted the Planning Commission to pass the ordinance between 16th and 31st Streets. But between 31st and 40th Streets, he was opposed to changing things midstream of someone with dreams who is trying to work on things. George Brugh has been working down there all of his life. Many people said it was great when Safeway bought several vacant properties because Safeway puts a lot of money into the school. This is not included in the Staff Report because no economic analysis on the benefits of development was completed. The Staff Report and newspapers indicate that developers are bad people trying to take the views and stop issues. This is not true; he was present to tell the facts. He just returned from the east coast on Wednesday, and Mr. Ramis had to tell him that another meeting was scheduled for Tuesday because the City never bothered to let him know the hearing had been continued. Safeway, on 33rd Street, puts in over \$100,000 in taxes, almost \$40,000 of which goes to the school district and \$50,000 to the City of Astoria. Safeway bought the water lot in front of its store and there are pilings in that water lot. He was happy when Safeway was going in because he felt lonely down there in an old cannery that did not have a road. When Safeway began pounding pilings, there was no road to Pier 39 and it was all dirt. The Staff Report does not state that at that time, he asked Doug Tindall of the Oregon Department of Transportation (ODOT) to provide a grant for the City of Astoria to build a road out to Pier 39. ODOT provided \$550,000 and a turn lane into 39th Street. The City of Astoria did not pave this road; he had to ask the State for the road. The State said the City had to sponsor the project. He and his partners decided they needed to make the money back because roads cost money to develop. The developers who built the condominiums went bankrupt. Many people do not like the condominiums and he was not in favor of the design. When no one rents from you, or puts in a road, or a Coffee Girl, there is no money to renovate your historic building. These economic generators must occur. The City of Astoria did not invite him to put in a Coffee Girl and no one told him how to do what he does. He did it because he is an entrepreneur that wants to enhance the economic viability of a portion of town that was bad. He recalled the RV park owned by Mr. Brugh, noting that police reports indicated drugs and prostitution were occurring in the park. This is not stated in the Findings of the Staff Report. He purchased the RV park and decided to move all of those people out, get rid of the trailers, and make it reasonable for other families to move in and get rid of the drugs and prostitution. The City never asked him to do this. In fact, Planner Johnson told him he could not have a RV park in that location. Mr. Lovold, who was alive then, wrote him a letter informing him that the RV park was grandfathered into the Comprehensive Plan, according to Paul Benoit. The RV park is still in the same location. He had to attend the last meeting to defend himself again and retain attorneys. He questioned how many people had read the Development Code and Comprehensive Plan, calling for a show of hands. He read all of both documents on his vacation. The statement at the end of the letter that states this ordinance meets the Comprehensive Plan and the Development Code is false. He asked if the Planning Commission was going to send a false document to City Council for approval. The Code amendments need a lot of work. If the Planning Commission had approved the document at the last meeting and sent it to City Council, he would have had to go to City Council to defend his position. Pier 39 would have been non-compliant. Discussions about this issue indicated that the draft was supposed to change, but if he had not read the document or received a phone call about the continuance, he would not have caught that the building he just spent millions of dollars renovating was non-compliant. His bank would have called the note and the Division of State Lands would have required him to tear the building down. He suggested the Commissioners read an email he received from the Division of State Lands (DSL) if they did not believe him. The email states that if he does not renew his DSL lease in 9 ½ weeks, his building would be non-compliant and he would have to remove the historic building from the waterfront. Why do property owners who spend their life's earning have to defend themselves? When property owners read about the property at the time of purchase, considering all of the Codes and agreements in existence at that time, why do they need to come back and defend themselves over an ordinance that did not exist when the property was purchased? He was sure the people speaking after him would say the same thing because they are property owners. Many people received notices to appear at this meeting or read about the meeting in the newspaper. However, property owners east of 35th Street never received notices that their property would be affected by the discussion at this meeting. Anyone who owns property at the end of 39th Street or who is involved in this process should have received a notice from the agency that has proposed the ordinance. When your neighbor plans to paint their house, you get a notice. When zoning changes are made, property owners are required to receive a notice. If a developer is building something outside of the Code, you

are supposed to get a notice. He could tell that some people in the room were unhappy with him, but this was one of the great things about being an Astorian. Astorians were raised to just act with the knowledge that some people would not be happy about what was being done. He and his family own NBSD, LLC, which owns or controls 28.91 acres within the zone between 35th and 40th Streets, making him the largest land owner affected by the zone. He asked Planner Johnson to display the photograph of Pier 39, pointing out two water lots just north of the RV park. In the last eight months, the consultant never called him to talk about what he might want to do on those lots. He has never spoken to the consultant about Pier 39 Marina and no one from the City has contacted him. He was surprised to see that he could not build anything within 500 feet of the shoreline. He is now reading about this for the first time, yet the ordinance is being sent to City Council. This is not fair. He does not plan to build any buildings on these lots, but he would like to have known what people do with property he owns. One great thing about being an American is that when you own property, you want to feel like you really own it, but he does not. He has been very proactive. He knew there had been discussions about development. When development of Pier 39 began, it was called Pier 39 and Fisherman Suites. He noted the Port is the second largest land owner between 35th and 39th Streets. Safeway and his colleagues own the next largest portion of land in this area. He did not believe Safeway representatives were at the meeting. It would have been nice for them to attend because he would like to hear what they have to say. This is not just spot zoning, it is holistic development. Pier 39 and all of its tenants would not exist today if no one came down to visit. This year, Pier 39 had the highest amount of visitors during the Scandinavian Festival. The Development Code says that Astoria is going to enhance historical development by providing resources to enhance facilities and promoting areas for historical development. He is still waiting on this and had not heard from the City. Everything between 35th and 40th Streets has been done with private money on private lots. He has never received funds from the government and he never requested money from the City, yet everything has been returned to the community. One example of this is the K. Patel Hilton Hampton Suites Hotel. Pier 38 Marina and RV Park was his wholly owned subsidiary when K. Patel asked him what he planned to do with the water-logged lot. He had no plans at the time as funds were limited, so Mr. Patel offered to build the hotel. He spent \$140,000 of his own money going through reviews and zone changes to build the hotel. K. Patel paid \$22,671 in property taxes to the school district in 2013. This is not very greedy. K. Patel spent \$37,000 going directly to the City of Astoria for taxes. K. Patel's total taxes for 2013 was \$89,671 and his water/sewer expenditure for the year was close to \$30,000. He believed he paid about \$3,000 for water and sewer service, which was a horrible amount. These development costs were not included in the Findings. The Planning Commission is making a decision based on issues for which the facts are missing and on cherry-picked items, regardless if anyone will have money to build over the waterfront. He had to come to the Planning Commission at the last meeting to say that a building 12 feet high would only rise 3 feet above Pier 39 because of the mean high high water line. He did not see this in the revised copy. There is so much detail in the economic reports that are supposed to be included in the ordinance that the Planning Commission is taking on more than they can chew, especially between 16th and 40th Streets. He loved the Gateway Zone Plan and thought it was great when it passed. The area included the museum and parks. The new Comprehensive Plan and the proposed ordinance say the City wants to move that all the way down to 40th Street. If that was true at the time the Gateway Overlay Plan was developed, he would not have been able to remodel his building at 31st Street that won the Dr. Edward Harvey Award. At the time, the zone line cut the building in half, so he asked which zone he was in. This was his first time in front of the Planning Commission. As a property owner, he wanted both zones. He believed a tie went to the owner, which was naive. Paul Benoit was the Planner then, and he wrote both ordinance Codes in for his property and allowed him to have both S-1 and S-2 zones. This was not a very big deal, but it cost him a lot of money to get permission to remodel the building and put an in office. This was not done with government money either. He asked the Planning Commission to move forward with the ordinance as they see fit because he did not see anyone complaining from 16th to 31st Streets. However, he believed the Commission should give him some time to regroup and figure out what to do as a property owner between 31st and 40th Streets. He has great things planned and has not done anything wrong yet. He purchased the lot where the third condominium is because he did not want to see another one of those buildings go up; the second building looks horrible. This is what entrepreneurs do; they take a risk and try to do things that make things right with what their friends and colleagues encourage them to do. This is what community is all about, but the Planning Commission is not giving him the chance to be a part of the community by planning things without his review. He stated that the City should not do any plans without his review. He must run down to City Hall and try to defend himself at the last minute, which is not fair. If the Commissioners were in his position, they would likely question what is going on. He was never involved in the grant given to the City of Astoria by the State Department of Transportation to create this ordinance and neither were any of the other property owners who should have been consulted. He was not part of the 500 foot restriction proposal. The reality is that he must make this work for his 28.6 acres on the east side of Astoria. He would like to see a marina and a floating restaurant. He would like to see anyone with an idea come to attract

more people. Visitors have already seen downtown and they want to see something else when they come out to Pier 39. This is what is great about the economic development of a community, the holistic approach that allows people to go to different areas of a community and enjoy it. Spot zoning like this takes away the innovation of the investors that the City needs to bring a return on the investment in the economic development of the community. He was glad to say that he has had a major positive impact in the economic development of Astoria and to the taxation of Clatsop County. Together, with the City and some of its zone changes, which was seen as spot zoning back then, he was able to increase property taxes. There has been no ill will or intent and no one will build an LNG plant in front of Astoria. However, if his dock was two feet longer he would pull a cruise ship up to Pier 39. He knows he can pull up a cruise ship in the East End Mooring Basin and believes it would be great. Cruise ships only show up two times each year, but this is not in the Staff Report. The economic potential is not in the Staff Report. The only thing in the Staff Report is what cannot be done, which is not fair to the innovators, investors, and citizens in the community. He did not understand why eating and drinking establishments were such a big deal. He has some retired friends that like coffee shops and he believes coffee shops are great. He asked if anyone would come to a floating coffee shop. He would not be allowed to put a floating coffee shop off the East End Mooring Basin. Let's not say what we cannot do, let's say what we can do. If it gets bad, he believed Planning Commission meetings would fill up with twice with people and attorneys would get involved again. Let's not restrict development. Everyone likes the idea from 16th through 31st Streets. Allow property owners who own property between 31st and 40th Streets to regroup because they have too much money invested. He will be economically impacted if this ordinance passes and he does not know what he would do. Who could he call to ask for continued investments when there are so many restrictions? You don't tell an artist he can only paint in one color. This is the reality and the truth. There are many things in the current Staff Report that are not true. If the Planning Commission wants the details, the Commissioners should attend the City Council meeting because then he will show what the untruths are. He believed that if the Commissioners read the Development Code, they would direct Staff to do more work and discuss economic impacts with property owners east of 40th Street.

President Nemlowill asked Director Estes to address Mr. Holcom's concerns about notifications of the public hearing. Director Estes stated that he had a copy of the notice of the first public hearing that was mailed to Mr. Holcom, NBSD, LLC.

Mr. Holcom said he did not receive a notice about this meeting. Director Estes explained that this meeting is a continuance of the first public hearing; therefore, another notice was not required.

Mr. Holcom understood that the notice was not required, but he was still a property owner. Director Estes noted that Mr. Holcom and his attorneys were present at the last meeting. The City is in compliance with the law for continuing the public hearing. He did not need to go into detail about the other concerns because City Staff had different positions on those matters.

Planner Johnson noted for the record that every condominium owner, every resident at Mill Pond, and every property owner from 15th Street to 42nd Street and from the water to across Marine Drive were mailed a notification for the first meeting. Once a meeting is continued, the announcement is made at the meeting. This is all that is legally required. She referred to comments about existing buildings on land and noted that those buildings would still be allowed to develop under the current proposed draft, such as Safeway. Safeway is on land and is less than 28 feet tall, so it fits within the Code amendments being proposed. At no time was Pier 39 considered a non-conforming use. The change in the draft Code that was made was the inclusion of the statement that the two existing buildings would not have to comply with the walkways and some of the additional requirements of the new Code for restoration and renovation. All of the existing uses were always allowed and considered conforming in the drafts. The proposed amendment states the buildings would not have to comply with some of the design review features for restoration and renovation.

President Nemlowill called for a recess at 8:21 pm and reconvened the Planning Commission meeting at 8:26 pm.

President Nemlowill stated that during the recess, a couple of people suggested a time limit for public comments be implemented. She believed this was a good idea, but also believed it was important that everyone gets the chance to say what they need to say. She stated there would be no time limits on public testimony and asked the public to stay on topic. She called for testimony opposed to the application.

George McCartin, 490 Franklin Avenue, Astoria, said it appears that over the years and more recently, many people have put many hours into the River Walk and are now incorporating that into an ordinance. It seems as if the Planning Commission is on the right track, but has recently been getting sidetracked. He was concerned that development would be allowed in the Civic Greenway Area, despite this development being limited. By allowing restaurants and residences, the Commission is opening the area up to developers. He was particularly concerned about the conditional uses and exceptions included in the draft. He suggested the Commission be particularly aware of Goal 5 of the Oregon Statewide Planning Goals and Guidelines, which states that local governments shall adopt programs that will protect natural resources, conserve scenic, historic, and open space resources for present and future generations. Development was never mentioned in Goal 5. He was sure that the Civic Greenway Area fit within the mandate of Goal 5. Goal 7 speaks to natural hazards planning and predictions indicate that Astoria's coastal zone is overdue for a large earthquake. The goal states the local governments shall adopt comprehensive plans to reduce risk to people and property from natural hazards, including landslides, earthquakes, and tsunamis. When making final recommendations to City Council, the Planning Commission needs to pay attention to both of these Goals. He suggested the Planning Commission retreat, throw most of the amendments out, and present the ordinance without the amendments.

Shel Cantor, 1189 Jerome, Astoria, said since these meetings began in October, a one-story height allowance for new over river construction was fostered, so he was encouraged to see the change included in the current proposed ordinance. Bank height is what has been recommended. He thanked Mr. Faber for bringing up the distinction between north of the River Walk on shore, versus over the water. He said Planner Johnson had responded that it was not possible to make this distinction, which he supported. He did not understand why the distinction is necessary. The bank height restriction should be implemented from the River Walk to the north. If a building is 12 feet high from the riverbank, you don't see the river from the River Walk. The proposed ordinance includes the option to allow a variance from the bank height restriction. If the Planning Commission chooses not to allow variances, the Commission has complied with both of the two relevant criteria in the Riverfront Vision Plan for new overwater development. River vistas that maintain physical and visual connections to the Columbia River would be protected. Maritime related uses consistent with Astoria's working waterfront would be encouraged, like docks, piers, and marinas. Associated uses would also be protected, providing jobs and maintaining a historic connection to the river. If the Planning Commission chooses to allow variances from the bank height restriction, the riverfront will be left open to new construction that will block river vistas, changing the approved Plan by deleting its fundamental criterion to protect vistas. This argument justifies the selection of riverbank height with no variances allowed. Since these meetings began, no one has presented a cogent argument justifying how allowing the vistas to be blocked protects the vistas. He understood that some uses would require a real building higher than the riverbank, like hotels and restaurants. Those uses are currently included in the ordinance as conditional uses allowed on the north side of the River Walk.

Planner Johnson clarified that in some zones, on land uses on the north side of the River Walk would include hotels, restaurants, and professional offices. Some areas within this zone could have enough land for a small building. Director Estes added that the Code would not allow hotels over the water. The Code includes a provision to allow an overwater restaurant when it's associated with a marine-related use.

Mr. Cantor believed Director Estes contradicted himself. Director Estes stated that a hotel could not be built over the water and clarified that restaurants were being considered separate from hotels. The Planning Commission has discussed both sides of this issue, so Staff has included the proposed Code language for now.

Mr. Cantor stated he did not understand, saying the vistas will either be blocked or they will not be blocked. He did not understand why the distinction between hotels and restaurants had been made, unless he could see through a restaurant. Director Estes explained that the proposed height limitation from 16th to 35th Streets is bank height. He showed a photograph on the screen and explained that the area north of the white line (500' out from the shoreline) is the area that could potentially have a restaurant, but only if it were associated with a maritime-related use. This is also the only area proposed to allow development up to 28 feet high.

Mr. Cantor said this was the first time the exception zone was being proposed. He believed the exception zone was intended to be a suggested compromise based on comments made by Mr. Holcom and the Port's lawyer at the last meeting. The exception zone only benefits Mr. Holcom and the Port, allowing large buildings located well off shore. During the last meeting, he read sections of the Appendix of the Riverfront Vision Plan, reminding everyone of how much Astorians did not support the compromise already represented by the Plan. In the end, most people figured it was the best they could get. Since October, the community has been witnessing an

attempt to erode the Plan's one significant concession, protection of river vistas in the Civic Greenway Area. The exception zone is yet another compromise, which is not in the direction of what Astorians told the steering committee they wanted. He suspected that the exception zone offer was written before Mr. Ramis' June 18 letter arrived, which reveals that Mr. Ramis is not a good faith negotiating partner. Page 3 of Mr. Ramis' letter proclaims that among the highest and best uses of his client's properties are the coal and oil terminals and an LNG facility that Vice President Innes pointed out. He said he wondered if the diners at the Rogue Restaurant would appreciate their food being served blackened from coal dust. Page 7 of Mr. Ramis' letter referred to the prior proposed ordinance, which restricted development in the Civic Greenway Area to such a degree that the Port would be required by its fiduciary obligations to legally challenge the ordinance. Any compromise that the Planning Commission offers will not obviate a potential Measure 37 or Measure 49 claim. It is outside the purview of the Planning Commission to try to accommodate what amounts to legalized extortion. He said he hoped it was obvious to everyone that the treatise for Mr. Ramis should have been directed at City Council since the recommended revisions are tantamount to demanding City Council scrap their approved Riverfront Vision Plan, at least for the singular benefit of the Port and Mr. Holcom. The Planning Commission has been tasked by City Council to implement the approved Riverfront Vision Plan in its current form, not to change it. Therefore, the only correct approach here is not to implement any exception zone and refer Mr. Ramis to the City Council. Don't give away anything if you know it will turn out to be a rather major confrontation, discussion, and compromise. The 500-foot off shore requirement proposed for that zone is one granted variance away from being violated. If a developer asserts a financial hardship, the multi-story building moves closer to the shore or even on to the shore. This is why not allowing variances is so important. So far, the discussion has only been about not allowing variances from the bank height restriction outside of the exclusion zone. However, the Planning Commission has not achieved what they believed they have achieved, if the desire is to achieve a compromise like this in the future without variances. The 500-foot off shore and the trail extensions go away with variances. When the Planning Commission's decisions implementing the Riverfront Vision Plan are tallied, he hoped President Nemlowill would urge everyone to present cogent arguments justifying their positions with respect to the Riverfront Vision Plan's relevant criteria, just as she would with any other application, especially the fundamental criteria to protect the river vistas. Without a cogent justification, giving an irrational or arbitrary argument or no justification at all would undermine confidence in what we are witnessing.

Mike Weston, Interim Director, Port of Astoria, said that although the Riverfront Vision Plan states to protect river vistas and maintain visual and physical connections to the river, it also states to encourage maritime related uses consistent with Astoria's working riverfront, such as docks, piers, and other associated uses. The proposed ordinance amendments are still in line with the Plan. The Port is asking for a balance, not an LNG plant, a coal terminal, or a shipping yard. The Port simply wants the leeway and flexibility in the Code to allow them to develop a Master Plan that will suit the Port's property and the surrounding properties goal of adding economic stimulus to the economy. The proposed amendments create a situation where 90 percent of the available land will be undevelopable. He did not believe this was a balanced approach. If 90 percent of his property is not developable, then 90 percent of the value has been removed from the property. A 70-foot view corridor has also been proposed. He believed that the causeway leading out to the breakwater is only about 40 feet wide. It does not make sense to set buildings back another 25 or 30 feet, as he would have to build additional docking to get around. There are still ways to maintain connections to vistas and views, like viewing platforms, keeping the area open to the public, while building a fisherman's wharf, implementing cold storage concepts and building trinket shops and restaurants; even allowing for the sea lions. He believed there was room for a compromise in this community. His job is to protect the public's infrastructure and investments. Therefore, he is willing to try to keep the sea lions off the public infrastructure docks. The sea lions can still exist and will remain in the area because they have lived there for 34 years. They will not be going away anytime in the foreseeable future, so we have to learn to live with this and deal with it in a sustainable manner. He had issues with building heights and widths, both on land and over water. He agreed that the ordinance should not include variances, which is the concept the Port would like to propose in their Master Plan. The Plan should be designed to fit in with what you want to do and the Comprehensive Plan should be designed in a flexible way so that options are still viable. He believed that the currently proposed restrictions really limited that viability and crushed the economic capabilities of the public's property in that location. He considered many of the uses optimal for tourists and local hubs and would fit well. Right now, there is a dead zone between 31st Street and Pier 39 because there is not a lot of economic development in that area except in the summertime when the fishermen take over everything. He would like to see more activity and foot traffic in that area, which could be accomplished by promoting it like a fisherman's wharf style development out on the East Basin causeway. This could include cold storage, a cruise ship terminal with a processing area at the end of the dock, some trinket shops, a way to see the sea lions, or ice houses for the fishermen. We need to stick with what Astoria was built on, which is a working waterfront.

President Nemlowill said she had previously asked Staff what the Port's position was at the inception of the Riverfront Vision Plan. Director Estes had responded that the Port wanted to maintain its property at the East Mooring Basin. She noted that when Mr. Weston began coming to the meetings, he had not mentioned anything about a fisherman's wharf or a Master Plan, but just asked that some development be allowed at the Port. The Planning Commission had been interested in learning more about the Port's plans, but it seems like since then, Port staff, not elected officials, have begun to come up with plans. She believed the Staff Report and recommendation was reflective of the Commission's direction provided after listening to the public, who want to protect access, and to the Port, who wants to have some economic viability potential. She asked Mr. Weston if the Port's desires have changed and evolved through this process. As a citizen, she wondered who paid the lawyer for the 29-page letter, which represents public and private interests. This bothers her and leads her to question the Port's credibility.

Mr. Weston stated that this has been a group effort. Everyone from 31st Street on down has a viable issue with this ordinance. The Port has been talking to and coordinating their efforts with these people. He did not believe there was anything wrong with this. Everyone has something at stake here and the Port has worked with Mr. Ramis to figure out a way to come up with a viable option that allows the Port to preserve its capabilities on their property. Currently, the Port has about 20 to 25 acres over the water and about another 10 acres on land. The Port has considered its options for the entire area. Substantial development could be possible, but he did not foresee this happening. Those developments are more likely to occur at Tongue Point, but the Port still needs to protect the viability of those options. His job is to protect that public investment, which currently has no height or building restrictions. The Port could build anything they needed to create jobs and a rolling economy for Astoria. Adding restrictions means those options go out the window.

President Nemlowill said she understood the Port's intent to protect economic viability of public property, but she still wanted to know if public or private funds paid for the legal work. The letter represents both public and private interests.

Mr. Weston stated the costs were shared, which he believed was appropriate because the Port must team up with its partners for potential developments. He was unable to give specific details about what the Port has been developing because he is bound by a confidentiality agreement, but said there are potentials for the property and the Port needs to be considered.

Tim Ramis explained that his letter, which was included in the Staff Report, addressed questions asked by the Planning Commission at the last public hearing, describing their vision for potential development and reflecting their ideas for major Port development done in partnership with area property owners. The letter agreed that the Planning Commission had the authority to tailor regulations within the area to different purposes in different areas, and described sample regulations that attempted to strike more of a balance between preservation of views and economic use particularly of public lands in the area. One part of his draft included enhanced design review, which takes Staff's current approach and increases the level of discretionary design criteria by replacing some of the more prescriptive numeric standards. The second part of his draft proposes to put the burden on the property owners to develop a master plan that is put through the public process. He said Staff's introductory remarks slightly mischaracterized this plan district by saying that the Port is asking the City to approve a plan it has not seen yet. However, this is not the case. The Port is asking the Planning Commission to put a Code provision in place that authorizes property owners in the area to come forward with a plan, apply for approval of the plan, and then work with the City to develop regulations that the City would adopt to implement the plan. The proposed enhanced design review changes have to do with using setbacks in the buildings as a way to protect views along the waterfront, rather than Staff's proposal to place buildings 500 feet out into the water. The intent is to bring the public into these uses, drawing them to the waterfront. However, putting major development 1 ½ or more football fields away would be antithetical to creating pedestrian-related energy that would invite people to the water. His proposal also suggests developers be required to create public spaces and public access so that people can enjoy the water in ways other than just from the trail. He asked the Planning Commission to consider the Port's suggestions. If the Planning Commission chooses to move ahead with the regulations from 30th Street to the west, the Port asked that the City delay implementation of the regulations from 30th Street to the east so that the Port can work with Staff to refine the proposal. He stated he wanted to set the record straight after hearing a specific attack on his firm, noting that he has represented public interests before planning commissions for the past 42 years. During this entire time, neither he nor his firm have represented LNG interests. His firm's current job is to represent the regulator that denied an LNG application, who is in litigation

and under attack from LNG applicants. He was unsure how the confusion occurred and reiterated that while his firm is involved in litigation, they do not represent LNG interests.

Commissioner Pearson asked how long the Port would need to develop a Master Plan.

Mr. Ramis stated he did not have the authority to commit his client to a specific timeframe. In other Plan districts and Master Plan projects he has been involved with, the applicants have usually taken about a year to develop a Plan. The process continues until there has been enough public consensus to move ahead. He confirmed for Commissioner Pearson that developing a Master Plan would take a minimum of one year.

Dr. Ted Forcum, 3990 Abbey Lane, Astoria, said he owns commercial spaces in the Cannery Loft Condominiums and three residences in Clatsop County. He noted that Mr. Ramis spoke eloquently. He believed everyone was fearful of change, which is a normal and a natural instinct. He understood that the community does not want to see change because the community is so beautiful. However, he believed in the basic premise that your environment imposes demand on you, whether it is environmental or economic, and you must adapt to the environment in order to thrive. Systems that do not adapt will cease to exist. Therefore, he believed it was important to create some change. A tough balance must be created between preserving nature and preserving economic growth and development. He remembered when all you could see in Astoria was the cannery and the lumber mill, which was not very appealing. Now, Astoria is the place to go to and is exciting. He said he was excited about the development plan because it was a wonderful opportunity for the residents, visitors, and economic development. One of the leading generators for economic development is creating a livable community and the City's planning is doing a great job of this. As a board member on the Joint Commission of Sports Medicine, he is tasked with interfacing with the Center for Disease Control (CDC). How Astoria plans their city plays a major role in dealing with the obesity epidemic. Astoria can reduce public funded health care costs by almost two-thirds through designing the City. Some of this Plan addresses this through things like sidewalk crossing designs. The River Walk is a great asset and the City is doing a good job of creating a walkable community. However, the City needs to create assets around the community for people to walk to so they are not encouraged to get into a car to drive somewhere. People downtown will complain about lack of parking, but they are not used to walking. If the City can get services on the east side of the community, the health of the community will benefit. He believed that adhering to the existing plan from 16th to the beginning of the marina, then having a broader vision for potential development from the marina to the east, would serve the economic health needs and the public health needs. He was concerned about restricting handrails to bank height, which would require a ramp or a step down because American with Disabilities Act (ADA) compliant access would be necessary at some point, which would impair the view. This could be a challenge. He referred to a previous comment about Tom McCall Waterfront Park, noting that the park has a significant amount of development on the north and south ends of the park. The south end of the park has recently been going through a lot of development, including towers, hotels, and a tram that services the entire region. On the north end, the park has a lot of housing and redevelopment. This is a good model for Astoria. He compared the different types of development to different personalities. The personality on the east end would probably be different from the personality of downtown. People will go to both areas, but for different flavors. People may go to the east end for more of the fisherman's wharf style, while people who want more history and character of the town may go to the downtown area. He thanked the Planning Commission for listening.

Pamela Alegria, 1264 Grand Avenue, Astoria, thanked the Planning Commission for continuing the public hearing and Staff for addressing the concerns raised at the previous meeting. She requested that no variance or exception be granted for the height restriction. Variances often include discussion of economic hardships, but offering a variance would create an economic hardship for the City because the City would lose the revenue generated by the river. The river is lovely.

Linda Oldenkamp, 1676 Jerome Avenue, Astoria, said she has been involved with this process from the very beginning, beginning with a huge crowd at the library years ago. She specifically remembered Mayor Van Dusen saying at a packed City Council meeting that the City was going to have a vision for the river and the River Walk. He had said this would be for Astorians, not for developers. She believed that was the Mayor's finest hour. From the process that started with the River Vision Committee, she lost a lot of hope and was very disappointed in this process. She believed that this was the most important thing to Astorians because they want their City to remain authentic. If Astoria is authentic, Astorians will continue to love their town, love being here, and visitors will come here because Astoria is so different from any other place in the country. Whether the community members are for or against the application, she was glad they attended this public hearing because this process is so difficult and has been ongoing for seven years. The community wants the Planning Commission to be strong, whether

they approve or deny the application. Some of the Commissioners have asked important questions and the community expects the Planning Commission to keep Astoria authentic because this town really cares about this issue. She did not want any variances. Give City Council a break because they have to deal with all of this and the politics can be miserable. If the Planning Commission approves no variances, things can probably be changed later on. But, it is very important to say no variances in this Plan. She was also opposed to restaurants or buildings between the River Walk and the river. The Port and Pier 39 need to get their plan done and move forward with it. Therefore, they need to comply with the riverfront and make sure that their master plans comply. She stated that Mr. Holcom is a creative person who will figure out how to do this according to the Plan. She mentioned a recent trip to San Francisco, noting that a local person and a guide book discouraged visitors from going to their fishermen's wharf. The local person and the guidebook encouraged visitors to visit a ferry building designed for tourists. She believed Astorians felt like keeping the City authentic and real, and would bring in tourists because that is what makes people want to come and stay.

David Noren, 217 East Main Street, Hillsboro, stated he is a land use attorney and was contacted by George Brugh last week after attending the last Planning Commission meeting. He understood that many people had been working on the Riverfront Vision Plan for seven years and the Planning Commission has invested a lot of time in the process. However, people usually begin to hire lawyers when laws begin to be presented. The Planning Commission has been tasked with implementing the Plan, which is not law. Implementation of this Plan is what will become law. This is why the Commission is seeing lawyers now. This part of the process involves testing the proposed ordinance against the Comprehensive Plan, State Goals, and ultimately the Constitution. He said the Planning Commission should take more time to think about how to better address development and protection east of 30th or 28th Streets. He believed the Port's concepts of a plan district were useful and he encouraged the Planning Commission to take this or a similar approach. There are other mechanisms to allow for future review with flexibility for how areas might develop. A quasi-judicial master planning approach would address the major concerns and allow for flexibility. Supporters of the ordinance have talked a lot about protecting vistas, which is certainly part of the Plan. However, the Constitution does not allow the government to take property in order to provide vistas to the public. If the City regulates things to such an extent that there is no economically viable use left, then it has "taken" the property. At least some of the time, the City has gotten close to this. He did know whether there would be any viable economic use left if development were not allowed north of the River Walk. He believed restricting development over the water to 500 feet out to bank height would be so costly that it would not be economically viable, which would possibly be an unconstitutional taking. This is why lawyers get involved when the City begins to discuss these types of restrictions. He did not see anything in the Findings that reflect an analysis of the costs or economic viability of developing properties under the proposed restrictions. If the Planning Commission wants to be successful with this, it is important to take a look at the area one more time. He would like to work with the City's planning Staff and consultants and the Port to help the City come up with alternatives that he believes will continue to protect things and provide flexibility for considering specific proposals in the future.

Commissioner Gimre said he was surprised that he had not heard the term "taking" earlier and has been concerned about this since the very beginning. He asked Mr. Noren to expand on the definition of "a taking" so the other Commissioners and the audience could understand.

Mr. Noren stated that he was not an expert on the matter, but would try to explain. In general, the Fifth Amendment to the U.S. Constitution prohibits the government from taking private property for public use without just compensation. If property is "taken", due process of law is required. As these cases have evolved over the last 40 years or so through the U.S. Supreme Court, a couple of major concepts have evolved, which have to do with whether there is a relationship between a legitimate public purpose and the restrictions being imposed. He believed most people would agree that legitimate public purpose exists here. If the government is asking the developer to give something up in exchange for development, like a view or walking easement, then they need to be roughly proportional to the impact of the development. He noted that Mr. Ramis argued a case, *Dolan versus City of Tigard*, at the U.S. Supreme Court, so he would be the expert. If there is no economically viable use available to the property owner, the government has effectively taken the property. His concern with the proposed ordinance was the lack of Findings supporting the notion that property owners are being left with economically viable uses under some of the circumstances. Building something 150 feet wide and no taller than 28 feet, 500 feet out, might not be economically viable, meaning there is some risk that the regulation is unconstitutional.

Commissioner Gimre asked what the consequences of this would be.

Mr. Noren stated there were severable possibilities. It is difficult to anticipate the various paths of challenges to the ordinance. One path of challenge would be to appeal the ordinance, saying it is unconstitutional. Usually, this issue comes up when it is applied to a specific situation. He confirmed for Commissioner Gimre that the constitutionality of the entire document would be challenged, that is whether there would be no possibility of a particular property subject to the regulations developing in an economically viable way. He reiterated that it is difficult to anticipate the types of challenges to this ordinance because the ordinance applies to such a large section of the waterfront. However, he expected issues to come up if the ordinance is challenged and is appealed.

President Nemlowill asked City Attorney Henningsgaard to remind the Planning Commission what their role is when threatened with litigation. City Attorney Henningsgaard was unsure that anyone had threatened litigation at this point, alternatives were just being discussed. He asked President Nemlowill for clarification.

President Nemlowill asked if their decision on this hearing should be influenced by the idea of possible legal challenges in the future. She understood that any Planning Commission action could and has been appealed. City Attorney Henningsgaard stated this process has been ongoing for a long time. He and Staff, as well as the previous City Attorney, have attempted to steer this in a direction that would be lawful. Issues like takings are very fact-specific. It is possible that a decision made at this hearing takes all economic value out of a particular piece of property. However, the City has not heard any facts to that effect. Adjustments can be made to the ordinance if this were to occur. He believed the Planning Commission needed to make their best effort to effectuate the Riverfront Vision Plan.

Yvonne Hughes, 1390 Jerome Avenue, Astoria, agreed with Ms. Oldenkamp. The Planning Commission is here to help create ordinances, which is supposed to be a holistic approach that is a benefit to the entire community, not just developers as their own entity. She used to work for Gill Martinez, a world renowned master planner. Developers go into a community creating plans that adhere to the policies and ordinances already in place. In real estate development, this is a high-risk game because lawsuits are bound to happen. She has not been in this community for as long as this process has been going on, but has been very interested in the Plan since she came to Astoria. She believed this issue needed to come to a closure. The Plan needs to uphold the original ideas of what is going to happen. No one can foresee what will happen in the future, but variances would allow for anyone to come in and change the Plan to fit what they want to develop or how they want to develop. Not allowing variances is critical. This should be done from a community approach, not just from a singular approach.

Ted Thomas, 398 Atlantic, Astoria, said he was recently corrected on the origins of the River Walk and the Greenway Area. The River Walk did not happen by accident and a lot of hard work and intelligent thought went into its construction. For the purpose of possible appeals, which Planning Commissions do face from time to time, he felt compelled to reiterate and clarify the point he made earlier. If Tom McCall Park were converted into building lots and skyscrapers were constructed, or if Central Park was parceled out and converted into taxable building lots, would the cities prosper? He questioned whether these cities could prosper from the taxes collected on the properties or is something more ineffable would be lost. He was sure that property values on Park Avenue and 5th Avenue in New York City would decline, as well as in Portland. After the River Walk was constructed, he was not surprised that he and the entire City of Astoria fell in love with it. The River Walk is the inspiration of the city, the jewel of the Columbia River, and its value is not in what it can be sold for. The River Walk is valuable to the entire community. Like Central Park, the River Walk increases the real value of all buildings and all land. You cannot go forward without capturing that value, at least in an assessment. This is why every plan should include a credible assessment of the economic impact, including the value of the river vistas from the River Walk, that does not arbitrarily discount the rightful love of the people of Astoria or the impact of the River Walk upon property values. He asked the Planning Commission to consider whether they had adequate information on the actual economic impacts to make this decision. If he represented the City in a future appeal, he hoped the City would have a water tight economic assessment.

LaRee Johnson, 1193 Harrison Avenue, Astoria, thanked the Planning Commission, noting that this was a critical point for Astoria. She appreciated that the Planning Commission was reading through everything and weighing everything. She has been a resident since 1991 and does not own any property on the River Walk. However, she is vested in the Riverfront Vision Plan because she appreciates the generations to come and hopes they get to enjoy what everyone enjoys now when they walk along the River Walk. She did not want

anything built on the north side of the River Walk, either on land or further out. She also supported no variances because variances are a way for the camel to get his nose in the tent. She appreciated Mr. Faber, Mr. Cantor, and Ms. Oldenkamp's comments, as they echoed many of her feelings.

Elizabeth Menetrey, 3849 Grand Avenue, Astoria, said that if any change is made to preexisting regulations, a property owner can trigger a Measure 37 and 49 lawsuit. However, Planner Johnson stated in the *Daily Astorian* in 2006 that, "Astoria City Council decided from the start the City would continue life as usual after Measure 37 and continue to develop City Codes the way the City wants." She was on the Riverfront Steering Committee, which was carefully comprised of waterfront owners, people interested in development, and all types of people. The Committee was supposed to be well balanced to represent people who owned property on the water. This Riverfront Vision Plan came from a group of people who represented all of those interests.

Suzie Blackmore, 5241 Ash Street, Astoria, said she has been an Alderbrook resident since 1971. She remembered how industrial the City was when she moved here. There was fishing, logging, the Plywood Mill, dirt, grime, and noise out in the river. The waterfront is nothing like that anymore. From where she lives in Alderbrook, she wants to look down the river and see the big open expanse. She asked who had jurisdiction over the East End Mooring Basin. She also wanted to know if the Riverfront Vision Plan would override the Port's plan.

Planner Johnson explained that City Codes control what development occurs. This hearing is about developing the Codes that determine what can and cannot occur in an area. Anything over water is owned by the Department of State Lands with the upland property owners having first right of refusal to lease the area from the State. The property owner who leases the water adjacent to their land could develop over the water. The Department of State Lands and City Code would control what was developed.

Ms. Blackmore understood that if the Port chooses to develop the Mooring Basin, it would probably be accessible without having anything to do with the Riverfront Vision Plan. Planner Johnson responded no, any Code the City has in place would apply to the area. The City's Code applies to everything within the City limits, which includes out in the river. Therefore, any development in the City limits would need to comply with City regulations and State regulations.

Ms. Blackmore stated she was in favor of keeping the open space as much as possible. Any walls between the citizens and the river are a great objection to most of her friends and residents who love what they moved to Astoria to enjoy.

Chris Farrar, 3023 Harrison Avenue, Astoria, believed there had been many good comments made at this meeting. He thought the stretch of land from 16th Street past Pier 39 was to be an open space to allow residents to look out and enjoy the river. The river is a big part of Astoria and it defines the community. Coming down the Columbia was the whole idea of getting here in the first place. This is Astoria's history, and building on all of the natural stuff draws crowds of people. People do not come here to buy trinkets at fishermen's wharfs, which is an idiotic concept. He asked the Planning Commission not to put variances in the Code because there will be constant requests for variances. It is fair to the developers to let them know up front that Astoria is really strict and will not let them do much. The developers will figure out something that works. Let Astorians have their views of the river in this one area. Much of the town is very developed and he does enjoy walking in the developed area, but he would like some open space to see the river. This is long range planning. He urged the Planning Commission to try not to develop any more of anything near the river and keep it as open space. Open space is the best tsunami proofing the City can have for the community. A tsunami is so far in the future that the Planning Commission does not believe this is important, but it is something to really think about. A tsunami is going to happen; it is just a matter of when.

Tim Ramis, speaking on behalf of the Port, noted that the issue of the variance appeared to be coming up frequently. The variance is an important tool, but only in very marginal cases because it really only grants relief from small dimensional requirements. A variance is not really a tool of flexibility. The other problem with a variance is that, if opposed and challenged, it is likely the decision would be overturned in LUBA. From a developer or the Port's point of view, a variance can be a useful tool in a small number of cases. He urged the Planning Commission not to consider variances to be an important tool of balancing the regulations or somehow creating significant flexibility. A variance is often the graveyard of development projects. He referred to the slide shown during Mr. Hastie's presentation that was colored in blue and green. Mr. Hastie's evaluation had been that

the regulations in terms of general impact would provide protection of roughly 90 percent of the area, leaving 10 percent for major Port development referred to in the Comprehensive Plan. If the current regulations are at a 90/10 balance, the City has not struck the kind of balance that is working for the Port. This is why the Port has asked for the opportunity to include the plan district approach in the ordinance, so that the Port can talk with the City about what that balance should be in terms of specific buildings and development.

Commissioner Fitzpatrick noted that Page 3 of Mr. Ramis' letter stated "it was important to realize the consequences of failing to consider the public investment in the East Basin area. Under the current Marine Industrial zoning, the Port could develop a grain terminal, coal or oil terminal, LNG facility, cold storage or anything else that depends on a marine location." The letter states that "these are among the highest and best uses and the Zoning Code and Comprehensive Plan support these uses, acknowledging that they should be constructed regardless of their size and scope. The proposed amendment would render the Port's holdings essentially useless for these purposes." A member of the public commented that Mr. Ramis was aligned with LNG, to which Mr. Ramis rebutted he was not. Mr. Weston had stated that the Port has no interest in doing coal or LNG here. He confirmed that Mr. Ramis is currently representing someone who opposes LNG and asked Mr. Ramis if he represented LNG in the past.

Mr. Ramis answered no; his firm represents the government entity that denied the application. His job is to defend the government entity's position.

Commissioner Fitzpatrick said when he read the letter, LNG was a concerning issue for him. There have been letters to the editor that indicate people do not understand what the City is doing in this case. He recognized, and hoped people in the audience recognized, that the Mooring Basin could be used for many things. Portions of the property have no height limit at all, some have 60 feet and some have 40 feet height limits. So, when the City is reducing the height limits to 12 feet, they are taking something away, not suggesting that people should come in and develop. He was unsure if Mr. Ramis was using this as leverage, but he believed the uses listed in his letter were among the highest and best uses of the land, which really concerned him. He asked Mr. Ramis to explain why those uses were listed in his letter.

Mr. Ramis said he agreed with the Port Director, who indicated the Port did not have plans to pursue those uses. The point he was trying to make was that changing dimensional requirements so they do not fit the allowable uses means the City has made a policy decision to eliminate those uses by means of dimensional requirements. This may be the Planning Commission's purpose, but the Port's suggestion is that the design of the buildings is critical. A precise tool, like a master plan or plan district, rather than a blunt instrument, like saying everything must be 75 feet apart, is a more sensible way of getting at the dimensional requirements. He may have used a more dramatic example than needed, but at least he got people's attention. The City is risking wiping out potentially good uses, not necessarily uses the Port would choose at this point. Tightening the dimensional requirements eliminates uses.

Commissioner Fitzpatrick noted that Mr. Ramis said, "at this point," which leaves the door open for the future.

Mr. Ramis stated he knew of no plans by the Port for those uses.

President Nemlowill asked if the Port wanted to leave the door open for the proposed master planning process.

Mr. Ramis believed that the master plan process would be obligated to state which uses would be permitted. If someone wanted to preserve the opportunity for those uses, the master planning process would be the perfect time to advocate for them, otherwise they should not be listed. This is how a plan district is used. The City would be able to write precisely the kinds of uses it would allow in precise locations. He advocates the plan district because it is a better tool than the blunt zoning instruments typically used.

Veronica Montoya, 324 38th Street, Astoria, said she just found out about this hearing an hour before the meeting began and was not very prepared. There have been many good points made and she has learned a lot. She moved to Astoria about a year ago. Astoria is a gem of a city just the way it is. She was very concerned about the idea of building and blocking the river and possibly disrupting the wild life in the East Mooring Basin. Since she has been in Astoria and especially now that the dock is open, she has seen so many people enjoying visiting the sea lions. She would love to see the City embrace that as a tourist attraction. She hoped that residents would be

able to keep their City as it is because she has not seen anything so beautiful. Destroying or taking away from that beauty would damage Astoria's tourism and the City will just be like everywhere else, not special.

President Nemlowill confirmed there was no further public testimony and called for closing remarks from Staff.

Director Estes explained that since last fall, Staff and the Planning Commission have been working on developing this Code language that would implement the Riverfront Vision Plan while trying to find the balance for what is appropriate. Currently, there is an overwater area around the Maritime Museum with a maximum building height of 45 feet. Everything from 21st Street to the east has no maximum height restrictions for overwater development. This set of Code provisions attempts to provide protections identified in the Riverfront Vision Plan and respond to some of the feedback and direction from the Planning Commission at the last meeting to allow more development around the East End Mooring Basin. The Code must meet the intent of the Riverfront Vision Plan and comply with the Comprehensive Plan. The City has received a lot of testimony from interested parties over the past few months that has affected the Code language currently being presented.

Planner Johnson reiterated that the proposed Code does allow uses along the waterfront, both over water and on land. The shore land has not changed dramatically, so there would be no loss of use on land. The only use being reduced is the CR zone proposed in the area between 30th and 32nd Streets. The City is not taking away the residential use, but is limiting the use to single family and two family dwellings. One of the comments indicated that limiting the size of buildings is a way of limiting the types of uses that could exist. This would need to be played out to see what could or could not be developed within those parameters. However, those uses are not prohibited and the zone does allow 150-foot wide buildings with any depth. This would allow square footages large enough for development. If the Planning Commission decides to move forward, Staff needs direction on the following:

- Do you want to limit the height on the shore north of the railroad tracks to top of bank?
- Do you want to allow variances from the height restriction?
- Do you want to allow restaurants?
- Do you want to allow handrails on walkways or roads to extend above the bank?
- Do you want to allow a variance from the 500-foot distance requirement?
- Should Staff do further research on the recommended plant species before the City Council meeting?

Mr. Hastie reiterated that Staff has had many meetings with the Planning Commission and there has been a lot of public testimony. Staff has been trying to strike a balance and from his perspective, the City is pretty much there. This may not be what every single person in the room wants, but it is certainly heading towards a balance. The Planning Commission has a lot of Code amendments in front of them. The issues that the vast majority of the audience members have spoken about are on overwater development. Other than a few details, he believed 90 to 95 percent of the Code amendments have not generated opposition or testimony.

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

President Nemlowill said she attended the workshop where Team Astoria came up with the idea for the Riverfront Vision Plan. At that time, there were 17 waterfront condominium proposals being discussed in Astoria, which created a lot of fear. It seemed important to have an area of the waterfront and views of the water that were truly protected from development. Overwater uses, the way buildings were constructed, and public access when building over the water were also important parts of the Riverfront Vision Plan. This is her ninth year on the Planning Commission and this is probably the most challenging decision she has ever had to make. There has been great public testimony in the eight meetings the Planning Commission has had to discuss implementing the Civic Greenway Area of the Plan. She wanted the public to know that she has listened to everyone. She believed the Staff Report did find balance. Her favorite part of the Riverfront Vision Plan is in the Executive Summary, which does not specifically pertain to the Civic Greenway Area, but states "the goal of continuing to plan the future of Astoria for Astorians" and "promote physical and visual access to the river and encourage a mix of uses that supports Astoria's working waterfront and the City's economy." If this is not balance, what is? Even though cities update their comprehensive plans, she did not believe the Planning Commission could ignore the fact that the current Comprehensive Plan states that major Port development would be encouraged at the existing Port docks and at the East End Mooring Basin. Therefore, she believed it made sense to have more development in that area. Her responses to Staff's questions and other recommendations were as follows:

- No variance in the areas that would limit development below bank height.

- No variance from the 500 feet distance requirement.
- No eating and drinking establishments should be an allowable use in the Civic Greenway Area. The Riverfront Vision Plan says that maritime related uses consistent with Astoria's working riverfront, such as docks, piers, and marinas should be encouraged, as well as associated uses that provide jobs and maintain a historic connection to the river. She clarified that she was referring to restaurants over the water in the A-1 and A-2 zones. These are not appropriate uses over water in the Civic Greenway Area.
- Bank height for anything north of the railroad tracks would be appropriate.
- Home stays should not be allowed in the cluster housing development because the residential area is meant for working Astorians that live here year-round.
- Staff should do more research on the recommended plant species.
- She was undecided about handrails above bank height and wanted to consider other Commissioners comments.
- She supported forwarding the proposed Code amendments to City Council with the provisions she listed.

Commissioner Pearson thanked everyone who testified. This is a passionate topic for everyone involved. He reiterated that this process began in 2008. City Council approved the Riverfront Vision Plan in 2009 and the Planning Commission has been tasked with building the Code to match the vision that was approved. There are many details to this, but the Plan covers large areas. He believed the proposed amendments were a good compromise and he commended Staff and the consultants for their work. He believed 35th through 39th Streets was a different area compared to overwater versus 16th through 35th Streets. There should be latitude in this area and he believed Staff made a good attempt to include this in the amendment. A master plan at the Port could be a great working document, which he would like to see. This is the last two hours of a six year process and the Planning Commission has been tasked to bring this to City Council. Therefore, he believed it should be up to City Council to decide if the Planning Commission should consider a master plan by the Port as a proposal. He did not believe implementing the Riverfront Vision Plan could be stopped for something like a master plan. He supported the amendments as they have been proposed. He believed variances have always been a useful tool for planning departments, community development, and different projects. Variances are certainly not a free pass by any means, but they can allow some flexibility in the details. Therefore, he supported variances. Bank height north of the railroad tracks should be left as is, only limiting overwater development to bank height.

Commissioner Fitzpatrick said he was conflicted for a number of reasons. He agreed that the Planning Commission is very close to finding the right balance. There has been a lot of input and work done and some good progress had been made. The Civic Greenway Area covers a large area and we are down to arguing about one specific area. He agreed with much of what Commissioner Pearson and President Nemlowill said. He opposed variances as he has been involved in too many situations where the variances were taken advantage of. He would love to see absolutely no development between 16th Street and the existing developments because the public has indicated they do not want to see development in this area. He fell in love with Astoria in 1967 and he looks back and thinks that Astoria was a crappy place then. He understood why people 20 years ago would question why he wanted to be in Astoria. However, people understand today. Astoria has only improved; therefore, from a selfish standpoint, he would not like to see anything developed in the area. He was surprised that the word "taking" had not been brought up prior to Attorney Noren speaking. He walks along the River Walk almost every day, but does not always go past Safeway. Since this has started, he has tried to spend more time in the area. From the Maritime Museum several blocks to the east, if he were to testify or be hired as a consultant, he could not see that there would be a taking if the City did not allow anything over riverbank height. The area currently has a 45-foot height limit and he questioned whether the City has taken any value away by limiting the height to the riverbank. He stated he would feel confident testifying that no value had been taken. He is not an attorney, but has been hired in other areas for this area of expertise. He was concerned about what would or would not be allowed in the area of Mr. Brugh's property, the Port and Mr. Holcom's property because if he were consulting a client on this, he would say his client would lose. Therefore, he is very comfortable limiting certain areas of the riverfront and is very uncomfortable placing certain restrictions on other portions, specifically 35th through 39th Streets. 31st Street was mentioned at a previous meeting, and then someone mentioned 29th Street, and then 28th Street. Therefore, he understood the concern that the Planning Commission keeps creeping backwards. He did not like the sound of trinkets and agreed with Ms. Oldenkamp's statement. One of the things he likes about Astoria is that it really does not have any trinket stores. He believed this was because there is no need for them and he hoped that Astoria did not end up with trinket stores. It is true that local people in San Francisco do not go to the Fisherman's Wharf and he would not go to a trinket store in Astoria. He has seen similar situations in other small towns where the visitors love places that the local people do not. He was

extremely concerned about seeing LNG and coal as one of the highest and best uses and he was still trying to understand why that was included in Mr. Ramis' letter. However, he was willing to give the benefit of the doubt. The document uses the word marina considerably. He understood what a marina meant because as a child, he would go to a marina on weekends to go sailing. He was concerned about others' definition of a marina, but to him, a marina is an active place where you can rent kayaks, buy supplies for fishing, and buy snacks. He wanted to define what was meant by marina and associated uses. He agreed with President Nemlowill that Astoria is for Astorians and he understood the passion from those who spoke about the amendments. The Plan states it is expected that large amounts of overwater development will not occur in the Civic Greenway Area due to the amount of public control in areas such as the historic train depot, Mill Pond, and East End Mooring Basin. These areas represent about 75 percent of the overwater area in the Civic Greenway Area. He believed this meant at least 75 percent of the area is expected to be left in its current state, so the Planning Commission is really working on 25 percent. He did not agree that the Plan was saying no overwater development whatsoever; it says that 75 percent of the area will not have a certain level of overwater development and another portion will. There was discussion of the City working with upland property owners to work around their leases of the space overwater so that landowners would be compensated. He has not seen any mention of that in the proposed amendments. He did not want the Planning Commission to put something in front of City Council, have it approved, and then have lawsuits. He did not believe the City or the Port could afford a lawsuit and believed it was important to come up with something that works, that is fair, and does not get the City in trouble. He believed the Planning Commission was getting close, but was unsure if the current proposal worked.

City Attorney Henningsgaard responded that the taking clause refers to taking private property. All submerged and submersible lands are owned by the State of Oregon and are not private property. The restrictions placed on those properties would not result in a taking.

Commissioner Fitzpatrick clarified that he said earlier he was only speaking about on land, but when he began talking about taking, he was not specifically talking about that.

Vice President Innes believed the proposed amendments were livable. She had hesitations about the area from 35th to 39th Streets. She would like to believe the way it has been proposed would work, but some heavy questions have been raised. She wanted to finalize this with as much protection as possible for what the Planning Commission has learned that everyone wants to have in this Plan. If that means not allowing variances, then let's omit variance from both the bank height restriction and the 500 foot distance requirement. She was not in favor of restaurants over the water. Handrails above the bank really appealed to her because she is older and needs handrails. She wanted to know if Staff could begin researching the handrail issues by referring to ADA principles first. Director Estes stated handrails would be required. If the height of the dock was the same height as the riverbank, the handrail would be above the riverbank. The trestle going out to Pier 39 is one example of this. It would be difficult and challenging to build handrails above bank height. Staff recommended handrails be allowed above bank height. Vice President Innes clarified that she was suggesting handrails be above bank height.

Planner Johnson confirmed for Commissioner Norgaard that bank height restrictions for overwater development were being proposed from 16th to 41st Streets. Director Estes displayed an image on the screen and explained that in the areas shaded green, any overwater development could only be the height of the adjacent bank. The blue area, 500 feet from the bank, could be higher.

Vice President Innes said with regard to the plant species, the City should use the most affordable expertise available. It is one thing to put in the plants and trees the City is hoping for, but maintenance needs to be considered. This is such a huge production, so the City should try to get the area as well planted as possible. She favored bank height development north of the railroad tracks.

Commissioner Norgaard thanked the public for speaking as he has learned a lot at this meeting. While he has not been part of this process from the beginning, he takes this and all of the comments very seriously. Everyone seems to say that this process has been going on for so long and we should just get it over with. He understood that the Planning Commission needed to send this to City Council. However, the Planning Commission wants to do this right the first time. He agreed that railings should be allowed above bank height. He has lived in Astoria his whole life and he believed a lot of effort was put into the Riverfront Vision Plan. He agreed with protecting the views between 16th and 41st Streets, but between 35th and 39th Streets, he would not mind seeing some development, including a restaurant. He worked on his dad's boat through the 1980s when the waterfront was

not the greatest looking, but it meant something to him and he has good memories. He is wondering if it is his job to restrict a property owner's building heights and distances.

President Nemlowill stated she respected what Commissioner Norgaard was saying. She understood that he did not want to tell other people what to do with their property. However, she believed this was his job as Planning Commissioner, which is tough.

Commissioner Norgaard said this was a difficult decision to make because everyone must agree on something that will be set for future generations. He believed the proposed amendments demonstrated a balance while implementing the Riverfront Vision Plan. He originally agreed that the 500-foot distance requirement was appropriate. But after listening to comments, he began to question the requirement. He agreed with Commissioner Pearson that a master plan from the Port would be interesting to see. He believed the Port and the City could work together and still preserve what is out there. He has faith that people in the City would put the right plants in the right places.

Commissioner Gimre thanked everyone who testified. What makes Astoria great is that everyone is involved and everyone has an opinion. The bottom line is that everyone loves Astoria. He understood there was consensus in support of what was proposed between 16th and either 30th, 31st or 32nd Streets, which he supports as well. He agreed no variance from the bank height should be allowed. He supports no variances from 16th through 30th Streets, but did favor variances from 31st through 39th Streets. Development is a dirty word sometimes, but if it done right, it does bring people to the waterfront. If there is a way to get people to the river or out on the river, people will go to the furthest point out on the river. He was not opposed to restaurants and believed any development would be done tastefully. He had faith in those who would request the variances and was not afraid of what would be done. The recommended plant list needs a serious look. There are currently 30-, 40-, or 50-foot high alder trees along the riverfront and he did not want more plants like these planted in the area. The City should be very restrictive on the height of the plants. He wanted to see a master plan from the Port, but they seem to be a little late to the game. Waiting another year to come up with a master plan is late at this point. The Port's job as a public entity is to create economic stimulus. He was unsure if the current Code was too restrictive to allow the Port to do what they have proposed. He was not in favor of LNG or grain terminals and doubted if anyone in town would be. However, he personally believed it would be good to have the cruise ships dock off the East End Mooring Basin. He reiterated that he supported no variances from 16th to 30th Streets and variances allowed from 31st to the east side.

President Nemlowill said the section being discussed was from 35th to 39th Streets. She asked if Commissioner Gimre was suggesting a change to Staff's proposal.

Planner Johnson confirmed that Commissioner Gimre supported no variances to 31st Street, but allowing variances from 31st Street on, not that he was opening up development from 31st Street. Mr. Brugh's property begins at 31st Street and the Port's property begins at 33rd or 34th Street and extends east. She confirmed that Commissioner Gimre agreed with Mr. Noren's comments.

Commissioner Gimre stated he was not suggesting a change to the allowable overwater bank height restriction between 31st and 35th Streets. He just wanted to allow variances in this area. He confirmed for President Nemlowill that he did not support variances between 16th and 35th Streets, but did support variances from the 500-foot distance restriction for overwater development between 35th and 39th Streets. He also supported a variance from the bank height restriction starting at 31st Street.

President Nemlowill did not understand how Commissioner Gimre's proposal would work. She asked how variances could be allowed from bank height, which is a non-numeric value, in some areas but not others. Planner Johnson stated this could be written into the Code to clarify if variances were allowed.

Commissioner Easom thanked everyone who participated in this process. He believed limiting overwater development was appropriate between 16th and 31st Streets. However, limiting such development between 31st and 40th Streets would not support what the Riverfront Vision Plan says about Port development and economic development. He agreed with Commissioner Fitzpatrick that the definition of a marina was important and eating and drinking establishments in conjunction with marinas is quite common; they make marinas more viable in some ways. He did not agree with the proposed height limit between 31st and 41st Streets and he believed the recommended plant list needed more work.

President Nemlowill stated that currently, the area between 31st and 41st Streets does not have a height limitation for overwater development. She asked if Commissioner Easom wanted this to remain as is in the Code.

Commissioner Easom clarified that he did not support unlimited height and the proposal for height limits in this area needed some work. He suggested a 28-foot height limit with the possibility for a variance to 45 feet between 31st and 41st Streets.

Planner Johnson confirmed the Planning Commissioners' position on the key issues as follows, noting the majority consensus:

- Four Commissioners opposed allowing variances between 16th and 31st Streets for the bank height restriction for overwater development.
 - The Commission was split on whether to allow height variances between 35th and 39th Streets for overwater development.
 - Two Commissioners supported allowing variances between 31st and 39th Streets.
- The entire Commission supported allowing overwater handrails above bank height.
- The entire Commission supported conducting more research on the recommended plant list.
- The Commission was split on whether to allow variances to the 500-foot distance requirement for overwater development.
- Three Commissioners supported making the shore north of the railroad tracks at bank height; only one Commissioner supported keeping the shore at the water level.
- Three Commissioners supported allowing eating and drinking establishments associated with a maritime use over the water, two Commissioners did not, and two Commissioners supported allowing them even without maritime association.

President Nemlowill asked if the Commissioners supported sending Staff's recommendations to City Council.

Commissioner Fitzpatrick said he was not in favor of sending the recommendations to City Council as is because some people have spoken in favor of and some people have spoken opposed to the recommendations. He was in favor of continuing to fine-tune the proposed amendments. He agreed that this process had gone on for a long time, but did not believe this was the time to cut it short and say we need to be done because it is late.

Commissioner Norgaard supported forwarding the proposed amendments to City Council with the changes as stated by Planner Johnson. He also supported the variance from the 500-foot distance restriction for overwater development and more research on the plant species list.

Commissioner Gimre stated he would not send the recommendations to City Council as currently written. Commissioner Easom agreed.

Staff proposed that the Planning Commission make a recommendation concerning the on-land provisions only and hold back the overwater section of the Code for further discussion and deliberation. The overwater portion of the recommended Code amendments could be continued to the next meeting. There seemed to be a consensus by the Planning Commission on all other parts of the recommended amendments. The public hearing is closed, but the Commission could continue discussion and deliberation on overwater development to the next meeting.

President Nemlowill questioned how the Planning Commission could move forward on the overwater issues right now. Some Commissioners have expressed their ideas for 31st Street, but she has not heard how those ideas apply to the Riverfront Vision Plan. She asked if Staff would amend the current proposal based on a few Commissioners' idea of bringing the Blueway Zone to 31st Street.

Staff explained that the Planning Commission could discuss the entire waterfront at the next meeting and forward everything else, like the Compact Residential zone, design guidelines, landscaping, setbacks and stepbacks, to City Council. There does not seem to be much opposition from the Planning Commission to any of the on-land development recommendations. At the next meeting, Commissioners would need to state how their individual proposals would comply with the Riverfront Vision Plan.

President Nemlowill stated she would be happy to continue that discussion. She did not believe the City was at a point where that discussion should change what is being proposed right now.

Motion by President Nemlowill, seconded by Vice President Innes, that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff Report regarding the proposed amendments for the on-land portion of the Civic Greenway Area of the Riverfront Vision Plan and continue the discussion of the overwater portion of the Civic Greenway Area of the Riverfront Vision Plan to the next Planning Commission meeting on July 22, 2014 at 6:30 p.m.

An unknown person in the audience interjected that the Planning Commission wanted to make changes to the height limit north of the railroad tracks, which was not included in Staff's recommendations. Planner Johnson stated this would be part of the future discussion.

President Nemlowill noted that the person was talking about land.

Attorney Noren asked if public testimony had been reopened.

President Nemlowill believed the area north of the railroad tracks was land and agreed with the unknown person in the audience and withdrew the motion.

Mr. Hastie believed the Planning Commission could adopt provision on land up to the railroad tracks and continue the discussion for provisions pertaining to overwater and the area on land to the railroad tracks. He has not heard any debate on the rest of the on-land recommendations.

President Nemlowill asked what benefit would come from dividing the recommendations, noting this would be the first time these recommendations would be divided.

Mr. Hastie explained that the Department of Land Conservation and Development (DLCD), who funded this grant, needs to decide whether or not they will approve funding for the next phase of this grant. The DLCD has been very concerned about making progress on this. If the Planning Commission cannot move forward on something, the funding could be jeopardized. The proposal is to move forward on the recommendations the Planning Commission agrees on and continue discussion on the recommendations the Planning Commission has not agreed on.

All of the Commissioners supported recommending to City Council the Code provisions that would apply to the on-land portion of the Civic Greenway Area to the railroad tracks and that discussion of Code provisions north of the railroad tracks be continued to the next Planning Commission meeting.

Motion by Commissioner Pearson, seconded by Commissioner Fitzpatrick, that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff Report and recommend to City Council the Code provisions that would apply to the on-land portion of the Civic Greenway Area of the Riverfront Vision Plan to the south side of the railroad tracks, and continue discussion of Code provisions north of the railroad tracks to the next Planning Commission meeting on July 22, 2014 at 6:30 p.m. Motion passed unanimously.

Staff confirmed that the next Planning Commission meeting would be July 22, 2014 at 6:30 pm.

REPORTS OF OFFICERS/COMMISSIONERS: None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:58 pm.

ATTEST:

APPROVED:

Secretary

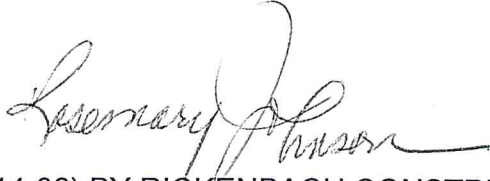
Community Development Director /
Assistant City Manager

DRAFT

STAFF REPORT AND FINDINGS OF FACT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU14-08) BY RICKENBACH CONSTRUCTION FOR COLUMBIA RIVER MARITIME MUSEUM TO LOCATE PROFESSIONAL OFFICES AT 1777 MARINE DRIVE IN THE FA ZONE (FAMILY ACTIVITY)

I. BACKGROUND SUMMARY

- A. Applicant: Rickenbach Construction Inc.
37734 Eagle Lane
Astoria OR 97103
- B. Owner: Columbia River Maritime Museum
attn Dr. Samuel E Johnson
1792 Marine Drive
Astoria OR 97103
- C. Location: 1777 Marine Drive; Map T8N R9W Section 8DB, Tax Lot 2500; Lots 1, 2, 3, Block 132, Shively, and vacated portion of Duane Street
- D. Zone: FA, Family Activity
- E. Lot Size: 150' x 140'; 21,000 square feet
- F. Proposal: To locate professional offices in an approximate 2,600 square foot portion of the existing commercial structure

II. BACKGROUND INFORMATION

Subject Site:

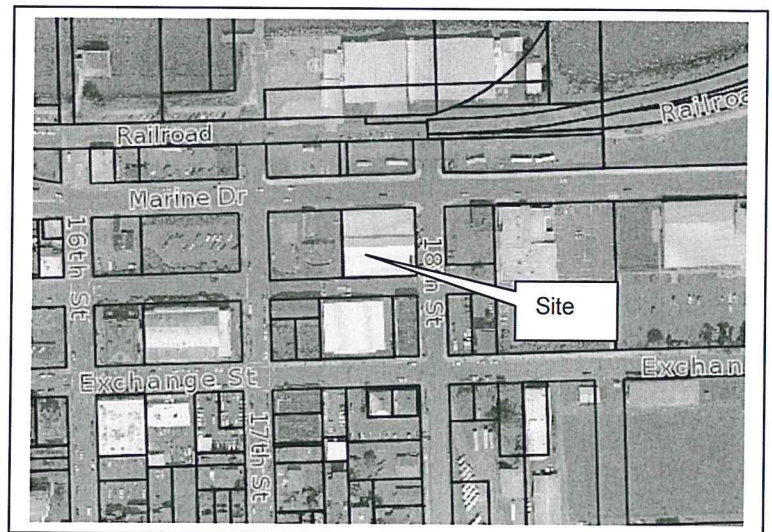
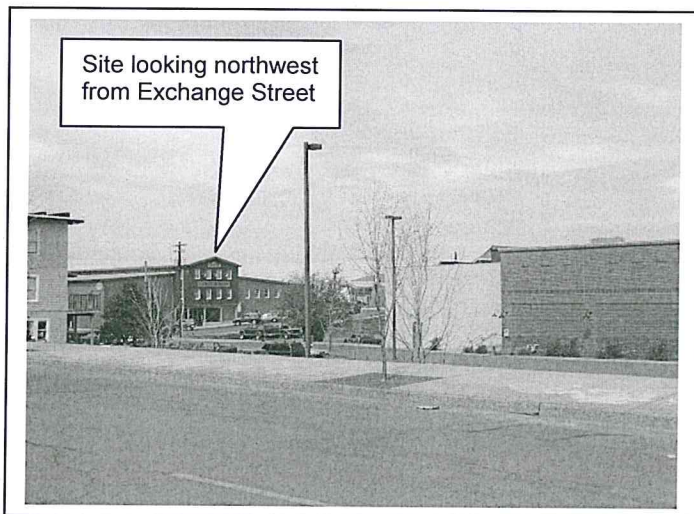
The property is approximately 21,000 square feet and is part of a larger site with multiple buildings owned by Columbia River Maritime Museum. It is located on the south side of Marine Drive with the main entrance facing 18th Street. The site is flat and developed with an approximate 17,600 square foot building used by the CRMM for museum storage and associated museum activities.



The building was constructed as a building supply retail establishment and has a mezzanine for business offices. The FA Zone allows museum activities and retail sales as outright uses; however a professional office not associated with an allowable use would require a conditional use permit. The CRMM has requested a conditional use permit to allow a small portion (2,600 square feet) of the upper level to be used for office space not associated with the CRMM.

Neighborhood:

To the west is a gas station and mini mart, and Moose Lodge; to the east across the 18th Street right-of-way is a commercial building with apartments, the Gateway Cinema, and a parking lot associated with the CRMM facility; to the south is a second building owned by CRMM for museum storage and the Svenson Blacksmith Shop building; and to the north across the Marine Drive right-of-way is the CRMM museum. The zoning around this site varies.



II. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet, pursuant to Section 9.020 on June 27, 2014. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on July 15, 2014. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 14.085.6 allows “*professional service establishment*” as Conditional Uses in the FA Zone, in accordance with Article 11, Conditional Uses.

Finding: The proposed use as a professional office is allowed as a conditional use.

- B. Section 7.010 requires that “*off-street parking and loading areas meeting the applicable requirements of the Code be provided and maintained.*”

Section 7.100 concerning Minimum Parking Space Requirements states that professional offices shall have one parking space per 500 square feet of gross floor area; museum shall have one space per 600 square feet of gross floor area, and warehouse shall have one space per 1,500 square feet of gross floor area.

Finding: The previous use was a mixture of retail sales at one space per 500 sqft and bulk retail sales (construction materials) at one space per 1,000 sqft of gross floor area. The CRMM recently acquired the building and uses it for museum storage and for associated museum uses such as meeting space. The building is approximately 17,600 square feet, most of which is considered as warehouse for the museum. The proposed offices would require six off-street parking spaces. The remaining 15,000 square feet would require 10 parking spaces at 1/1,500 sqft. The second building is approximately 13,500 sqft which would require nine parking spaces. The total required parking for all uses within the two buildings would be 25 spaces. The site has 10 spaces on 18th Street, 10 designated spaces on the property between the two buildings, and 12 spaced on the adjacent parking lot across the 18th Street right-of-way owned by CRMM for a total of 32 spaces. There is room on the site to designate additional parking. At the time the building was constructed in 2000, the owner was allowed to develop the angled parking within the right-of-way for the site due to the limited development on this block and the amount of additional on-site parking. The site has ample parking for the proposed and existing uses.

- C. Section 7.105.A concerning Bicycle Parking, states that *"Bicycle parking spaces shall be provided for new development, change of use, and major renovation . . ."* It requires *"one bike space per primary use or one space per 10 vehicle spaces whichever is greater."*

Finding: The addition of professional office space is a change of use. This use requires six parking spaces and therefore one bicycle parking space is required. The one space may be short or long term bike parking. A bicycle parking area shall be established for a minimum of one bicycle (Condition 1).

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

1. CP.015(6) concerning General Land and Water Use Goals states that *"The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand."*

Finding: The building is currently used for CRMM storage and has vacant areas that are underutilized. The proposed use would allow a non-museum related professional office use on the site. Based on the previously approved uses, it is anticipated that public facilities should be sufficient to serve the proposed uses in this area.

2. CP.200 concerning Economic Development Goal 1 Policies states that *"The City of Astoria will:*
 4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*
 5. *Provide a supportive environment for new business.*
 6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
 8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries."*

Finding: The proposal is for professional offices in a Family Activity Zone in an existing underutilized building. It would add to the business mix for this building and area.

Finding: The proposed use will comply with the applicable policies of the Comprehensive Plan.

- E. 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 of an approximate 2,600 square foot area of this large building would provide a useable space for a non-museum related business. The site is close to Downtown and the Gateway Area with similar uses. While there are other zones that allow these uses outright, the proposed use would allow CRMM to utilize a portion of the building for leased office space until such time as they need to occupy the space. Since it is an existing building with underutilized space and no new construction is required, interim use as an office would not preclude the CRMM expansion into this space in the future.

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 building is located on Marine Drive and 18th Street in close proximity to public transportation, parking, the River Trail and Trolley. Access

to the site is from Marine and/or Exchange Street via 18th Street. There is ample parking and the street is improved to its full width with sidewalks on the east side of 18th and along the front of the subject site. The location is accessible by multiple modes of transportation. Anticipated traffic volumes would be less than that of the previous retail sales establishment and would be minimal.

Refuse collection will occur on-site within the building. If an outdoor solid waste disposal site is proposed, the location and screening of that refuse collection area shall be submitted to the Planner for review and approval to assure compliance with the requirements for this area. The applicant should work with the City's solid waste disposal provider concerning the size and location of any proposed refuse area for the proposed uses.

The proposal to allow professional office is appropriate at this location.

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 impact will not change from the previous approved uses.

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 relatively flat sitting below the Marine Drive grade level. No new construction is proposed.

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

Finding: The building and landscaping are existing and sufficient for the site. No additional landscaping is required.

V. CONCLUSIONS AND RECOMMENDATIONS

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

1. A bicycle parking area shall be established for a minimum of one bicycle.
2. 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 construction.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

CITY OF ASTORIA

JUN 19 2014

BUILDING CODES

No. CU 14-08

Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 1771 Marine Drive, Astoria, OR 97103

Lot 1-2-3

Block 132

Subdivision Shively; evacuated portion of Duane St.

Map 8DB

Tax Lot 2500

Zone FA

(NC adj to Hist)

Applicant Name: Rickenbach Construction Inc.

Mailing Address: 37734 Eagle Lane, Astoria, OR 97103

Phone: 503.325.3749 Business Phone: _____ Email: michelle@rebuilds.com

Property Owner's Name: Columbia River Maritime Museum

Mailing Address: 1792 Marine Drive, Astoria OR 97103

Business Name (if applicable): _____

Signature of Applicant: Michael Driffenbach

Date: 6.18.14

Signature of Property Owner: Samuel Johnson

Date: 6.19.14

Sam Johnson, Director CRM

Existing Use: CRM storage & o/c.

Proposed Use: professional office, not associated w/ CRM

Square Footage of Building/Site: Building 17,590 sf 2,600 sf 2nd floor to be leased.

Proposed Off-Street Parking Spaces: 1

to locate professional offices in an approx. 2,600 sf portion of the existing

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.

Commercial Structure
For office use only:

Application Complete:	<u>6/23/14</u>	Permit Info Into D-Base:	<u>6/23/14</u>
Labels Prepared:	<u>6/23/14</u>	Tentative APC Meeting Date:	<u>7/22/14</u>
120 Days:			



General Contracting • Design Build • Construction Management • Restoration

Conditional Use Application for 1777 Marine Drive, Astoria, OR:

11.030(A)(1):

The second floor of the Collection Building is office space complete with casework, tables, and desks. This space is currently not needed by the Columbia River Maritime Museum for their own use as office space. A professional medical organization has requested the use of this space to supplement their existing office space located about five blocks away. The Columbia River Maritime Museum will need very limited parking since this building is a collection or storage building and will not have employees occupying the building the majority of time. The parking stalls would be available for the use of the office occupants

11.060(A)(2):

The previous use of the building was a mercantile space with offices on the second floor. The same provisions for office space are provided on site currently under the ownership of the Columbia River Maritime Museum. Using the second floor as office space for a medical organization will require no changes, added use or dangers on services and the public then is provided currently.

11.060(A)(3):

The use of the second floor as medical office space will not increase the current burden on any services provided by the municipality.

11.060(A)(4):

The use of the second floor as medical office space has no impact on the site, soil or physical characteristics.

11.060(A)(5):

The use of the second floor as medical office space has no impact on the site amenities.

DOOR HARDWARE REVISIONS

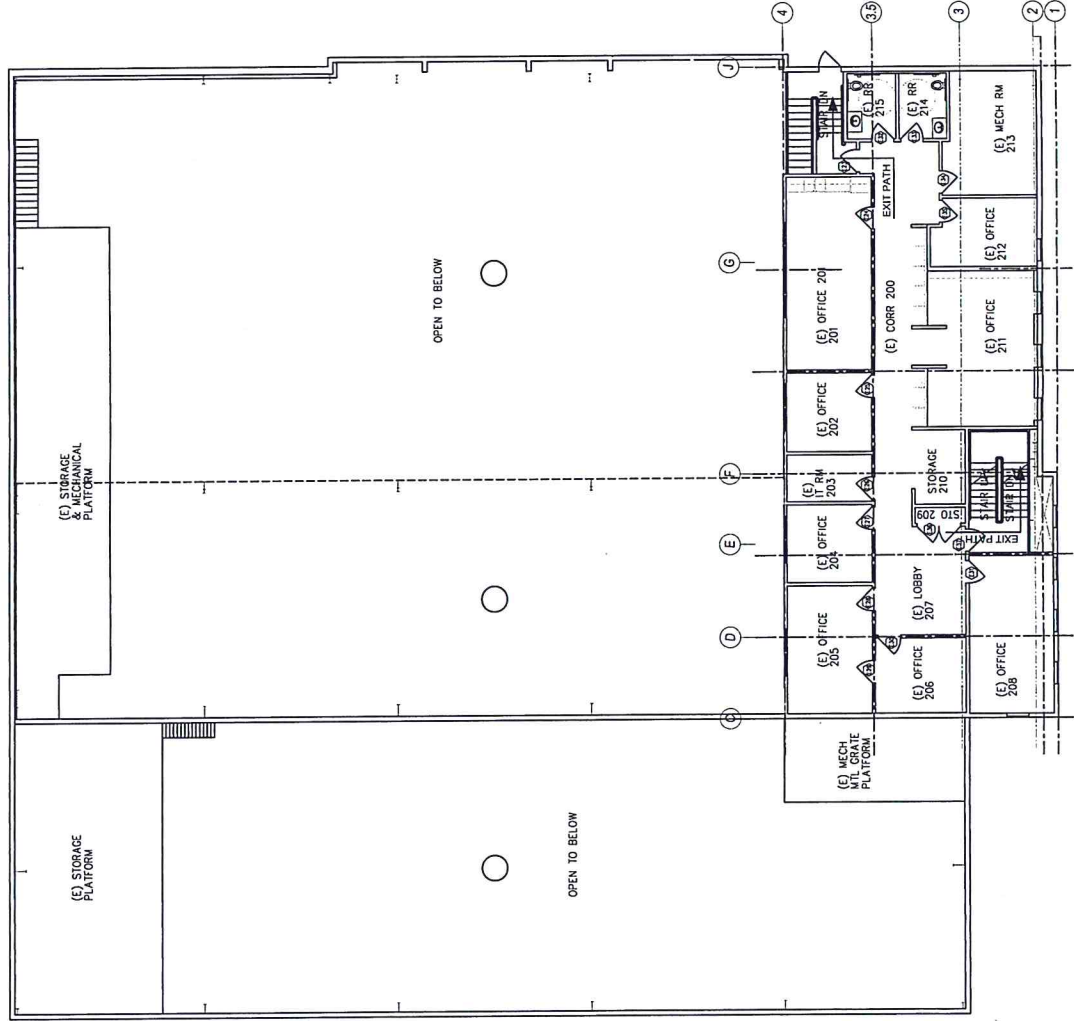
1. E1 & E2 - REPLACE DEADBOLT WITH LEVER
2. ENTRANCE LOCK & DEADBOLT WITH ENTRANCE LOCK
3. E7 - REPLACE PASSAGE SET WITH ENTRANCE LOCK AND DEAD BOLT
4. E23 - REPLACE PASSAGE SET WITH ENTRANCE LOCK
5. E37 - REPLACE PASSAGE SET WITH ENTRANCE LOCK
6. E102 - ENTRANCE LOCK, THRESHOLD & SMOKE GASKET
7. 103 - ENTRANCE LOCK, THRESHOLD & SMOKE GASKET
8. 104 ENTRANCE LOCK, THRESHOLD & SMOKE GASKET

30 MINUTE FIRE SEPARATION FOR R-1 OCCUPANCY ON THIRD FLOOR

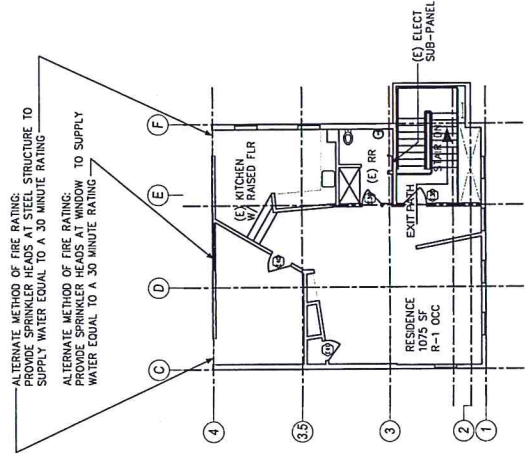
PROVIDE PROOF OF (E) 30 MINUTE FIRE SEPARATION BETWEEN AND LOCK RESIDENCE AND STORAGE TO THE WEST & SOUTH, AND BUSINESS TO THE NORTH AND IN THE HORIZONTAL FLOOR ASSEMBLY - IF (E) MATERIAL DOES NOT COMPLY PROVIDE ADDITIONAL MATERIAL TO SEPARATE RESIDENCE FROM OTHER AREAS WITH A 30 MINUTE FIRE SEPARATION.

ALTERNATE METHOD OF FIRE RATING:
 PROVIDE SPRINKLER HEADS AT STEEL STRUCTURE TO SUPPLY WATER EQUAL TO A 30 MINUTE RATING

ALTERNATE METHOD OF FIRE RATING:
 PROVIDE SPRINKLER HEADS AT WINDOW TO SUPPLY WATER EQUAL TO A 30 MINUTE RATING



SECOND FLOOR PLAN
 SCALE: 1" = 8'-0"



THIRD FLOOR PLAN
 SCALE: 1" = 8'-0"

RECEIVED
JUN 20 2014
COMMUNITY DEVELOPMENT

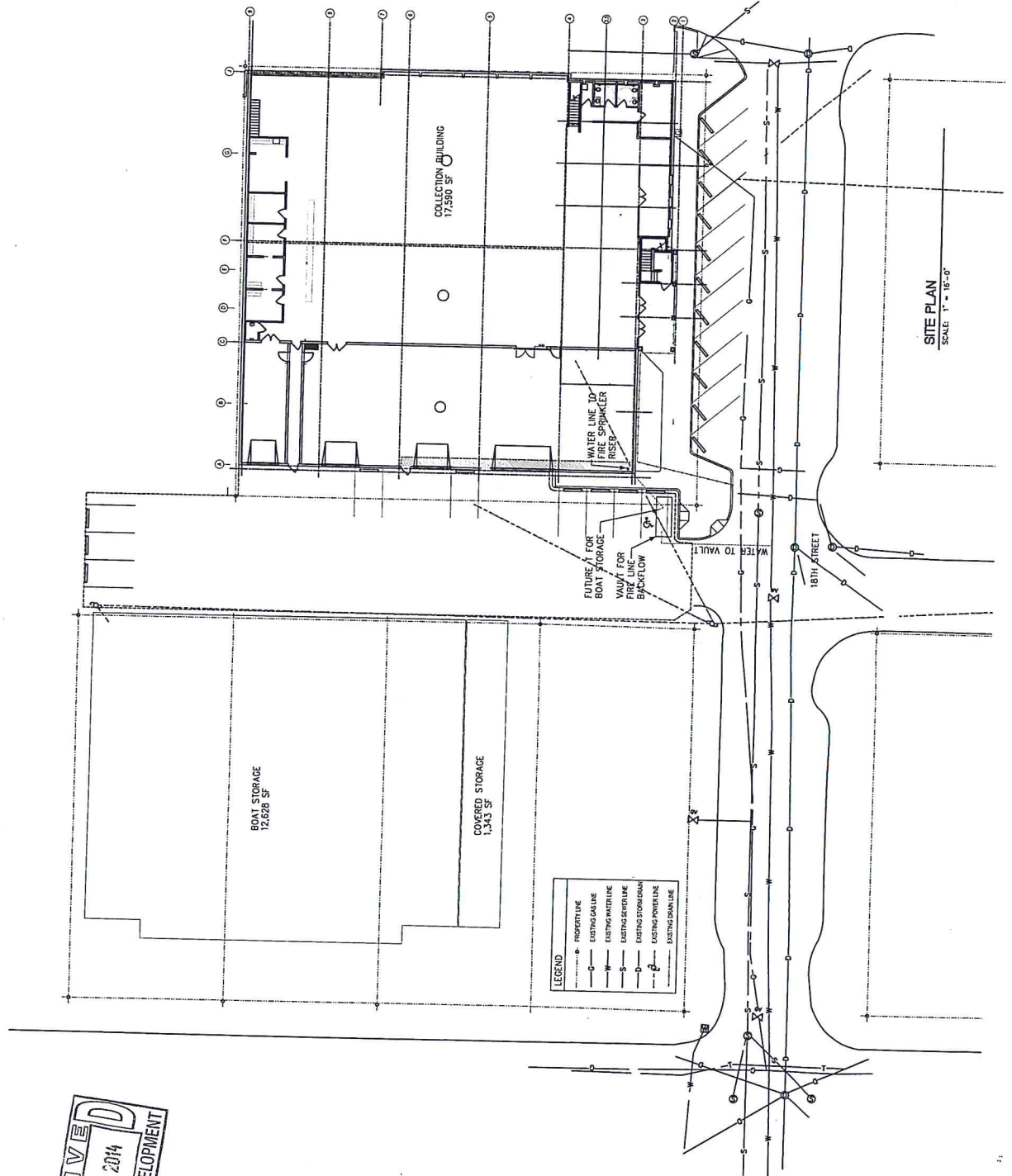
rickenbach
CONSTRUCTION
INCORPORATED
ARCHITECT: MICHELLE DIEFFENBACH
3779 Highway 101, Astoria, OR 97103
503-325-2323

REMODEL OF:
CRM COLLECTION BLDG
1777 MARINE DRIVE
ASTORIA, OR 97103

COLUMBIA RIVER MARITIME MUSEUM
1792 MARINE DRIVE
ASTORIA, OR 97103
503-325-2323

PRELIMINARY
DATE: 4-15-14
DATE REVISION: 5-5-14
PREPARED BY: MRD
FILE NAME: 14-000000

SHEET: A-1

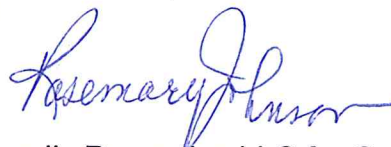


STAFF REPORT AND FINDINGS OF FACT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER



SUBJECT: Amendment Request (A14-03) by Nomadic Properties LLC for Cannery Loft Condominium Owners Association to amend the Land Use and Zoning Map to rezone the property at 3930 and 3990 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

I. BACKGROUND SUMMARY

- A. Applicant: Normadic Properties LLC (on behalf of the Condo owners)
10139 NW Skyline Heights Drive
Portland OR 97229
- Stefanie Slyman
Harper Houf Peterson Righellis Inc
205 SE Spokane Street #200
Portland OR 97202
- B. Owner: Cannery Loft Condo Owners Assoc (representing all Condo owners)
Community Assoc Partners LLC
PO Box 2429
Beaverton OR 97075
- Cannery Loft Condominium Owners Association
Gregory Kenney, Associate President
6600 SE Montego Bay St
Milwaukie OR 97267-1960
- C. Request: Amend the Land Use and Zoning Map to rezone the lots at 3930 and 3990 Abbey Lane from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland); approximately 2.3 acres
- D. Location: 3930 and 3990 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lots 90000, 80000, et al condominium tax lots; Cannery Loft Condominium and Cannery Loft Condominium Stage 2
- E. Current Zone: GI (General Industrial)
- Proposed Zone: S-2A (Tourist-Oriented Shoreland)

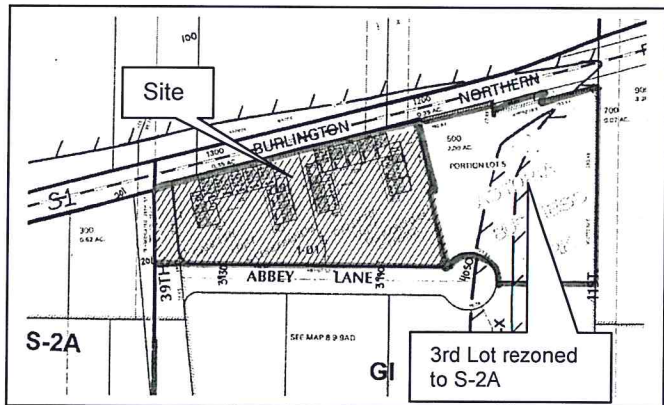
II. BACKGROUND

Subject Site:

The property to be rezoned is approximately 2.3 acres in size and is part of the Astoria Business Park general industrial area. It is located on the north side of the dead end cul-de-sac of Abbey Lane accessed from 39th Street off Lief Erikson Drive.



The lots are two of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. The site is flat and developed with the two condo buildings. The third lot was rezoned to S-2A in 2013 under permit A13-02.



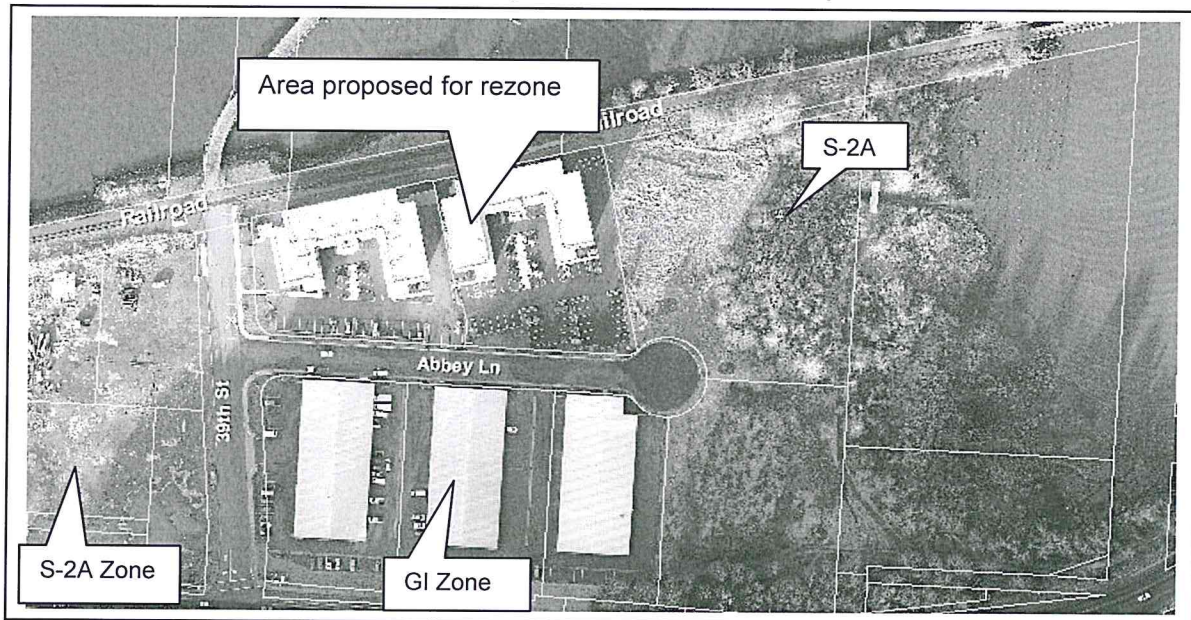
The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone.

The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of multi-family dwellings. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership and was recently rezoned to S-2A (A13-02).

The property to the west of 39th Street was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcels at 3930 and 3990 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing the multi-family dwellings to remain as allowable uses in the existing buildings.

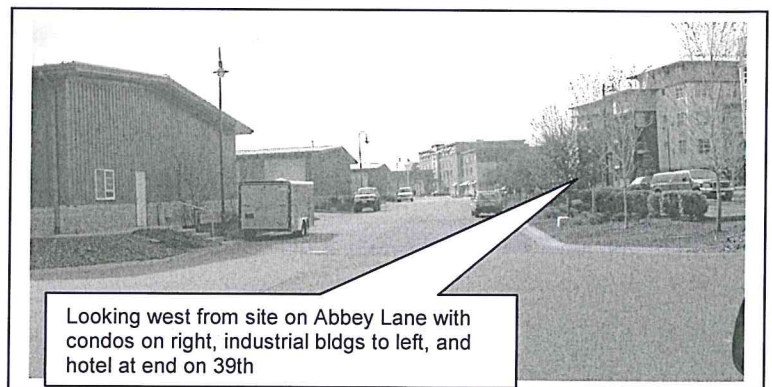
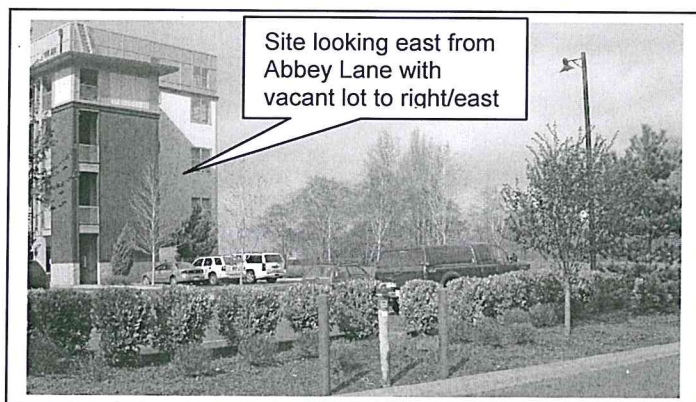
The applicant has stated that the nature of the two existing condominium buildings has not been conducive to general industrial uses and much of the ground floor spaces have remained vacant. There was a recent code amendment to allow mini storage in the two existing buildings to expand the allowable uses within those buildings. The requested zone change to S-2A would return the property to a waterfront zoning while allowing more flexibility in the range of commercial and tourist-oriented uses allowed.

The applicant has submitted Findings of Fact with the application dated June 4, 2014 which are hereby incorporated by reference into this report.



Neighborhood:

To the west across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin, water area; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street); to the east a vacant parcel, the Alderbrook Lagoon, and wetlands; to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Lief Erikson Drive. The area to the east is zoned S-2A (Tourist Oriented Shoreland) and A-3 (Aquatic Conservation). Properties to the south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet, pursuant to Section 9.020 on June 27, 2014. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on July 15, 2014. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

- A. Section 10.020(B) states that *"An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed."*

Finding: The area proposed to be rezoned is developed with two condominium buildings with separate individual ownership of each unit. The City Attorney has determined that the Cannery Loft Condominium Owners Association (CLCOA) had authority through their Bylaws to act on behalf of the entire body of owners to submit an application. The CLCOA held the necessary voting and adopted "Resolution 2014-14 of the Board of Directors of the Cannery Loft Owners Association Regarding Application to the City of Astoria to Rezone Cannery Loft Property to S-2A" on May 29, 2014. Therefore, the proposed amendment to the zone boundary is being initiated by the property owners.

- B. Section 10.050(B) states that *"The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners."*

Finding: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone a limited 2.3 acre site with only two parcels in multiple condominium ownership from GI to S-2A Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) concerning a Map Amendment states that *"Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: 1. The amendment be consistent with the Comprehensive Plan."*

1. CP.010(2) concerning General Development Policies for Natural Features states that *"The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."*

Finding: At the time development application(s) are submitted for review by the City, issues such as site design are addressed. The site is developed with two condominium buildings. No site design issues are being considered as a part of this request.

2. CP.015(4) concerning General Land and Water Use Goals states that *"Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands."*

CP.020(3) concerning Community Growth-Plan Strategy states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

Finding: The City will continue regional efforts to manage the Columbia River estuary and shorelands regardless of the zone change request. The property was rezoned in 1992 from a shoreland zone to GI and no longer retains the shoreland designation. However, the proposed zone would return the classification to a shoreland designation but with a tourist orientation. Removing this 2.3 acre parcel from the GI Zone and rezoning it S-2A (Tourist-Oriented Shoreland) will allow for an increased variety of uses to potentially occur on this property. This will allow for the redevelopment of the site in a flexible manner and allow for multiple uses.

3. CP.015(6) concerning General Land and Water Use Goals states that *"The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand."*

Finding: The property is currently developed with two condominium buildings and is capable of being served by public facilities. The ground floors are partially vacant, and the actual demand on those services and ability to serve the increased demand cannot be determined until the actual use is proposed. The change in allowable uses could add a variety of commercial, tourist-oriented, and residential uses to the industrial, warehousing, light manufacturing, and other industrial-related uses. It is anticipated that public facilities should be sufficient to serve expanded uses in this area.

4. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency,*

either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both.”

Finding: The City conducted a Buildable Lands Inventory (BLI) which was adopted in 2011. The report states that “A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses (27.8 acre surplus), there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as “Other” can accommodate specific commercial, industrial, and high-density residential development and help meet the need for additional commercial land.” There is an overall deficit of residentially zoned land of 15.84 acres. The subject property currently is zoned GI which allows multi-family residential units above the first floor but the proposed S-2A Zone would allow multi-family dwellings on all floors increasing the possibility for additional residential development. The rezone would take approximately 2.3 acres (approximately 100,600 square feet) from GI Zone (industrial) to S-2A Zone (commercial/shoreland). Because these lots are already developed, they are not included in the calculations of “Land Supply” available for future development. The S-2A Zone is classified as “Other” in the Industrial category and is not classified as “Commercial” in the BLI. The rezone would not reduce the industrial land surplus but would generally help with the overall deficit of commercially zoned employment land particularly for office/retail use by increasing the availability to utilize these parcels for some commercial uses under the land category of “Other”. There would be no change to the BLI figures with this proposed zone change.

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027				
Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7

Source: Cogan Owens Cogan

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.3*
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.44)*

Source: Wingard Planning & Development Services

* Note: Scrivner's Error in actual figure. BLI shows 236.4 and (15.54) but should be 236.3 and (15.44).

With recent zone amendments, the current calculations of buildable lands is as follows. As noted above, the proposed lots would not change these figures as they are developed and not available land. The proposed amendment would not impact the Buildable Lands Inventory.

Type of Use	Location & total acreage	Commercial (Office/Retail)	Industrial/ Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Land Need		38.2	11.5	49.7	115.4	51.2	67.0	2.7	236.3
Land Supply		17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
BLI Surplus/(Deficit)		(21.1)	27.8	6.7	(90.20)	23.79	52.18	(1.21)	(15.44)
A11-05	1303 Exchange (8CD 14100 & 14000) 0.22 acres								
A12-02	USCG (18AC 2200; 18AB 3500) 4.85 acres				-0.8	+0.8			
A12-03	620 Olney (17CC 900, 904) 0.46 acres	+0.46		+0.46		-0.46			-0.46
A13-01	1585 Exchange (8DC 17900, 18000, 18100) 0.3 acres	-0.06		-0.06			+0.06		+0.06
A13-02	4050 Abbey Ln (9AA 500) 2.09 acres		-1.29 Ind +1.29 Othr						
Final Surplus/(Deficit)		(20.7)	27.8	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)

5. CP.075.6 concerning Uppertown Area Policies, states that *"The City should consider providing an alternate east-west route to Lief Erikson in the Uppertown area, particularly for emergency vehicles."*

Finding: The alternate east-west route has been identified for the area between 36th and 39th Streets in the Astoria Transportation System Plan and is addressed below in Section D. A portion of this route has been completed between 38th and 39th Streets.

6. CP.175(E, Paragraphs 1, 2 & 3) concerning Uppertown/Alderbrook Subarea Plan Issues states that *"Shorelands in this subarea do not have direct access to deep water. The ship channel is 2,000 to 4,000 feet from the shoreline, though several ship anchorages are south of the channel."*

The Corps of Engineers has completed improvements to the East End Mooring Basin breakwaters that correct the surge problem. Eliminating the surge opens the basin to a large number of vessels and increases the need for dredging and for backup land to support basin operations. Vacant shorelands should be reserved for support uses.

Most of the subarea shorelands are already developed and there are no large vacant parcels. Between 35th and 41st Streets, however, is mostly vacant land with the potential to support water-dependent and water-related uses associated with the boat basin."

CP.175.F, Uppertown / Alderbrook Subarea Plan, Aquatic and Shoreland Designations states that

“ . . .Shorelands are designated Development, except for the Water-Dependent Development site west of Alderbrook Cove between 35th and 41st Streets.

The regulatory shoreland boundary in this subarea is 50 feet from the Columbia River shoreline except where it extends further inland to include the following shoreland resources: . . .

2. *Lands adjacent to Alderbrook Cove, in a Development Shorelands designation;*
3. *Lands adjacent to and east of the Astoria East End Mooring Basin, in a Development Shoreland designation. . .”*

Finding: The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. It is located approximately 58' to 60' from the Columbia River shoreline but is located west of the Alderbrook Lagoon and east of the Mooring Basin Area. Therefore the site is included in the Uppertown / Alderbrook Subarea.

The S-2A zone would include uses which would support the East Moorage Basin and the other tourist oriented uses in the area.



7. CP.200 concerning Economic Development Goal 1 Policies states that *“The City of Astoria will:*
 4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*

5. *Provide a supportive environment for new business.*
6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries."*

Finding: In addition to multi-family residential uses, the S-2A zone would permit other uses outright such as tourist-oriented retail sales, hotels, and restaurants. The S-2A zone would allow uses to develop which would support the existing mooring basin, hotel, industrial, and condominium development.

8. CP.210(1) concerning Economic Development Recommendations states that *"The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist-oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the Samuel Elmore Cannery."*

Finding: The East Mooring Basin is used for smaller fishing operations as well as recreational fishing operations. The S-2A zone would allow for more tourist-based uses to develop on the site which could potentially take advantage of the character of the adjacent working waterfront and historic Pier 39 development.

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

- D. Section 10.070(B.2) requires that *"The amendment will:*
 - a. *Satisfy land and water use needs; or*
 - b. *Meet transportation demands; or*
 - c. *Provide community facilities and services."*

Finding: The site is located on Abbey Lane accessed from Lief Erikson Drive (Highway 30) via 39th Street. There are no traffic lights, however there is a turn lane on Lief Erikson Drive at this intersection. In accordance with Statewide Planning Goal 12 concerning Transportation, and the Transportation Planning Rule (TPR) (OAR 660-12-060), any plan amendment having a significant effect on a transportation facility (i.e. Highway 30) must assure that the allowed land uses are consistent with the function, capacity, and level of service of the facility. In addition, OAR 734-051-0080, and OAR 734-051-0100 state that a proposed development or land use action where an on-site review indicates that operational or safety concerns may be present requires a Traffic Impact Study. A Traffic Impact Study (TIS) was completed by Lancaster Engineering, dated June 19, 2014. The Executive Summary indicates that the proposed zone change would not adversely impact the traffic situation in this area. The TIS was reviewed by

Oregon Department of Transportation (ODOT) with a response letter dated July 7, 2014. ODOT has indicated a couple of errors in the trip generation citations but have stated that “. . . *neither error will have significant effects on the trip generation volumes or distributions.*” They also noted that there was not a seasonal adjustment in the two traffic scenarios. ODOT has advised that the outcome of these adjustments would be the same and it is up to the City of a revised study would be required. As this property does not have direct access to US 30, ODOT’s review is advisory to the City.

Lancaster Engineering was contacted for a response to the ODOT comments. They responded with corrected pages for the errors in trip generation citations and have confirmed that the final outcomes remained the same. On the issue of seasonal adjustments, Lancaster Engineering states that *“It is Lancaster Engineering's policy to not utilize the seasonal adjustment factor when analyzing scenarios related to existing conditions. We understand that this goes against what is stated within the Analysis Procedures Manual; however, the primary reason for this policy is that we prefer the analysis of the existing conditions to reflect what was observed in the field around the same time that the site visit was performed. Having this direct comparison available between the computer analysis and actual in-person observations allows us to confirm whether or not the computer model is accurate and can then be used for the scenarios involving future projections or would need to be modified in order to reflect the reality of the situation. Applying the seasonal adjustment factor to the analysis of the existing conditions would provide a projected future scenario with no means to compare the model's accuracy.”*

With the fact that the corrections were made and did not change the results of the study, and the explanation on the reason for not applying the seasonal adjustment factor, the City does not find a need for a revised TIS.

The zone change to S-2A will provide for a wider variety of uses within the approximate 2.3 acre site, increasing some water-related commercial uses, but eliminating some of the heavier industrial uses. All City utility services are available to the area. Due to the small size of the site, and the information provided and analyzed in the TIS, the change in traffic impact to the area should not be significant. The existing transportation facilities are sufficient to accommodate the proposed zone change.

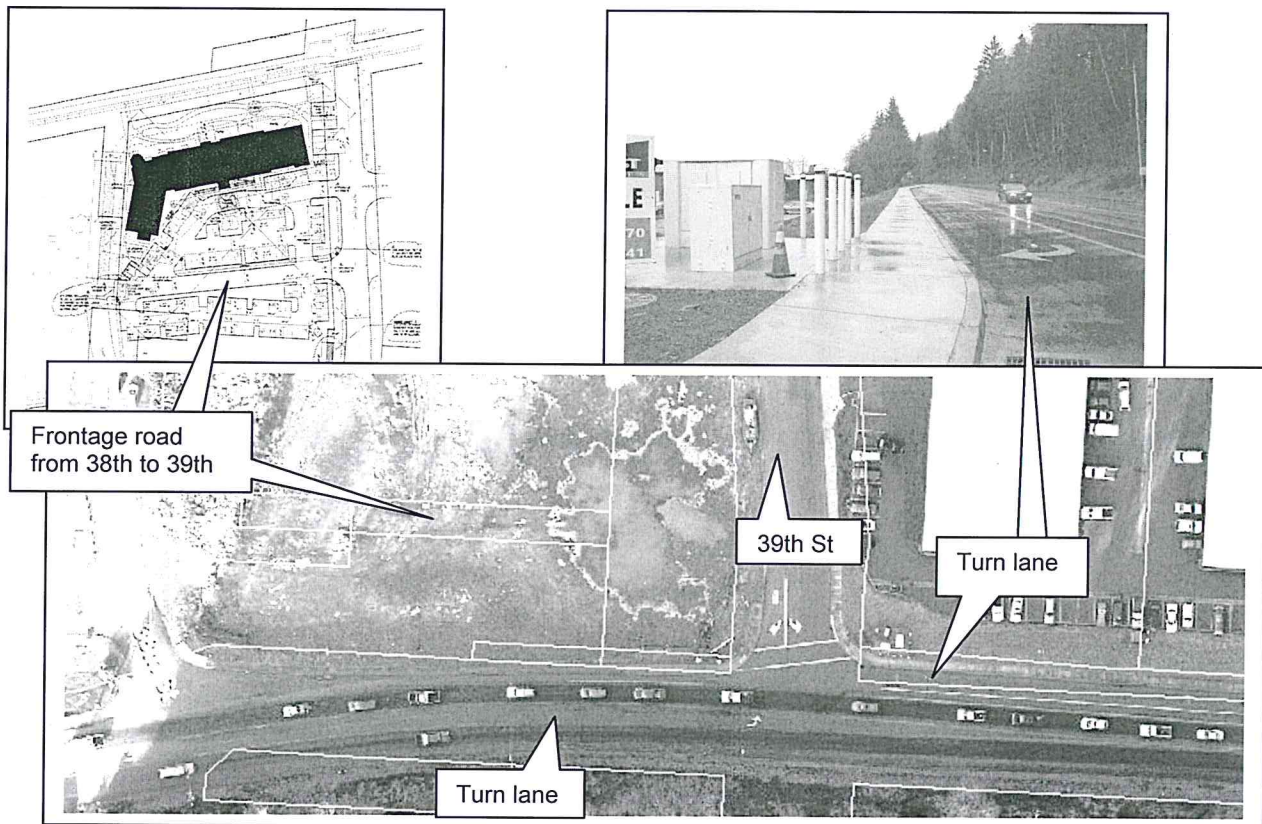
The following is a comparison of some of the uses for both the existing and proposed zones.

Uses	GI		S-2A	
	Outright	CU	Outright	CU
Seafood receiving and processing.			X	
Small boat building and repair.			X	
Boat and/or marine equipment sales.			X	
Automotive repair, service, and garage; bulk fuel, ice processing; truck & equipment storage	X			
Commercial testing laboratory	X			
Laundry, cleaning, and garment services	X		X	
Specialized food store, such as bakery, delicatessen and seafood market			X	
Food and kindred products processing		X		
Tourist oriented retail sales establishment.			X	
Non-tourist oriented retail sales establishment.		X with limitations		X
Light manufacturing, photo lab, graphic services, research lab, construction office & storage	X			
Eating, drinking and entertainment establishment without drive-through facility		X with limitations	X	
Park and museum; theater; conference center			X	
Arts and crafts studio.				X
Commercial or public parking lot.				X
Repair service establishment,	X			X not including automotive, heavy equipment, or other major repair service.
Professional and business office.		X with limitations		X
Temporary use meeting the requirements of Section 3.240				X
Hotel, motel, inn, bed and breakfast			X	
Theater			X	
Public or semi-public use appropriate to and compatible with the district.	X no semi-public use			X
Multi-family dwelling		X above 1st floor		X

The Astoria Transportation System Plan (TSP) was adopted in April 2014. It identified several projects in the general vicinity of this property. Project D28 identifies the Abbey Lane Extension from 36th to 39th Street. This project was partially completed with a frontage road from 38th to 39th during the construction of the Hampton Inn. Project P13 identifies a sidewalk infill for Lief Erikson Drive from 38th Street to 500' west of 43rd Street. Project B42 identifies bike lanes on US 30 from the eastern extent of the existing bike lane between 39th and 43rd

Streets to the eastern City limits. All of these are future projects in the TSP and would not be negatively impacted by the proposed zone change.

In February 2007, the City Council adopted the East Gateway Transportation System Plan. This Plan was conducted by the City of Astoria in conjunction with the Oregon Department of Transportation (ODOT) and studied the existing and forecasted transportation needs in this area. In a letter dated November 5, 2007 concerning the proposed rezone (A07-01) of the area on the west side of 39th Street from S-1 to S-2A, ODOT staff stated that following review of the East Gateway Transportation System Plan, they believed that proposed zone change would comply with the provisions contained in the Transportation Planning Rule. The East Gateway Transportation System Plan recommended a new frontage road connection between 36th and 39th Streets in order to improve safety and operational issues. At the time of that rezone, ODOT staff stated that from their assessment, there was capacity at the Highway 30 / 39th Street intersection provided a parallel road was developed between 38th and 39th Streets to accommodate the zone change. A new road connection between 38th and 39th Streets was constructed with the new Hampton Inn Hotel in 2012. In addition, the East Gateway TSP recommended a turn lane be constructed on Lief Erikson Drive to accommodate the projected development on 39th Street. Those turn lanes have been constructed.



Based on the existing 2013 TSP, East Gateway TSP, projected traffic volumes and projected uses as noted in the Lancaster Engineering TIS, it appears that the

transportation facilities in this area are sufficient to accommodate the uses allowed in the S-2A Zone.

- E. Section 10.070(B)(3) requires that *"the land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations."*

Finding: The location of this land is parallel to the former railroad right-of-way (current trolley line). The site is slightly below the grade of Highway 30 road improvements and is relatively flat.

The land area is in flood Zone X, "Areas determined to be outside the 0.2% annual chance floodplain", of the Flood Insurance Rate Map, Community Panel Number 410028-233-E, dated September 17, 2010. The site is located within an "Extreme Risk" Tsunami Inundation Zone as determined by the Oregon Department of Geology and Mineral Industries (map publication IMS-11) and governed by rules contained in Oregon Administrative Rules 632-005 et seq. The subject property is not adjacent to an area of known geologic instability.

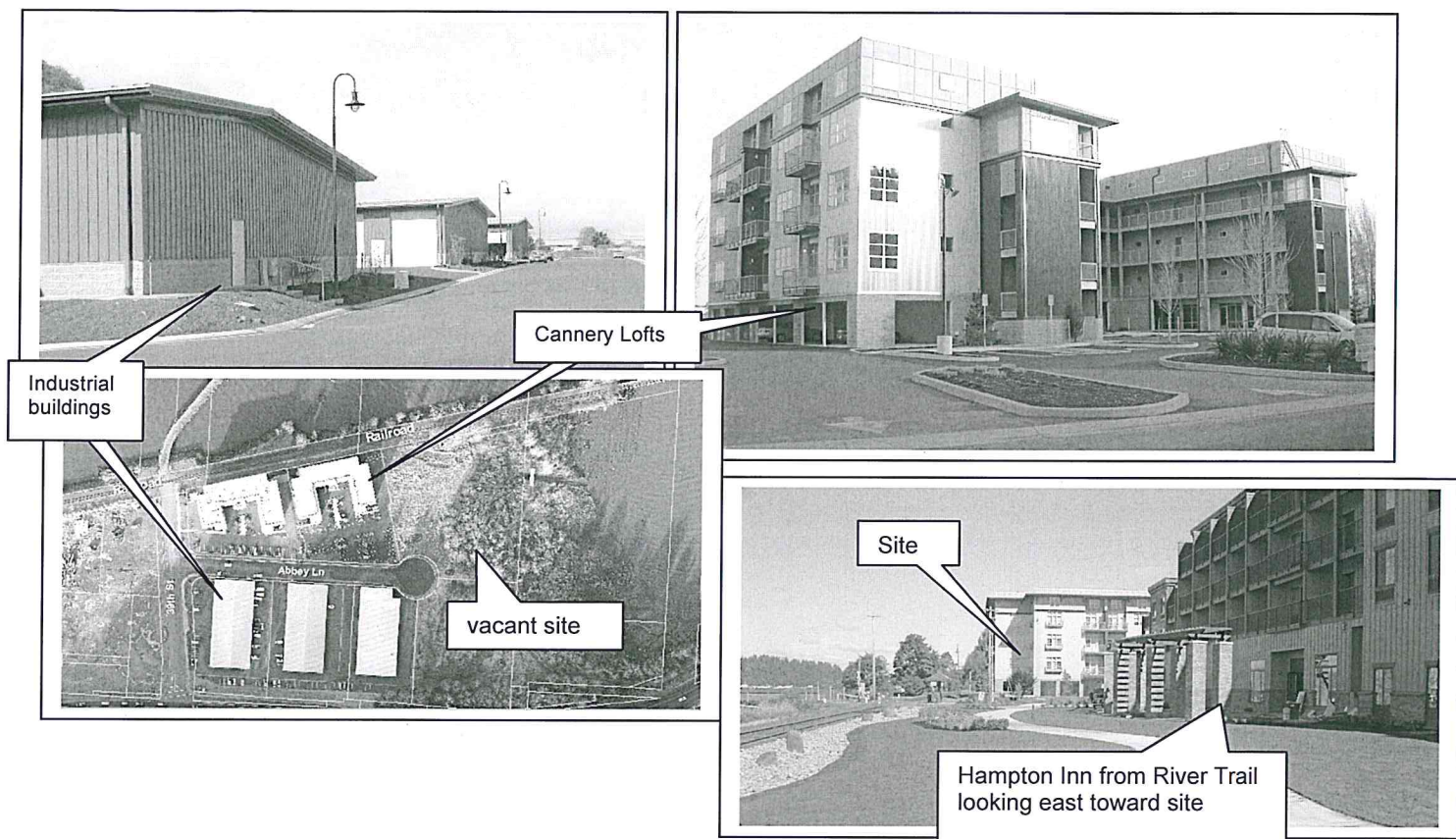
The site is developed with two condominium buildings. Any future construction proposed for the site would be reviewed at the time of the proposal for compliance with the site development constraints.

- F. Section 10.070(B.4) requires that *"resource lands, such as wetlands, are protected."*

Finding: There are no known wetlands on the site.

- G. Section 10.070(B.5) requires that *"the amendment is compatible with the land use development pattern in the vicinity of the request."*

Finding: The 39th Street area has a variety of development. On the west side of 39th is an S-2A Zone developed with the Hampton Inn Hotel with the East End Mooring Basin to the west of that; on the north is the Columbia River, trolley line, and Pier 39 with restaurant, museum, scuba shop, offices, transient lodging facility, and boat storage; to the east on the adjacent lot is the vacant lot recently rezoned to S-2A, a lagoon, and the start of the Alderbrook residential neighborhood; to the south across Abbey Lane right-of-way is the Astoria Business Park industrial development with auto detailing, carpet store, AAMCO store, Fastenal supplies, and martial arts / gym facility. Development Code Section 2.700 includes the purpose statement for the S-2A zone which states that the S-2A district *"... is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area."* Across the Lief Erikson Drive right-of-way is a forested hillside and residential with some neighborhood commercial development. The vicinity is effectively bordered to the south by Lief Erikson Drive and the north by the Columbia River.



The River Trail now extends the full length of the developed portion of the Columbia River in Astoria from Pier 3 at the Port to the Alderbrook Lagoon at 54th Street. The Trail in the area of 39th Street is developed more aesthetically with the hotel lawn, trolley stop, Cannery Loft Condominiums, benches, etc. The S-2A Zone would allow development of this site adjacent to the River Trail with uses that would complement the River Trail while keeping a working waterfront zone designation. With the mixture of uses in this neighborhood, the proposed S-2A Zone would be compatible as it would allow uses that would be able to service the other uses in the area. Multi-family dwelling development is allowed in both the GI and S-2A zones, so this possible use would not change. The site to be rezoned is small and allowable S-2A development would not be a major impact to the area.

H. Oregon Administrative Rule 660-009-0010(3), Economic Development, Application, states that

"(3) *Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:*

- (a) *There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and*
- (b) *That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.*

- (4) *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*
- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*

Finding: As noted above, the area proposed to be rezoned is approximately 2.3 acres and located within the Uppertown / Alderbrook Subarea. The proposed amendment is to change from one employment zone (GI) to another employment zone (S-2A). The change impacts some of the uses allowed in the area mostly with the reduction in the allowable industrial uses with an increase in tourist related commercial uses. This is consistent with the employment trend in Clatsop County. State of Oregon Employment Department June 2014 edition of "Labor Trends", page 4, "Industry Employment and Wages in Northwest Oregon in 2013" states that *"Service industries provided about 61 percent of all UI-covered employment in the counties in 2013, up from 55 percent in 2001. Although production industries remain important, nonmanufacturing industries will continue to provide most of the jobs and job growth in northwest Oregon."* Page 5, "Main Industries" states that *"Leisure and hospitality businesses and trade, transportation and utilities businesses made up the region's two largest private industry sectors by employment in 2013. . . Manufacturing within northwest Oregon had been a bright spot in past years. Employment in this sector peaked at 5,517 jobs in 2008. Those good times came to an abrupt end late that year. The recent recession hit the region's manufacturers hard and 1,088 jobs were shed in the industry from 2008 through 2011. The region gained 106 jobs in 2012 and another 83 in 2013, but many may be gone forever."*

There is a shift in the northwest employment sector from manufacturing and industrial jobs to leisure and hospitality. The change from GI to S-2A Zone would allow the continuation of employment classification for this area while reducing the more industrial uses to uses associated more with tourism such as retail, eating and drinking, and some offices. As noted above, the zone change would not change the amount of buildable employment lands within the City.

In accordance with OAR 660-009-0015, Economic Opportunities Analysis, the City did complete a Buildable Lands Inventory with an Economic Analysis in April 2011. The results of that analysis estimated that *"Over the twenty-year period ending in 2026, the Astoria Market Area (City of Astoria UGB) is expected to add a total of 1,393 jobs under a Medium Growth Scenario. The Leisure & Hospitality, Education and Health Services and Retail Trade sectors are expected to comprise the majority of local employment growth."* Section 2, Summary of Commercial and Industrial Land Need Findings, concludes that *"...The baseline "Medium Growth*

Scenario” indicates that Astoria can expect commercial and industrial land need in the vicinity of 60 acres through 2026 following a current growth assumption. Regardless of which growth scenario is realized, future need is expected to be heavily oriented toward tourist driven and service oriented retail uses.” It goes on to state that “. . . as Astoria transforms into a more service and tourism-oriented economy, industrial employment should not comprise as significant of a role in future economic growth.”

As noted above in Section , the City completed the Buildable Lands Inventory which identified a surplus of 27.8 acres of buildable “Industrial/Other” lands. The change from GI to S-2A for a site that was already developed would not change that figure both in that the land was not available for new development and the fact that both zones are classified in the “Industrial/Other” categories.

The proposed amendment is consistent with the most recent economic opportunities analysis and the Comprehensive Plan.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code, and staff recommends that the Planning Commission recommend to the City Council that the proposed amendment to the Land Use and Zoning Map be adopted.

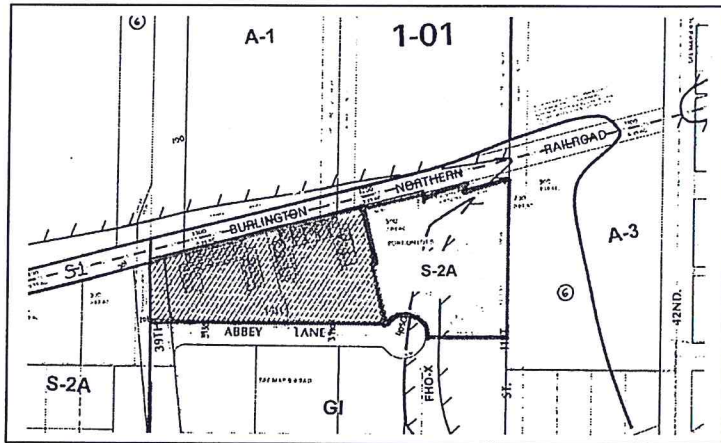
ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS AT 3930 AND 3990 ABBEY LANE FROM GI (GENERAL INDUSTRIAL) TO S-2A (TOURIST-ORIENTED SHORELAND)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) as indicated on the map:

Map T8N-R9W Section
9AA, Tax Lots 80000 &
90000, etal condominium
tax lots; Cannery Loft
Condominium and
Cannery Loft
Condominium Stage 2



Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2014.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2014.

ATTEST:

Mayor

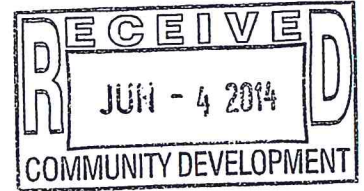
Brett Estes, City Manager Pro Tem

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner	LaMear
	Herzig
	Mellin
	Warr
Mayor	Van Dusen



CITY OF ASTORIA
 1095 Duane Street
 Astoria OR 97103
 503-338-5183



A 14-03

Fee: \$400.00

pd by Nomadic

AMENDMENT

Property Address: 3930 and 3990 Abbey Lane, Astoria OR; Cannery Loft Condominium and Cannery Loft Condominium Stage 2
 Lot Cannery Loft Condominium and Block Cannery Loft Condominium Stage 2 Subdivision Astoria Business Park
 Map 8N9W09AA Tax Lot 90000 & 80000 Zone GI - General Industrial
et al condominium tax lots.
 Code or Map to be Amended: City of Astoria Land Use and Zoning Map

Applicant Name: Nomadic Properties, LLC | Representative: Stefanie Slyman, Harper Houf Peterson Righellis Inc.

Mailing Address: 10139 NW Skyline Heights Dr., Portland, OR 97229 | 205 SE Spokane St. #200, Portland, OR 97202

Phone: Nomadic Properties: 503-816-6581 Business Phone: Stefanie Slyman: 503-221-1131

Property Owner's Name: Cannery Loft Condominium Owners Association

Mailing Address: Attn: Gregory Kenney, Association President

Business Name (if applicable): _____

Signature of Applicant: _____

Signature of Property Owner: _____

Proposed Amendment Applicant proposes to amend City of Astoria Land Use and Zoning Map to rezone Cannery Loft Condominium and Cannery Loft Condominium Stage 2 from GI to S-2A.

Applicant has authorization of Property Owner to submit application per attached Resolution 2014-14 and in compliance with Section 9.010.A.2 of the City of Astoria Development Code.

Amend the Land Use and Zoning map to rezone an area from GI (General Industrial) to S-2A (Tourist Oriented Shoreland) Zone for the property

For office use only:

Application Complete:		Permit Info Into D-Base:	<u>6-12-14</u>
Labels Prepared:	<u>10-23-13</u>	Tentative APC Meeting Date:	<u>7/22/14</u>
120 Days:			

located at 3930 and 3990 Abbey Lane



I. SUMMARY

Applicant: Nomadic Properties LLC
Attn: Dr. Ted Forcum
10139 NW Skyline Heights Drive
Portland, OR 97229

Representative: Stefanie Slyman, AICP
Harper Houf Peterson Righellis Inc.
205 SE Spokane St., Ste. 200
Portland, OR 97202

Owner: Cannery Loft Condominium Owners Association
Community Association Partners, LLC
Attn: Gregory Kenney, HOA President
PO Box 2429
Beaverton, OR 97075

Site: 3930 Abbey Lane; Map T8N R9W Sec 9AA, Tax Lots 90000 plus individual unit tax lots; Cannery Loft Condominium, Astoria Business Park, (1.00 acres), and 3990 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 80000 plus individual unit tax lots; Cannery Loft Condominium Stage 2, Astoria Business Park (1.16 acres)

Request: Amend the City of Astoria Land Use and Zoning Map to rezone the site from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

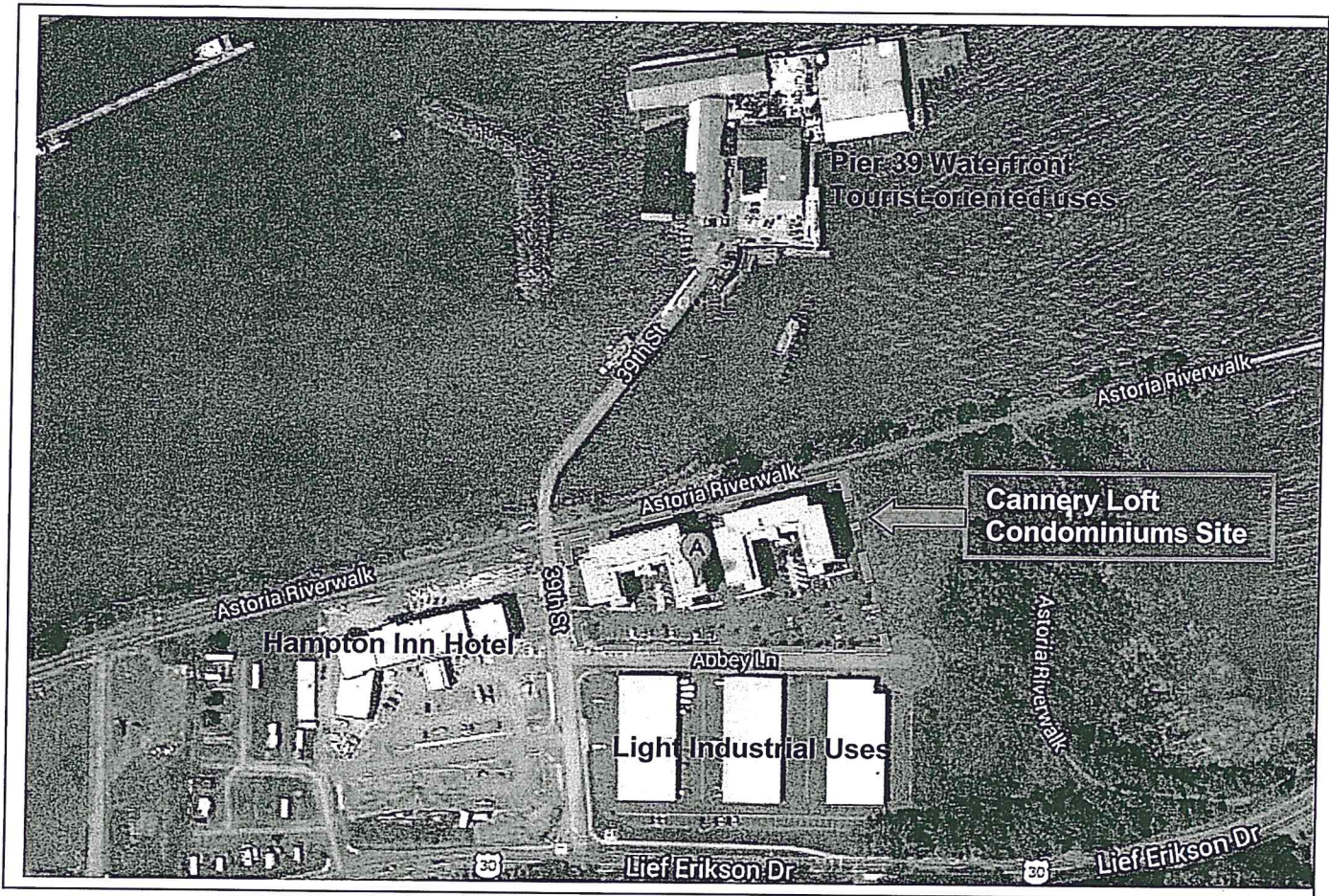
Justification: The site is currently developed with two mixed-use structures with 63 residential units on the upper two floors and 17 industrial/limited commercial units on the ground floor. The size and configuration of the ground floor units within the existing structures is not compatible with the types of uses permitted in the GI zone, resulting in chronic high vacancy of these units. Currently, of the 17 leasable units, only one (1) unit is occupied with a business permitted outright in the GI zone. Five (5) additional units are leased to businesses allowed as conditional uses, the maximum conditional uses allowed, leaving 11 units vacant. Rezoning the site to S2-A will allow more tourist-oriented uses to locate here and contribute to the area's economic vitality.

The request will result in no significant impact to surrounding transportation facilities as demonstrated by the Traffic Impact Analysis. Furthermore, it will benefit the City's Buildable Lands Inventory by rezoning surplus industrially-zoned land to commercially-zoned land for which the City currently has a deficit.

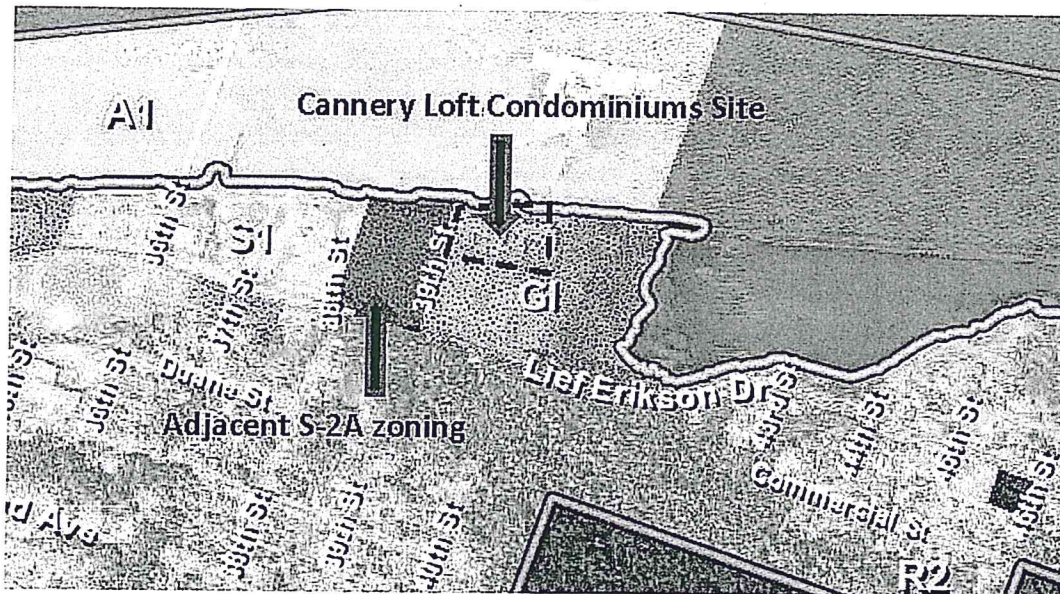
II. BACKGROUND

- Authorization:** This rezoning application is submitted on behalf of all parties in ownership of Cannery Loft Condominium and Cannery Loft Condominium Stage 2 in accordance with the Cannery Loft Condominium Owners Association Declaration and Bylaws and the Oregon Condominium Act, thereby satisfying Section 9.010.A.2 of the Astoria Development Code. Resolution 2014-14 (Attachment A) is provided as evidence of this consent to submit the application. See also letter dated April 7, 2014 from Christopher C. Criglow of Perkins Coie LLP (Attachment B) which provides the legal opinion in support of the resolution.
- Existing Use:** Two mixed-use condominium structures with a total of 12,328 square feet of ground floor space for industrial and limited commercial uses located in 17 separate units with 63 residential units above.
- Surrounding Uses:** To the east is the undeveloped third lot of the platted Cannery Loft Condominium site; across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street) to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Leif Erikson Drive.
- Surrounding Zoning:** The area to the east is zoned A-3 (Aquatic Conservation). Properties to the south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).
- Land Use History:** According to information provided by the City, the site was developed per the approvals of Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. Originally zoned S-1 (Marine Industrial Shoreland) it was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone. The property to the west of 39th Street was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone.

Vicinity Map



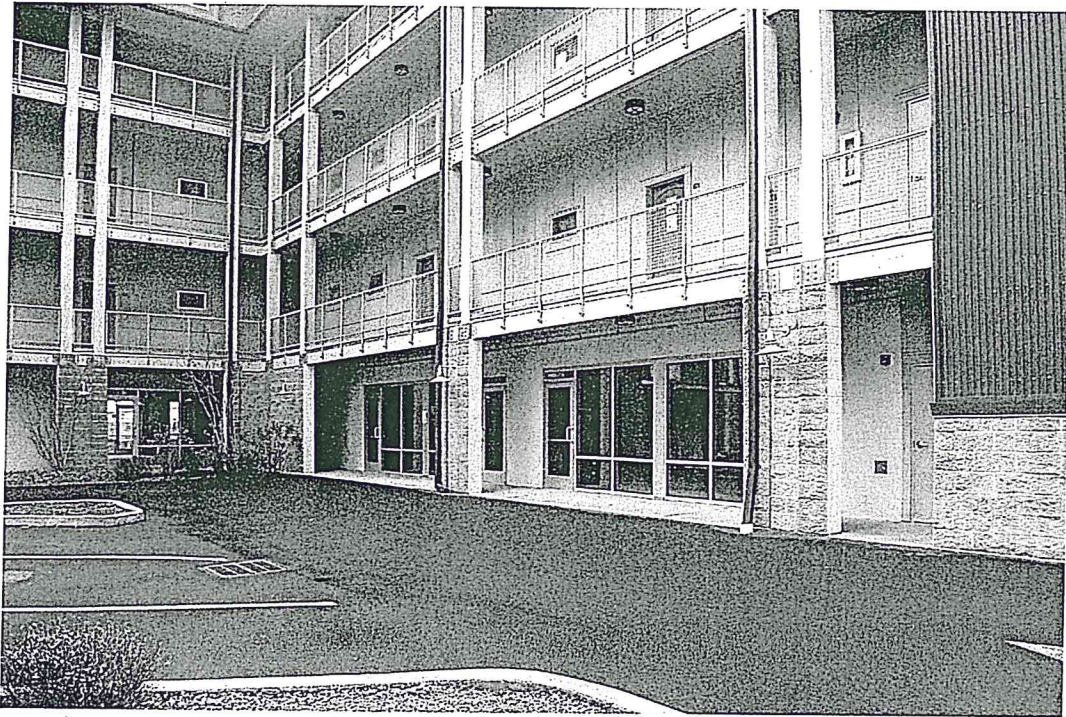
Zoning



Existing Development



Cannery Loft Condominiums; ground floor industrial/limited commercial units with residential units above



Typical industrial/limited commercial unit

III. RESPONSES TO APPROVAL CRITERIA

- A. Section 10.020(B) states that *"An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed."*

Response: The proposed amendment to the zone boundary is being initiated by the property owner per the attached Resolution 2014-14 of the Cannery Loft Condominium Owners Association authorizing consent for an application to be submitted. This approval criterion is met.

- B. Section 10.050(B) states that *"The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners."*

Response: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone the Cannery Loft Condominiums, a limited site area of 2.16 acres, from G1 to S-2A Zone. This approval criterion is met.

- C. Section 10.070(B.1) concerning a Map Amendment states that *"Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: 1. The amendment be consistent with the Comprehensive Plan."*

1. CP.010(2) concerning General Development Policies for Natural Features states that *"The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."*

Response: The site is currently developed and this rezoning request does not propose any changes to the existing site. Future development or redevelopment would be subject to the development standards of the S2-A zone.

2. CP.015(4) concerning General Land and Water Use Goals states that *"Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands."*

Response: Rezoning of the site to S-2A does not conflict with the City's ability to protect the estuary environment or promote the best use of the City's Shorelands in accordance with this policy. This approval criterion is met.

CP.020(3) concerning Community Growth-Plan Strategy states that *“The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section.”*

Response: Rezoning will allow for a wider range of tourist-oriented uses along the Columbia River waterfront than the existing GI designation allows, thereby providing flexibility for development.

3. CP.015(6) concerning General Land and Water Use Goals states that *“The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand.”*

Response: The property is currently served with adequate public facilities including sewer, water, police and fire protection, and schools. As shown in the table below, the S-2A and the GI zoning districts each provide for a wide range of uses of comparable intensity and resulting demand for public services. Moreover, the rezoning will have no effect on the residential units and their associated demand on public facilities. Therefore, rezoning the site to S-2A can be accommodated with existing services.

Uses	GI		S-2A	
	Outright	CU	Outright	CU
Seafood receiving and processing.			X	
Small boat building and repair.			X	
Boat and/or marine equipment sales.			X	
Automotive repair, service, and garage; bulk fuel, ice processing; truck & equipment storage	X			
Commercial testing laboratory	X			
Laundry, cleaning, and garment services	X		X	
Specialized food store, such as bakery, delicatessen and seafood market			X	
Food and kindred products processing		X		
Tourist oriented retail sales establishment.			X	
Non-tourist oriented retail sales establishment.		X with limitations		X
Light manufacturing, photo lab, graphic services, research lab, construction office & storage	X			
Eating, drinking and entertainment establishment without drive-through facility		X with limitations	X	

Park and museum; theater; conference center			X	
Arts and crafts studio.				X
Commercial or public parking lot.				X
Repair service establishment,	X			X not including automotive, heavy equipment, or other major repair service.
Professional and business office.		X with limitations		X
Temporary use meeting the requirements of Section 3.240				X
Hotel, motel, inn, bed and breakfast			X	
Theater			X	
Public or semi-public use appropriate to and compatible with the district.	X no semi-public use			X
Multi-family dwelling		X above 1st floor		X

4. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

Response: The City adopted a Buildable Lands Inventory (BLI) in 2011 which indicated that there was a deficit of Commercial (Office/Retail) lands of approximately 21.1 acres and a surplus of 27.8 acres of Industrial/Other lands per the following table:

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

Source: Cogan Owens Cogan

Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7

Since adoption of the BLI, the City has approved a number of map amendments as shown in the table below which indicate a current deficit of 20.7 acres for Commercial lands and continued surplus of 27.8 acres of Industrial/Other lands.

Type of Use	Location & total acreage	Commercial (Office/Retail)	Industrial/ Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Land Need		38.2	11.5	49.7	115.4	51.2	67.0	2.7	236.3
Land Supply		17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
BLI Surplus/(Deficit)		(21.1)	27.8	6.7	(90.20)	23.79	52.18	(1.21)	(15.44)
A11-05	1303 Exchange (8CD 14100 & 14000) 0.22 acres								
A12-02	USCG (18AC 2200; 18AB 3500) 4.85 acres				-0.8	+0.8			
A12-03	620 Olney (17CC 900, 904) 0.46 acres	+0.46		+0.46		-0.46			-0.46
A13-01	1585 Exchange (8DC 17900, 18000, 18100) 0.3 acres	-0.06		-0.06			+0.06		+0.06
A13-02	4050 Abbey Ln (9AA 500) 2.09 acres		-1.29 Ind +1.29 Othr						
Final Surplus/(Deficit)		(20.7)	27.8	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)

As demonstrated in the table below, this proposal would add 2.16 acres to the City's Commercial land inventory, thereby decreasing the City's deficit in this category. Similarly, the proposal will remove 2.16 acres from the City's Industrial/Other surplus, thereby decreasing the surplus in this category. Therefore, the proposed rezoning will help the City move toward its buildable land inventory targets.

Type of Use	Location & total acreage	Commercial (Office/Retail)	Industrial/ Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Final Surplus/(Deficit)		(20.7)	27.8	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)
Proposed Rezoning from GI to S-2A	3930 and 3990 Abbey Ln (Map T8N R9W Sec 9AA, Tax Lots 90000 and 80000)	+2.16	-2.16						
Proposed Final Surplus/(Deficit)		(18.54)	25.64	7.1	(91.0)	24.13	52.24	(1.21)	(15.84)

- CP.175(E, Paragraphs 1, 2 & 3) concerning Uppertown/Alderbrook Subarea Plan Issues states that *"Shorelands in this subarea do not have direct access to deep water. The ship channel is 2,000 to 4,000 feet from the shoreline, though several ship anchorages are south of the channel."*

The Corps of Engineers has completed improvements to the East End Mooring Basin breakwaters that correct the surge problem. Eliminating the surge opens the basin to a large number of vessels and increases the need for dredging and for

backup land to support basin operations. Vacant shorelands should be reserved for support uses.

Most of the subarea shorelands are already developed and there are no large vacant parcels. Between 35th and 41st Streets, however, is mostly vacant land with the potential to support water-dependent and water-related uses associated with the boat basin."

Response: The area is no longer zoned shoreland but is within the Uppertown / Alderbrook Subarea Plan area. The S-2A zone would include uses which would support the East Moorage Basin.

6. CP.200 concerning Economic Development Goal 1 Policies states that *"The City of Astoria will:*
4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*
 5. *Provide a supportive environment for new business.*
 6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
 8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries."*

Response: The S-2A zone would permit other uses outright such as tourist-oriented retail sales, hotels, and restaurants. The S-2A zone would allow uses to develop which would support the existing mooring basin, hotel, industrial, and condominium development.

7. CP.210(1) concerning Economic Development Recommendations states that *"The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist-oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the Samuel Elmore Cannery."*

Response: The East Mooring Basin is used for smaller fishing operations as well as recreational fishing operations. The S-2A zone would allow for more tourist-based uses to develop on the site which could potentially take advantage of the character of the adjacent working waterfront and historic Pier 39 development.

Response: The request is in compliance with the Comprehensive Plan as demonstrated by the responses to the applicable policies above.

- D. Section 10.070(B.2) requires that *"The amendment will:*

- a. *Satisfy land and water use needs; or*
- b. *Meet transportation demands; or*
- c. *Provide community facilities and services."*

Response: As demonstrated in previous response, the rezoning will satisfy land use needs by helping the City increase the commercial land supply, for which there is a current deficit, and decrease the industrial land supply, for which there is a current surplus.

As demonstrated in the Traffic Impact Analysis (submitted under separate cover) performed in accordance with the City's Traffic Study Requirements that implement the Transportation Planning Rule (TPR) (OAR 660-12-060), the proposed rezoning will not have a significant impact on transportation facilities. The existing transportation facilities in this area are sufficient to accommodate the uses allowed in the S-2A Zone.

- E. Section 10.070(B)(3) requires that *"the land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations."*

Response: No new development is proposed. Any new development or redevelopment of the site would be reviewed at the time of the proposal for compliance with the site development standards following the rezoning.

- D. Section 10.070(B.4) requires that *"resource lands, such as wetlands, are protected."*

Response: No new development is proposed and there are no known resource lands on the site. Any new development or redevelopment of the site would be reviewed at the time of the proposal for compliance with the site development standards following the rezoning.

- E. Section 10.070(B.5) requires that *"the amendment is compatible with the land use development pattern in the vicinity of the request."*

Response: The 39th Street area has a variety of development that has been characterized by City Planning staff as follows: "On the west side of 39th is an S-2A Zone developed with the Hampton Inn Hotel with the East End Mooring Basin to the west of that; on the north is the Columbia River, trolley line, and Pier 39 with restaurant, museum, scuba shop, offices, transient lodging facility, and boat storage; to the west on the adjacent lots is the Cannery Loft Condominiums with multi-family dwelling units above industrial/commercial facilities on the ground floor; to the south across Abbey Lane right-of-way is the Astoria Business Park industrial development with auto detailing, carpet store, AAMCO store, Fastenal supplies, and martial arts / gym facility; to the east is a lagoon and the start of the Alderbrook residential neighborhood. Development Code Section 2.700 includes the purpose statement for the S-2A zone which states that the S-2A district *"... is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area."* Across the

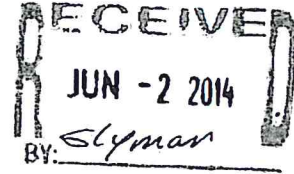
Lief Erikson Drive right-of-way is a forested hillside and residential with some neighborhood commercial development. The vicinity is effectively bordered to the south by Lief Erikson Drive and the north by the Columbia River.

The River Trail now extends the full length of the developed portion of the Columbia River in Astoria from Pier 3 at the Port to the Alderbrook Lagoon at 54th Street. The Trail in the area of 39th Street is developed more aesthetically with the hotel lawn, trolley stop, Cannery Loft Condominiums, benches, etc. The S-2A Zone would allow development of this site adjacent to the River Trail with uses that would complement the River Trail while keeping a working waterfront zone designation."

IV. CONCLUSION

As demonstrated in the responses above and supporting materials submitted with this application, the map amendment request is consistent with the City's Comprehensive Plan policies and Development Code. The proposed rezoning of the site from GI to S-2A Zone will be compatible with the predominant adjacent tourist-oriented uses in the vicinity and will allow this site to contribute to the area's economic vitality. The proposal will not have a significant impact on transportation facilities, and public services are adequate to serve the site. The proposal will additionally help the City achieve its Buildable Lands Inventory targets. Therefore, the applicant requests approval of the map amendment.

ATTACHMENT A



**RESOLUTION 2014-14
OF THE BOARD OF DIRECTORS OF THE
CANNERY LOFT OWNERS ASSOCIATION
REGARDING APPLICATION TO CITY OF ASTORIA
TO REZONE CANNERY LOFT PROPERTY TO S-2A**

WHEREAS, Cannery Loft Condominium Owners Association (the "Association") was asked to submit an application to the City of Astoria to rezone the Cannery Loft property to S-2A which would change the zoning from General Industrial (G-I) to Shoreland Tourist (S-2A) and would allow a greater array of business uses for the existing commercial units in the condominium.

WHEREAS, the board of directors of the Association referred the issue to a vote of the owners pursuant to the Ballot Meeting procedures set out in Section 2.14 of the Association's Bylaws and in accordance with the Oregon Condominium Act; and

WHEREAS, the owners were timely provided with a notice of their right to petition for a secrecy ballot and no petition was received; and

WHEREAS, a vote of the owners was held from May 9-19, 2014 on the matter of approving the zone change an application; and

WHEREAS, a quorum was reached and surpassed according to the Association's Bylaws at Section 2.10; and

WHEREAS, the votes cast represented 84.2% of total membership interests in the Condominium with the final tally of votes cast was 92.7% in favor, and 7.3% opposed.

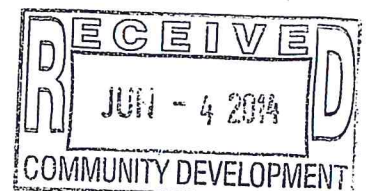
NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Association has approved that the application for rezoning the condominium property be submitted to the City of Astoria;

BE IT FURTHER RESOLVED, that Gregory Kenney, as President of the Association, is authorized to execute the rezoning application on behalf of the Association.

This Resolution is effective the 29 day of May, 2014.


Secretary



ATTACHMENT B



Christopher C. Criglow
PHONE: (503) 727-2007
FAX: (503) 346-2007
EMAIL: CCRiglow@perkinscoie.com

1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com



April 7, 2014

VIA EMAIL (tforcum@bimsportsinjuries.com)

Dr. Ted Forcum

Re: Cannery Loft Condominium - Evidence of Consent of Ownership to Application

Dear Dr. Forcum:

One of the criteria of the Astoria Development Code ("Code") for a land use application is Section 9.010.A.2, which requires:

Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.

The property that you are seeking to have rezoned is subject to a condominium form of ownership. As such, the owners own units within the building constructed on the land, rather than the land itself, and have an undivided interest in the common elements of the condominium, which includes the land and other elements, subject to the terms and conditions of the Declaration and Bylaws of the Cannery Loft Condominium (the "Declaration" and the "Bylaws," collectively, the "Condominium Documents"), a copy of which are attached with this letter for reference. You asked us to review this requirement of the Code in the context of condominium ownership and advise you as to how the requirement of the Code may be met consistent with the requirements of the Condominium Documents.

Based on our review of the Condominium Documents and the Oregon Condominium Act, consent of the condominium owners to the application you propose requires the approval of a majority vote of the unit owners' association in accordance with the requirements of the Bylaws.

Section 2.11 of the Bylaws states that the vote of more than 50% of the voting rights present at a meeting in which a quorum is present is binding on all unit owners for all purposes except where a higher percentage is required by law or under the bylaws or declaration. The proposed zone change is not required by the Bylaws, Declaration or the Oregon Condominium Act to require

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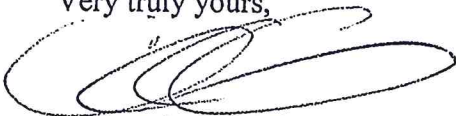
ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DALLAS · DENVER · LOS ANGELES · MADISON · NEW YORK
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Perkins Coie LLP

Dr. Ted Forcum
April 7, 2014
Page 2

more than a 50% vote of the owners, so this section of the Bylaws should control. Therefore, the approval of the application by more than a 50% vote of the unit owners in accordance with the Bylaws should be binding upon all of the unit owners and therefore evidence the consent of the owners to the application, which should meet the requirement of Section 9.010.A.2 of the Code.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher C. Criglow", written over a horizontal line.

Christopher C. Criglow

Attachments - Declaration and Bylaws

Cc: Stefanie Slyman

Cannery Loft Condominiums Rezone

Transportation Impact Study
Astoria, Oregon

DATE:

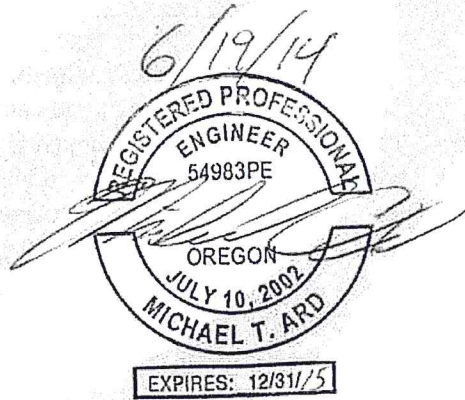
June 19, 2014

PREPARED FOR:

Nomadic Properties LLC

PREPARED BY:

Kirk Paulsen, EI
Michael Ard, PE



*Full document available
for review at Community
Development Office, 1095 Duane.*



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Executive Summary

1. This traffic study analyzes and addresses the potential transportation impacts of a proposed zone change for a one acre and a 1.16 acre plot of land located east of 39th Street and north of Abbey Lane in Astoria, Oregon. The western and eastern properties, located at 3930 and 3990 Abbey Lane, respectively, are currently used for multi-family residential housing above the first floors of the two existing buildings. The first floors of the two buildings are currently predominantly vacant. These buildings have been used in this capacity for the last six years. Both properties are presently zoned General Industrial (GI) and are proposed to be rezoned as Tourist-Oriented Shorelands (S-2A).
2. For the worst-case scenario related to the current GI zoning, it was assumed that all of the ground floor properties and covered parking areas could be redeveloped as an automobile care center replacing the existing businesses while retaining the multi-family residential units above the ground floor. The automobile care center land use was selected since it results in the highest trip generation of any allowed use under the existing GI zoning.
3. For the worst-case scenario related to the proposed S-2A zoning, it was assumed that all of the ground floor properties and covered parking areas could be redeveloped with a combination of a shopping center and fast-food restaurants without drive-through windows which would replace the existing businesses while retaining the multi-family residential units above the ground floor. The fast food and shopping center uses were selected for analysis since this combination of land uses represents the highest-intensity land use combination that can be reasonably developed under the proposed S-2A zoning.
4. The study intersection operates well within ODOT's performance standards throughout the planning horizon, with either the current zoning or the proposed zoning fully built-out. Accordingly, no mitigation is recommended.
5. The proposed zone change will not degrade the performance of any existing or planned transportation facility below the adopted ODOT performance standards. Accordingly, the Transportation Planning Rule is satisfied.
6. Based on the projected volumes through the study intersection for the year 2034, the intersection is not projected to meet traffic signal warrants. Accordingly, installation of a new traffic signal is not recommended.
7. Based on the review of all of the collision data, no crash patterns and no significant design concerns were identified at the study intersection. No safety mitigations are recommended.
8. Adequate intersection sight distance is available at the study intersection and no sight distance mitigations are recommended.

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Introduction

This traffic study analyzes and addresses the potential transportation impacts of a proposed zone change for a one acre and a 1.16 acre plot of land located east of 39th Street and north of Abbey Lane in Astoria, Oregon.

The western and eastern properties, located at 3930 and 3990 Abbey Lane, respectively, are currently used for multi-family residential housing above the first floors of the two existing buildings. The first floors of the two buildings are currently predominantly vacant. These buildings have been used in this capacity for the last six years. Both properties are presently zoned General Industrial (GI) and are proposed to be rezoned as Tourist-Oriented Shorelands (S-2A).

Detailed information on traffic counts, trip generation calculations, and intersection capacity calculations are included in the technical appendix of this report.

Location Description

The intersection of US Highway 30 at 39th Street has been selected for analysis of projected traffic impacts during the weekday morning and evening peak traffic hours, and 16-hour count data was collected in order to facilitate a detailed traffic signal warrant analysis.

US Highway 30, also known as Leif Erickson Drive, is under the jurisdiction of ODOT and is classified as a Statewide Highway and a Freight Route. It is generally a two-lane facility with a posted speed of 35 mph. A center two-way left-turn lane is also provided west of the intersection of Highway 30 at 39th Street. Curbs and bike lanes are on both sides of the roadway. Sidewalks are on the northern side of the roadway in the vicinity of the project site. On-street parking is not provided.

39th Street is under the jurisdiction of the City of Astoria and is classified as a Local Street. It is generally a two-lane facility with a statutory residential speed limit of 25 mph. Curbs and sidewalks are in place on both sides of the roadway. On-street parking is allowed on both sides of the roadway. Bike lanes are not provided.

The intersection of US Highway 30 at 39th Street is a three-legged intersection that is stop controlled for southbound traffic approaching on 39th Street. The southbound approach has both a dedicated left-turn lane and a dedicated right-turn lane. The eastbound approach has a through lane and left-turning vehicles are able to utilize the center two-way left-turn lane. A bike lane is to the right of the through lane. The westbound approach has a through lane and a dedicated right-turn lane. A bike lane is provided between the through lane and the right-turn lane. There is a marked crosswalk crossing the northern leg of the intersection.

A vicinity map showing the project site, the study intersection, and the traffic control devices is shown in Figure 1 on page 6.

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Public Transportation

Sunset Transportation Services Bus Route 10, *Red Cedar Route*, serves stops along US Highway 30 on its route between Astoria and the City of Hammond. The bus line operates on weekdays from 5:45 AM to 7:15 PM with headways of one hour. The closest westbound bus stop is at the northwest corner of the intersection of US Highway 30 at 39th Street. The closest eastbound bus stop is at the southwest corner of the intersection of US Highway 30 at 37th Street.

Traffic Counts

Traffic counts were conducted at the study intersection on May 8, 2014, from 5:00 AM to 9:00 PM. Data between 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM was used to obtain the system-wide peak of 7:30 AM to 8:30 AM for the morning peak hour and 4:45 PM to 5:45 PM for the evening peak hour, respectively.

Figure 2 on page 7 shows the existing traffic volumes at the study intersection.

Rosemary Johnson

From: Kirk Paulsen <kirk@lancasterengineering.com>
Sent: Wednesday, July 16, 2014 2:51 PM
To: Rosemary Johnson
Cc: Mike Ard
Subject: Re: FW: A14-03 Cannery Loft Rezone: ODOT comments on traffic study
Attachments: Revised Trip Generation Worksheets - Cannery Loft Rezone.pdf

Hello Rosemary,

That is wonderful to hear this project will be recommended for approval. The following comments address ODOT's 'Items to be addressed':

Item #1: ODOT is correct that some of the trip generation rates had not been accurately updated. That was a minor error on our part, for which we apologize. Fortunately, after revising the trip generation rates, the number of vehicle trips associated with land use codes 720 and 826 remained identical to the number of trips previously provided within the report. Therefore, the main body of the report remains accurate and will not need any revisions. Attached to this message are the revised trip generation worksheets for land use codes 720 and 826, you can directly swap out the outdated pages with the revised versions and the entire report will then be complete.

Item #2: It is Lancaster Engineering's policy to not utilize the seasonal adjustment factor when analyzing scenarios related to existing conditions. We understand that this goes against what is stated within the Analysis Procedures Manual; however, the primary reason for this policy is that we prefer the analysis of the existing conditions to reflect what was observed in the field around the same time that the site visit was performed. Having this direct comparison available between the computer analysis and actual in-person observations allows us to confirm whether or not the computer model is accurate and can then be used for the scenarios involving future projections or would need to be modified in order to reflect the reality of the situation. Applying the seasonal adjustment factor to the analysis of the existing conditions would provide a projected future scenario with no means to compare the model's accuracy.

Please let us know if you have any other questions/comments/concerns. Thanks!

Cheers,
-Kirk

On Wed, Jul 16, 2014 at 11:46 AM, Rosemary Johnson <rjohnson@astoria.or.us> wrote:

Kirk, can you take a look at this and give me any input? As noted below, a revised analysis is not required. However, if there are any comments from you that should be included, please send them to me as soon as possible. We will be submitting the TIS along with the ODOT comments to the Planning Commission with a recommendation for approval. Thanks, Rosemary

Rosemary Johnson, Planner



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Region 2 Tech Center

455 Airport Road SE, Building A

Salem, Oregon 97301-5397

Telephone (503) 986-2990

Fax (503) 986-2839

DATE: July 7, 2014

TO: Bill Johnston, ODOT Area 1 Planning

FROM: Keith Blair, ODOT Region 2 Traffic

SUBJECT: Cannery Loft TIA Review (6/19/14) – ODOT Comments

ODOT Region 2 Traffic has completed its review of the submitted TIA (dated 6/19/14) for the proposed zone change of the Cannery Loft development, located in the City of Astoria, with respect to consistency and compliance with current versions of ODOT's Analysis Procedures Manual (APM). Both versions of the APM were most recently updated in June 2014. Current versions are consistently published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>. As a result, we submit the following comments for the City's consideration:

Appropriate Items:

- The utilized growth rate of 0.7% per year is appropriate.
- The traffic count was conducted during an acceptable month (requiring less than a 30% adjustment). The utilized seasonal adjustment of 1.26 is appropriate, based on the Seasonal Trend Method for the Coastal Destination trend.
- The utilized Peak Hour Factors are appropriate.
- Bicycle and pedestrian volumes were collected during the May count and appear to have been included within the analysis scenarios for the study intersection. Additionally, it would be acceptable if the analysis assumed a reasonable summer peak number of pedestrians and bicycles at the study intersection.

Items to be addressed:

1. Cited trip generation rates were identified as per the 9th Edition of the ITE Trip Generation Manual. However, the cited trip rates for land use code 720 have actually been taken from the 8th Edition. Additionally, the PM Peak of Generator has erroneously been cited instead of the AM Peak of Generator for land use code 826. Fortunately, neither error will have significant effects on the trip generation volumes or distributions.
2. Scenario 1 (Existing Conditions – AM Peak) and Scenario 2 (Existing Conditions – PM Peak) do not appear to have been seasonally adjusted. These scenarios should be reanalyzed with the approved seasonal adjustment of 1.26 applied.

Thank you for the opportunity to review this TIA. As the Vistro files were not provided, Region Traffic has only reviewed the submitted report. As the above comments will merit the need for reanalysis, we look forward to a second round of review. Please let us know if you have any questions.

Keith P. Blair, P.E.

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CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A14-02) ON RIVERFRONT VISION PLAN
IMPLEMENTATION ORDINANCE

Background

At its June 24, 2014 meeting, the Astoria Planning Commission closed the public hearing on the Amendment Request (A14-02) concerning the implementation ordinance for the Civic Greenway Area of the Riverfront Vision Plan. Since the public hearing was closed, any written testimony received since the last meeting will not be transmitted to the Commission along with this memorandum. Letters received since the last APC meeting will be presented to the City Council for their consideration at a City Council public hearing on this matter.

At the June 24 meeting, the APC determined that there was general consensus on the issues related to on-land development including the design guidelines and standards, landscaping, Compact Residential Zone, cluster development, and other site development standards. The APC recommended City Council approval on the portion of the ordinance concerning the land area of the proposed amendments. However, there were several issues concerning the over-water standards that the APC determined needed additional discussion at the next meeting.

The following is a list of the key issues that were still pending after that meeting.

1. Height of development over-water

It was generally agreed that "top of bank" should be the maximum height for over-water development for much of the Plan area. The majority of Commissioners agreed that no variance from that height limitation should be established for portions of the area. There was discussion as to whether the "no variance" option should apply to 16th to 31st/35th Street or if it should apply to the entire area 16th to 41st Street. The proposed ordinance states that no variance may be granted to the bank height limitation for the entire area.

2. Development at the East End Mooring Basin

The draft ordinance proposes exceptions to building height, size, and width for development 500' from the shoreline between 35th and 41st Streets. This would allow

for some development in this area while preserving the broad vistas and views for the majority of the Civic Greenway Area.

3. Restaurants

The APC was split on the concept of allowing restaurants to be constructed over-water in the 35th to 41st Street area. The majority of APC members agreed that a restaurant could be allowed if it is associated with a water-dependent use. The draft ordinance includes restaurants associated with a water-dependent use as an allowable use.

4. Land Development North of the Railroad / River Trail Property

Towards the end of the last meeting, the APC agreed that on-land development north of the Railroad / River Trail Property would have the same impact as over-water development in that same area. It was agreed that the over-water development standards would also apply to this shoreline land area. There are very few areas that could accommodate on-land development. The draft ordinance includes language to include the land area north of the River Trail to be subject to the same standards as over-water development in that area.

After the meeting, staff realized that one land area north of the River Trail is already developed with the Columbia River Maritime Museum (CRMM). This is the largest land area north of the River Trail. Therefore, the draft ordinance has been amended to state *"The Overwater Development standards shall also apply to on-land development north of the River Trail / 50' wide railroad line property between 19th and 41st Streets."* This draft would exclude the land area between 16th and 19th Street from the overwater standards. All other standards for development of this site would apply.

Recommendation

Staff recommends that the APC approve the draft ordinance and adopt the Findings of Fact to recommend that the City Council approve the Amendment Request. A public hearing will be held at the City Council meeting prior to their decision on adoption.

This memo is incorporated as part of the Findings of Fact on Amendment A14-02.



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

July 15, 2014

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A14-02) ON RIVERFRONT VISION PLAN
IMPLEMENTATION ORDINANCE

I. BACKGROUND SUMMARY

- A. Applicant: Community Development Department
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Development Code and Zoning map to implement the Riverfront Vision Plan in the Civic Greenway Area (16th to 41st Streets, Marine Drive to the Columbia River); add Compact Residential zone; add Civic Greenway Overlay zone; add clear and objective design standards for residential development; renumber several zones and overlay zone; misc. related changes with new code references; and rezone the area on the north half of the blocks between Marine Drive and the Columbia River from 30th to 32nd Streets, from the C-3 (General Commercial) zone to CR (Compact Residential) zone.
- C. Location: City-wide

II. BACKGROUND

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation issues along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Lief Erikson Drive) was divided into four Plan areas of development: Bridge Vista (Port/Smith Point to 2nd Street), Urban Core (2nd to 16th Street), Civic Greenway (16th to 41st Street), and Neighborhood Greenway (41st Street to east end of Alderbrook Lagoon).

During the Plan development, four community-wide forums, three open houses, and numerous community meetings were held at various locations within the four Plan areas.

In addition, staff and/or consultants conducted stakeholder interviews, distributed and tabulated surveys. Development of the Vision Plan was structured to gain as much public input as possible. On December 7, 2009, after holding a final public hearing, the City Council accepted the Riverfront Vision Plan. For Fiscal Years 2011-2012, 2012-2013, and 2013-2014, the City Council set goals to "Implement Riverfront Vision Plan on a Zone by Zone Basis."

At its August 2, 2012 meeting, the City Council approved submittal of a funding application to the Department of Land Conservation and Development (DLCD) to fund code writing activities for up to two areas of the Riverfront Vision Plan. The funding would be a Transportation Growth Management (TGM) grant through the Oregon Department of Transportation (ODOT). On October 22, 2012, the City was notified that the project had been approved for funding. Under the TGM program, no cash is provided to the City and ODOT uses the services of planning firms already under contract with ODOT.

The proposed Code Assistance Project is for the implementation phase of the Astoria Riverfront Vision Plan. Phase 1 of the project would develop land use codes and/or new zones for the Civic Greenway Plan Area. Phase 2 of the project would develop land use codes and/or new zones for the Bridge Vista Plan Area, contingent upon available funds as approved by TGM staff.

The consultant team identified to work on this project is Angelo Planning Group. One of the project team members is Matt Hastie, who was directly involved in development of the Riverfront Vision Plan. The project includes public involvement opportunities held during Planning Commission work sessions. The final product would be code amendments and land use zoning map amendments which would ultimately be presented to the City Council for consideration of adoption. There would be two separate approval processes for Phase 1 and Phase 2.

As a first step in this process to address the Civic Greenway Plan Area, the project team prepared a Code Evaluation Report summarizing development code issues to be addressed in drafting amendments. The Civic Greenway Plan Area is generally located from Columbia River Maritime Museum to 41st Street at Abbey Lane and the River to Marine / Lief Erikson Drive. After reviewing the Code Evaluation Report, the Astoria Planning Commission and the project team began drafting preliminary code amendment language to address selected code issues for the Civic Greenway Plan Area. The team divided the amendments into three sections to allow for adequate review of the draft code amendments with the Planning Commission and public. The Planning Commission held five public work sessions (October 22, 2013, December 3, 2013, January 7, 2014, January 28, 20, February 25, 2014) on the draft amendments with mailed, e-mailed, and published notification to the general public and to anyone who has expressed interest in the Riverfront Vision Plan or implementation process. A presentation to the City Council on the progress made to date was held on April 7, 2014. The work sessions have been well attended.

The RVP for the Civic Greenway Planning Area identified Land Use Assumptions and Objectives which state that *"It is expected that large amounts of overwater development will not occur in the Civic Greenway ..."* The objectives include:

1. Add a new Compact Residential (CR) Zone to allow for smaller cottage cluster development on the land side of the River Trail in the Civic Greenway Area.
2. Add a new Civic Greenway Overlay Zone to address the standards for:
 - over-water and waterfront development including building height, building mass, width of structures, allowable uses, landscaping, and public access to the water, etc.;
 - land side development including building heights, setback, stepback, and landscaping; and
 - river access requirements.
3. Add new provisions for Cottage Cluster Development detailing the location, size, orientation, public open space, etc. for compact residential development.
4. Add new “clear and objective” design standards for residential uses in the Gateway Overlay Zone and Civic Greenway Area.
5. Make “housekeeping” amendments related to the new CR Zone and CGO Zone. This will include renumbering the Gateway Zones to Article 2 and renumbering all Overlay Zones to Article 14.

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to Neighborhood Associations, various agencies, and interested parties on May 2, 2014. In accordance with ORS 227.186(5), a notice was mailed on May 2, 2014 to all property owners within the area and within 250' of the area proposed for the code and map amendments advising that “. . . the City of Astoria has proposed a land use regulation that may affect the permissible uses. . .” of their or other property. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on May 20, 2014. The proposed amendment is legislative as it applies City-wide. Any comments received will be made available at the Astoria Planning Commission meeting.

The public hearing was opened at the May 27, 2014 APC meeting and was continued to and closed at the June 24, 2014 meeting.

The APC's recommendation will be forwarded to the City Council for public hearing tentatively at the August 18, 2014 City Council meeting.

B. City Council

Should the APC make a recommendation at their July 22, 2014 meeting, a public notice will be mailed to Neighborhood Associations, various agencies, and interested parties on July 25, 2014 for a public hearing at the City Council meeting on August 18, 2014. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on August 11, 2014. Any comments received will be made available at the City Council meeting.

IV. FINDINGS OF FACT

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

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

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

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

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 2 concerning Use Zones, and Article 14 concerning Overlay Zones. The amendment would create new overlay zone standards. The request is also to amend the Astoria Land Use and Zoning Map to create a new Compact Residential (CR) Zone. The Code is applicable to a large area of the City. Processing as a legislative action is appropriate.

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

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

Finding: The City adopted the Riverfront Vision Plan in 2009 to address the changing needs and desires of the citizens concerning Riverfront development and the need to protect the environment. The City Council directed staff to initiate Development Code amendments to implement the Plan recommendations. The renumbering of various sections of the Code creates a more useable format for the Development Code sections.

2. CP.010(2), Natural Features states that *“The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural*

topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged.”

Finding: The proposed amendments will implement the Riverfront Vision Plan for the Civic Greenway Area. The amendments include design standards for development, protection of scenic views and vistas, and the development of a Compact Residential Zone and new cluster development standards.

3. CP.010(3), Natural Features states that *“Density of housing developments in a planned unit or cluster subdivision will be consistent with the density of the zone in which it is located; however, a mixture of housing types will be encouraged in order to promote diverse neighborhoods and to preserve open space.”*

Finding: The proposed cluster development standards and new CR Zone allow for a mixture of housing types and encourages a compact neighborhood that preserves communal open space as well as protects the Riverfront open space vistas and views. The density of the CR Zone is less than, but consistent with, the neighborhood due to the location of the CR Zone adjacent to the existing C-3 Zone which allows denser multi-family dwellings.

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

CP.015(1), General Land & Water Goals states that *“Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands.”*

Finding: The proposed amendments create a new Compact Residential Zone and new cluster development standards. This addresses the need to encourage a compact urban form. The design and landscaping standards protect the historic character of the City and waterfront areas. The reduction in allowable uses and development along the shoreland in this area, and the use of native vegetation will help protect the estuary environment. The proposed ordinance is intended to provide the guidance to help achieve these goals.

5. CP.020(2), Community Growth, Plan Strategy, states that *“New small scale industrial growth will be encouraged on the scattered sites identified in the Economic Section of the Plan. Major port development will be encouraged*

at the existing Port docks and at the East End Mooring Basin. North Tongue Point is considered a major deep draft port expansion area for use as a cargo handling and shipping facility. South Tongue Point is primarily designated for multiple water-dependent uses requiring medium draft water access."

CP.020(2), Community Growth, Plan Strategy, states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

CP.185(A.3), Regional Estuary and Shoreland Policies, Deep Water Navigation, Port and Industrial Development, states that *"Development, improvement and expansion of existing port sites is preferred prior to designation of new port sites."*

CP.185(H.2), Regional Estuary and Shoreland Policies, Fisheries and Aquaculture Policies, states that *"Sufficient space for present and anticipated needs shall be reserved for the following uses: Fishing vessel moorage; seafood receiving and processing; boat repair; gear storage; ice making; cold storage; other seafood industry support facilities."*

CP.203, Economic Development Goal 4 and Goal 4 Policies, goal states *"Continue to encourage water-dependent industries to locate where there is deep water, adequate back-up space, and adequate public facilities."* Policies states *"1. Maintain areas of the City in order to provide sufficient land for water dependent as well as non-water dependent industries."*

CP.210(1), Economic Element, Economic Development Recommendations, states that *"The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the former Samuel Elmore Cannery between Columbia Avenue and 1st Street."*

Finding: While the proposed amendments create new design criteria and limit development within the Civic Greenway Area, it does not prohibit development. It would allow flexibility for some limited development. Structure height, width, and size would be regulated so there would not be large amounts of over water from 16th to 41st Street. It is anticipated that there may be future development at and around the East End Mooring Basin that would be compatible with the Riverfront Vision Plan for this area such as moorage, and other piers and dock activities. However, seafood industry, and other maritime related buildings would require larger facilities. Therefore, for the established East End Mooring Basin area between 35th Street and 39th Street which is currently owned by the Port and in private

ownership, it is proposed that if a structure is located 500' from the shoreline, that it may be 28' high and a maximum width of 150' with no limitation on the square footage of the building. This would allow some development in this area where some overwater and in-water activity has occurred in the past while preserving the broad vistas as viewed from the River Trail and adjacent properties.

The proposed allowable uses within the Civic Greenway Area eliminate some of the non-maritime related uses from the A-1 and A-2 Zones within this area. The allowable uses would support marinas, docks, piers, water-related commercial and industrial uses, and the associated maintenance related uses such as dredging, piling, and utilities. The following is a list of uses proposed to be eliminated from the Civic Greenway Area that are currently allowed in the A-1 and A-2 Zones. These uses would continue to be allowed within the A-1 and A-2 Zones in other portions of the City.

Current Allowable Uses	A-1 Zone	A-2 Zone
Water dependent commercial or industrial use	Outright	Outright
Mining and mineral extraction	Conditional Use	Conditional Use
In-water log dump, sorting operation	Conditional Use	
Aquaculture and water dependent portion of aquaculture facility		Conditional Use
Eating and drinking establishment not associated with a water depended use such as marina/seafood processing		Conditional Use
Hotel, motel, inn, bed and breakfast		Conditional Use
Tourist oriented retail sales		Conditional Use
Indoor amusement, entertainment, and/or recreation establishment		Conditional Use
Professional and business office, personal service establishment, residence, arts and crafts meeting the requirements of Section 2.540.10 (limited to upper stories or 25% max of first floor)		Conditional Use
Conference Center		Conditional Use
Public use in conjunction with the CRMM – <i>removed reference to CRMM and changed to maritime related use</i>		Outright

As noted in this Comprehensive Plan Section, the North and South Tongue Point areas are the areas identified for deep and medium draft water access development. The East End Mooring Basin is not identified as a “deep water” site and there is limited shoreland space for the supporting facilities for a deep water site. The requirements for shoreland and estuary development in Development Codes Articles 4 and 5 would remain applicable to any development in this area.

The rezoning of the C-3 Zone adjacent to the River Trail to CR Zone would create a new residential neighborhood that is compatible with the River Trail development and would buffer it from the more intrusive commercial development along Marine Drive. This area is not conducive to maritime related industries as it is not immediately accessible to the waterfront as it sits south of the trolley line and does not abut the River and shoreland. It would not eliminate any shoreland/maritime related zoned land.

6. CP.020(7), Community Growth, Plan Strategy, states that *“Future development of the Gateway Overlay Area should be planned in accordance with the Gateway Master Plan. Special attention should be given to architectural design, landscaping, street frontages, location of parking lots, and other circulation issues. Future uses should serve to complement the Downtown Area.”*

CP.058, Gateway Overlay Area Policies, states that

- “1. 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:
 - a. promote development that complements the Downtown Area;
 - 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;
 - d. establish visual and physical linkages within and around the Gateway Overlay Area, with special emphasis on the Columbia River riverfront;
 - e. create a pedestrian-friendly environment throughout the Gateway Overlay Area through the careful siting of buildings and parking lots, careful consideration of street frontage design, and extension of the Astoria River Trail; and
 - f. create investor interest by promoting complementary land uses and quality development in the surrounding area.
2. The City will maintain the Gateway Overlay Area plan element of the Comprehensive Plan through its Development Code, including new planning zones and development standards, and through a design review process.
3. The City, through its Development Code, will maintain a set of Design Review Guidelines for the Gateway Overlay Area which address the architecture, landscaping, public and private circulation, signs, lighting, and other aspects of the built environment. The guidelines are fundamental principles which are applied to specific projects.”

CP.204, Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."* Policy 2 states *"The City will use the Gateway Master Plan as the guiding document for redevelopment of the Gateway Overlay Area."*

Finding: The project includes the Gateway Overlay Area. The proposed amendments draw from the existing Gateway Overlay Area Zone (GOZ) standards and guidelines and expands the GOZ to be applicable to the entire Civic Greenway Area from 16th to 41st Streets. The proposed amendments create increased visual and physical linkages along the Columbia River with limitation on development and special siting standards for buildings and landscaping. The proposed amendments include additional architectural design, landscaping, lighting, and circulation, etc. consistent with the GOZ and Uppertown and Downtown areas.

7. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

Finding: The City conducted a Buildable Lands Inventory which was adopted in 2011. The report states that *"A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses (27.8 acre surplus), there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial, and high-density residential development and help meet the need for additional commercial land."* With other recent amendments to rezone properties, there is an overall deficit of Residential land of 15.84 acres and an excess of Employment land of 7.1 acres. This includes a deficit of 20.7 acres for Commercial and excess of 27.8 acres for Industrial lands.

The area proposed to be rezoned from C-3 (General Commercial) to CR (Compact Residential) is approximately 4.7 acres. Much of the land is currently developed leaving approximately 0.84 acres included in the BLI as buildable lands. The proposed map amendment reduces the Employment Total for Commercial Land Supply by approximately 0.84 acres and increases the Residential Land Supply by approximately 0.84 acres. While it will reduce the amount of Commercial land, the overall Employment land would result in an excess of 6.26 acres and it would reduce the overall deficit of Residential land from 15.84 acres to a deficit of 15.0 acres.

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027				
Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7
<i>Source: Cogan Owens Cogan</i>				

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.3*
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.44)*

Source: Wingard Planning & Development Services

** Note: Scrivener's Error in actual figure. BLI shows 236.4 and (15.54) but should be 236.3 and (15.44).*

The proposed map amendment would rezone Employment land to Residential land supply thereby addressing the overall deficit of available Residential buildable land.

8. CP.025(2), Policies Pertaining to Land Use Categories and Density Requirements, states that *"Changes in the land use and zoning map may be made by boundary amendment so long as such change is consistent with the goals and policies of the Comprehensive Plan."*

Factors to be considered when evaluating requests for zoning amendments will include compatibility with existing land use patterns, effect on traffic circulation, adequacy of sewer, water and other public facilities, contiguity to similar zones, proposed buffering, physical capability including geologic hazards, and general effect on the environment."

Finding: Consistency with the goals and policies of the Comprehensive Plan are addressed in this Section of the Findings of Fact. The factors are addressed in this Section and Sections D & E below of the Findings of Fact.

9. CP.175 (F), Uppertown / Alderbrook Subarea Plan, Aquatic and Shoreland Designations states that *"The aquatic area between 29th and 41st Streets is designated Development to the pierhead line, except at the East End Mooring Basin where the designation corresponds to the outer boundary of the pier. East of 41st Street, the aquatic area is designated Conservation."*

Shorelands are designated Development, except for the Water-Dependent Development site west of Alderbrook Cove between 35th and 41st Streets."

Finding: The proposed amendments do not change the zoning in the aquatic areas. The area between 30th and 32nd Streets is zoned C-3 and is not a shoreland designation.

10. CP.185(M), Regional Estuary and Shoreland Policies, Public Access Policies, states that *"Public access" is used broadly here to include direct*

physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas."

CP.185(M.2 to 5), Regional Estuary and Shoreland Policies, Public Access Policies, states that

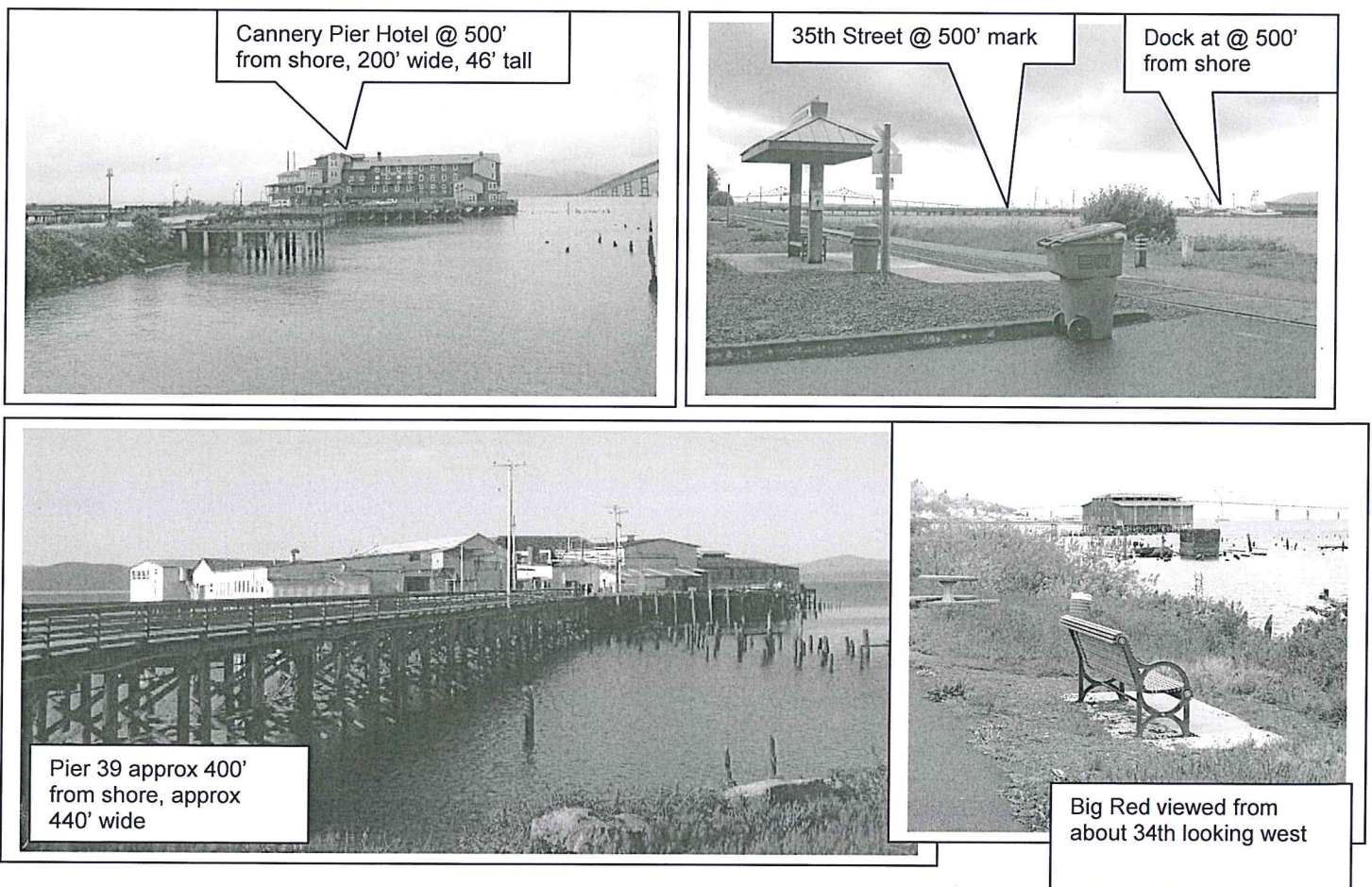
- "2. Public access in urban areas shall be preserved and enhanced through waterfront restoration and public facilities construction, and other actions consistent with Astoria's public access plan.*
- 3. Proposed major shoreline developments shall not, individually or cumulatively, exclude the public from shoreline access to areas traditionally used for fishing, hunting or other shoreline activities.*
- 4. Special consideration shall be given toward making the estuary accessible for the physically handicapped or disabled.*
- 5. Astoria will develop and implement programs for increasing public access."*

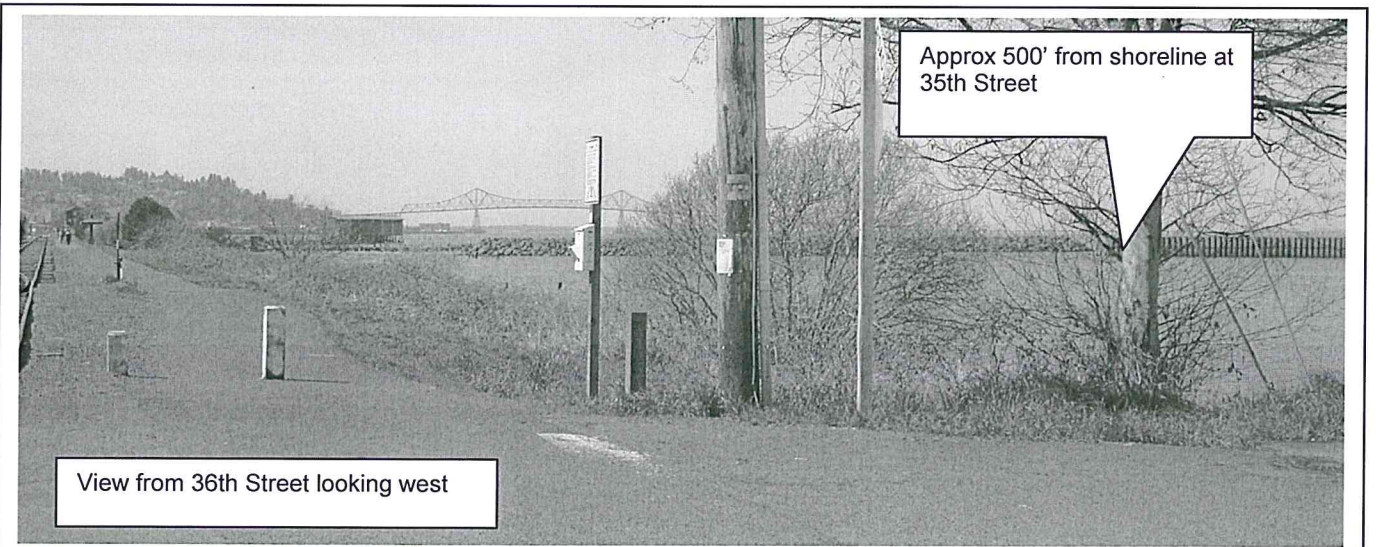
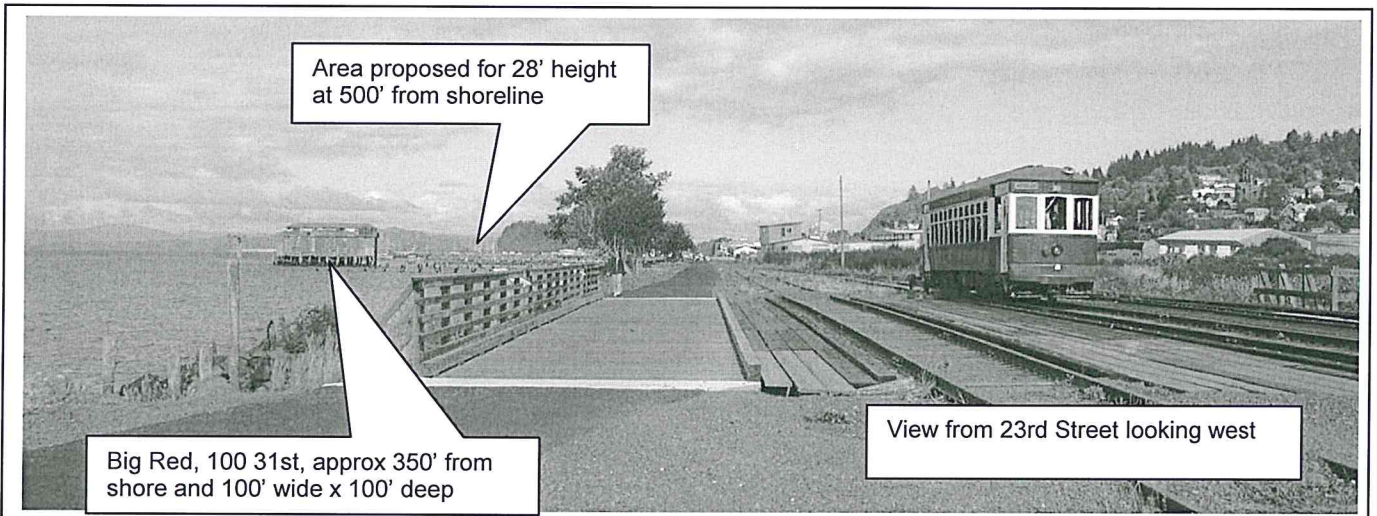
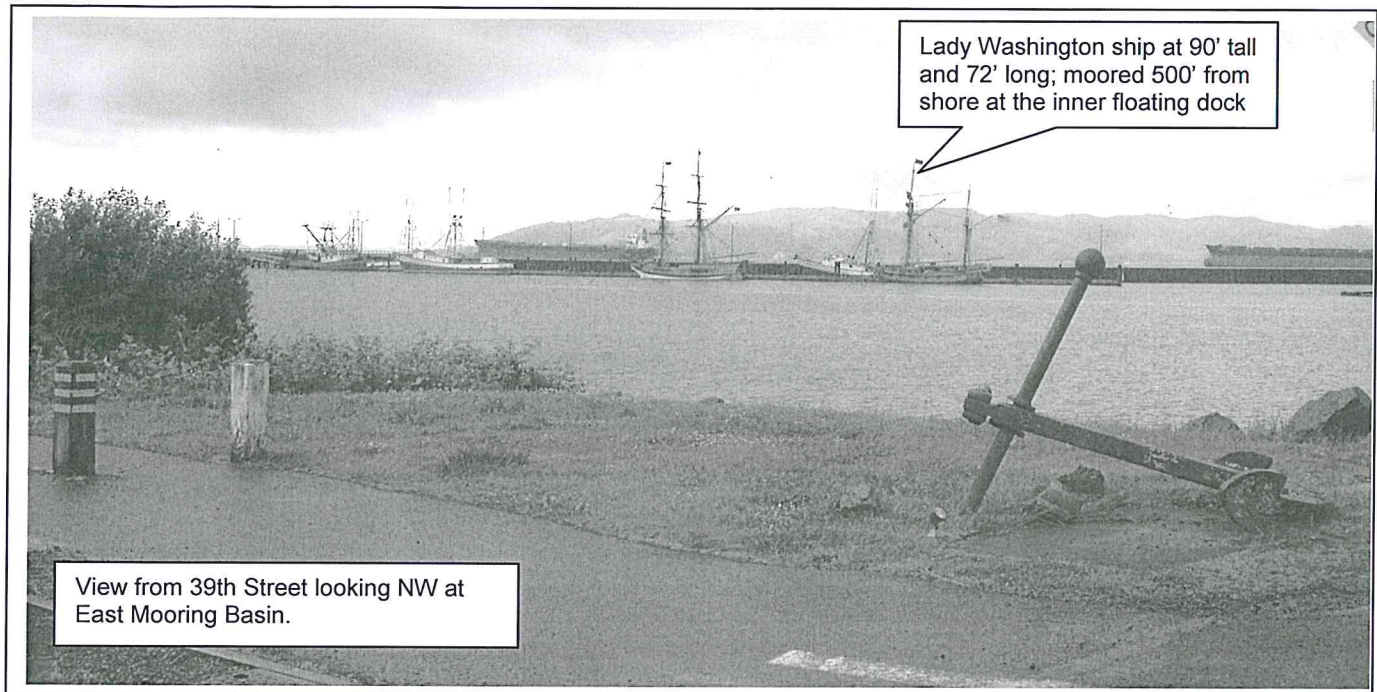
CP.185(N.2), Regional Estuary and Shoreland Policies, Recreation and Tourism Policies, states that *"Recreation uses in waterfront areas shall take maximum advantage of their proximity to the water by: providing water access points or waterfront viewing areas; and building designs that are visually u {typo from original ordinance} with the waterfront."*

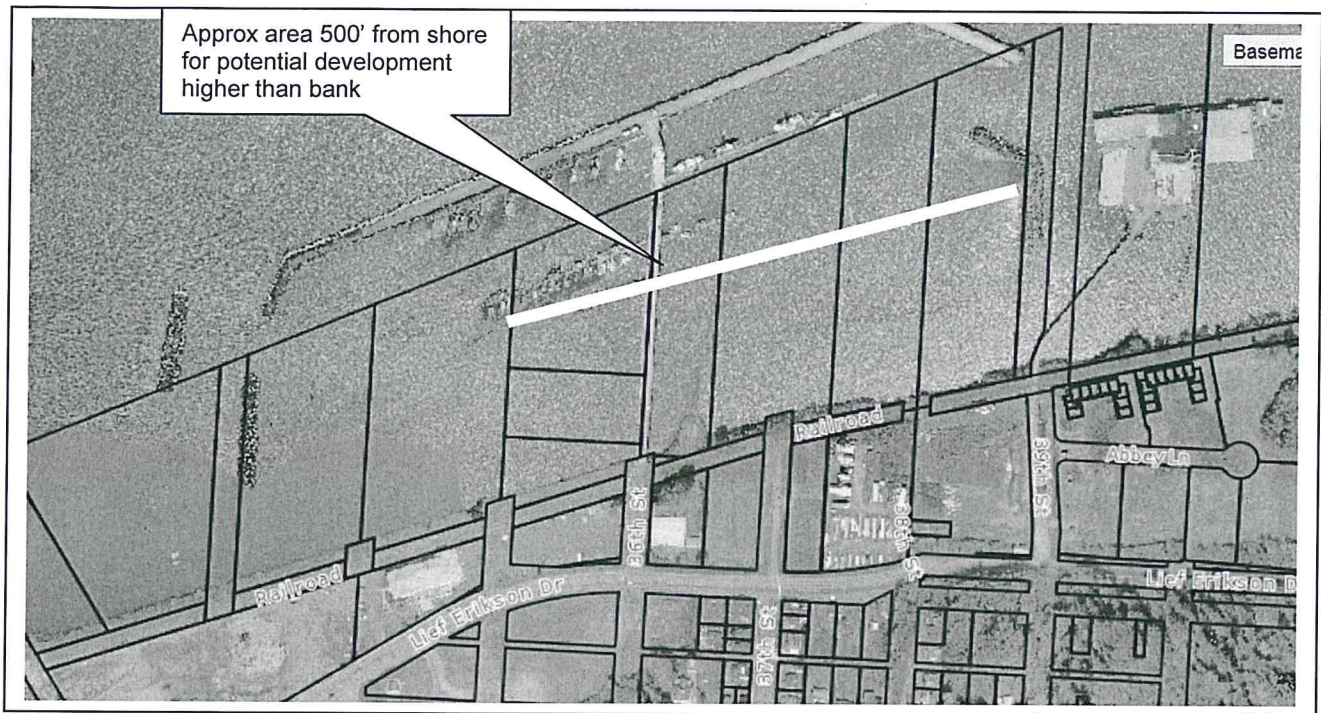
CP.204, Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."* The Policy 1 states *"Provide public access to the waterfront wherever feasible and protect existing access. The importance of the downtown waterfront in terms of aesthetics, public access and business improvement cannot be overemphasized. The City supports the concept of the "People Places Plan," and encourages local organizations in the construction and maintenance of waterfront parks and viewing areas."*

Finding: One of the reasons the Riverfront Vision Plan was developed was to enhance public access to the estuary and allow for preservation of public open space and park areas along the Columbia River. Public access includes both physical and visual access. The River Trail along the Columbia River is used by locals as well as visitors and is maintained for its aesthetic values as well as for its transportation values. The Civic Greenway Area was identified as an area to allow more visual and public access than the more developed areas to the west (Bridge Vista and Urban Core). The proposed on-land building and landscaping setback and setbacks create wider view corridors from Marine Drive / Lief Erikson Drive.

The proposed implementation of the RVP will allow for limited over-water development of maritime related facilities while protecting public visual and physical access to the River. The proposed amendment would limit the size, height, and location of development to minimize the impact on public access. The maximum height of buildings is proposed to be at existing shoreline bank height which would limit the type of development that could occur. However, it is recognized that some development could occur near the established East End Mooring Basin. The draft ordinance includes an exception for the area between 35th and 39th Street to allow 28' high buildings with larger footprint and width if the building is located a minimum of 500' from the shoreline. These standards were based on the visual impacts of the dimensions and site location of the existing Cannery Pier Hotel (10 Basin Street) located on the west end of the River Trail, and two other over-water structures at 100 31st Street (Big Red) and 100 39th Street (Pier 39). Big Red and Pier 39 are located out from the shoreline (approximately 350' and 400' respectively) and are existing historic buildings. Future development in the East End Mooring Basin area would still be subject to allowable uses, design, and other development standards of the proposed Civic Greenway Area Overlay.







11. CP.185(G), Estuary and Shoreland Policies states that *"This subsection applies to uses and activities with potential adverse impacts on fish or wildlife habitat, both in Columbia River estuarine aquatic areas and in estuarine shorelands.*
 1. *Endangered or threatened species habitat shall be protected from incompatible development.*
 2. *Measures shall be taken protecting nesting, roosting, feeding and resting areas used by either resident or migratory bird populations.*
 3. *Major nontidal marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources within the Estuary Shorelands Boundary shall be protected. New uses in these areas shall be consistent with the protection of natural values, and may include propagation and selective harvest of forest products, grazing, harvesting, wild crops, and low intensity water-dependent recreation."*

CP.460(1), Natural Resource Policies states that *"The Plan land and water use designations will protect those areas that have high natural value, and direct intensive development into those areas that can best support it."*

CP.460(3) , Natural Resource Policies states that *"The City recognizes the importance of "trade offs" that must occur in the planning process. Although certain estuary areas have been designated for intensive development, other areas will be left in their natural condition in order to balance environmental and economic concerns."*

Finding: The proposed amendment allows for minimal over water development and encourages the use of native plants along the Riverfront. The standards maintain open areas for protection of the estuary habitat and to maintain vistas and views.

12. CP.204(3 & 4), Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."* The Policies state
 3. *Encourage the growth of tourism as a part of the economy.*
 - a. *Consider zoning standards that improve the attractiveness of the City, including designation of historic districts, stronger landscaping requirements for new construction, and Design Review requirements.*
 4. *Protect historic resources such as downtown buildings to maintain local character and attract visitors."*

CP.250(1), Historic Preservation Goals states that *"The City will Promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage."*

CP.250(3), Historic Preservation Goals states that *"The City will Encourage the application of historical considerations in the beautification of Astoria's Columbia River waterfront."*

CP.200(6), Economic Development Goals states that the City will *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."*

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

Finding: The proposed amendments will adopt design standards to allow for development that is consistent with the design of the historic Uppertown area and that is compatible with the existing development within the area. The River and River Trail are important tourism/economic assets for the City and will be protected from incompatible development with the proposed amendments. The proposed amendments exempt the existing historic over water buildings from some of the requirements so as to encourage and support the restoration of these buildings. However, additions to these buildings would be subject to the proposed development standards. The code would also protect the scenic views of the Columbia River waterfront

with standards for height, design, and location of development. It establishes design standards that would protect historic neighborhoods and the many scenic views that bring visitors to the community.

13. CP.218 (1), Housing Element, Housing Goals, states *“Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.”*

CP.220, Housing Element, Housing Policies, states

“1. Maintain attractive and livable residential neighborhoods, for all types of housing. . .

4. Encourage planned unit and clustered developments that preserve open space, reduce infrastructure and construction costs, and promote variety in neighborhoods.

5. Encourage low and moderate income housing throughout the City, not concentrated in one area. . .

18. Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, two-family dwellings, and multi-family dwellings.”

CP.223, Housing Element, Housing Tools and Actions, states *“Revise zoning requirements to accommodate a variety of housing types as identified in the City’s Housing Needs Analysis.”*

Finding: The request to rezone approximately 4.7 acres of C-3 Zone to CR to accommodate medium density residential development would allow for smaller, compact housing development. The CR Zone and the proposed cottage cluster development standards would establish maximum square footage for the dwellings encouraging homes that would be more affordable. The compact nature of these developments with smaller lot sizes would provide more options for housing types rather than the standard 5,000 square foot minimum lot size for single-family dwellings. This would also reduce the infrastructure costs associated with a traditional subdivision plan. The proposed amendments also allow for an accessory dwelling above the garage area of the cottage cluster development. The proposed rezone would support the goals of the Comprehensive Plan to find alternative ways to address the need for housing identified in the *City’s Housing Needs Analysis*.

The Riverfront Vision Plan adopted by the City Council on December 7, 2009, established a goal for the Civic Greenway Area to “Create a modest scale residential and mixed use neighborhood in an area east of Mill Pond.” It states that *“A new residential neighborhood is proposed for the area between Mill Pond and Safeway. . .”* The Plan calls for single-family and duplex housing types, pedestrian scaled development in this area. The

area proposed to be rezoned to a CR Zone is the same area identified in the Riverfront Vision Plan.

14. CP.270, Parks, Recreation, and Open Space Element, Goals states that *"The City of Astoria will work:*
1. *To develop a balanced park system.*
 2. *To reflect Astoria's special qualities and characteristics. . .*
 5. *To provide or encourage waterfront parks. . .*
 7. *To promote general beautification. . .*
 12. *The City will continue its efforts to improve public access to the shoreline through:*
 - a. *The construction of public access points, pathways, and street ends;*
 - b. *The encouragement of public access projects in conjunction with private waterfront development actions, possibly through the use of local improvement districts and/or grant funds; and*
 - c. *The protection of street ends and other public lands from vacation or sale where there is the potential for public access to the water. The City will work with the Division of State Lands (DSL) to determine the status of submerged and submersible lands adjacent to the City street ends."*

Finding: The City has established a River Trail along the Columbia River as a City park. The Riverfront Vision Plan identifies this as a public area and encourages protection of the public views and vistas in the Civic Greenway Area. The proposed amendments address the design, location, size, height, etc. for development on both the water and land side of the River Trail. Setbacks, building setbacks, and landscape view corridors are proposed to allow street end visual access to the River. The proposed amendments also address public amenities and the ability of a developer to provide specific public amenities in conjunction with their development and promote the general beautification of the waterfront area. The limitation of building size and height, and reduction in allowable uses along the waterfront would protect the waterfront park from incompatible intrusions. The City owns several of the lots within the Civic Greenway Area and there are numerous street ends. These properties would be protected as public access areas.

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

Finding: Throughout the process of drafting the proposed ordinance, the City has provided extensive public outreach. The APC has held five work sessions over the last year with invitations and notices sent to interested parties, neighborhood associations, stakeholders, email lists, web site, etc. Anyone interested in the proposed ordinance was encouraged to submit suggestions and comments. Work sessions were open for discussion with

the public to allow for interactive feedback at this early stage of the adoption process. The following is a list of public work sessions, public hearings, and newspaper articles concerning the draft ordinance:

October 22, 2013	APC
December 3, 2013	APC
December 4, 2013	Daily Astorian article
January 7, 2014	APC
January 28, 2014	APC
February 25, 2014	APC
April 7, 2014	City Council presentation
May 27, 2014	APC public hearing
June 24, 2014	APC public hearing

The City was very conscious of the interest in protection of the Riverfront and the need to have an ordinance that would meet the needs of the citizens, protect the environment and historic resources, be in compliance with State regulations, and would be a permit process that was easy for both the citizens and staff.

Finding: The request is consistent with the Comprehensive Plan.

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

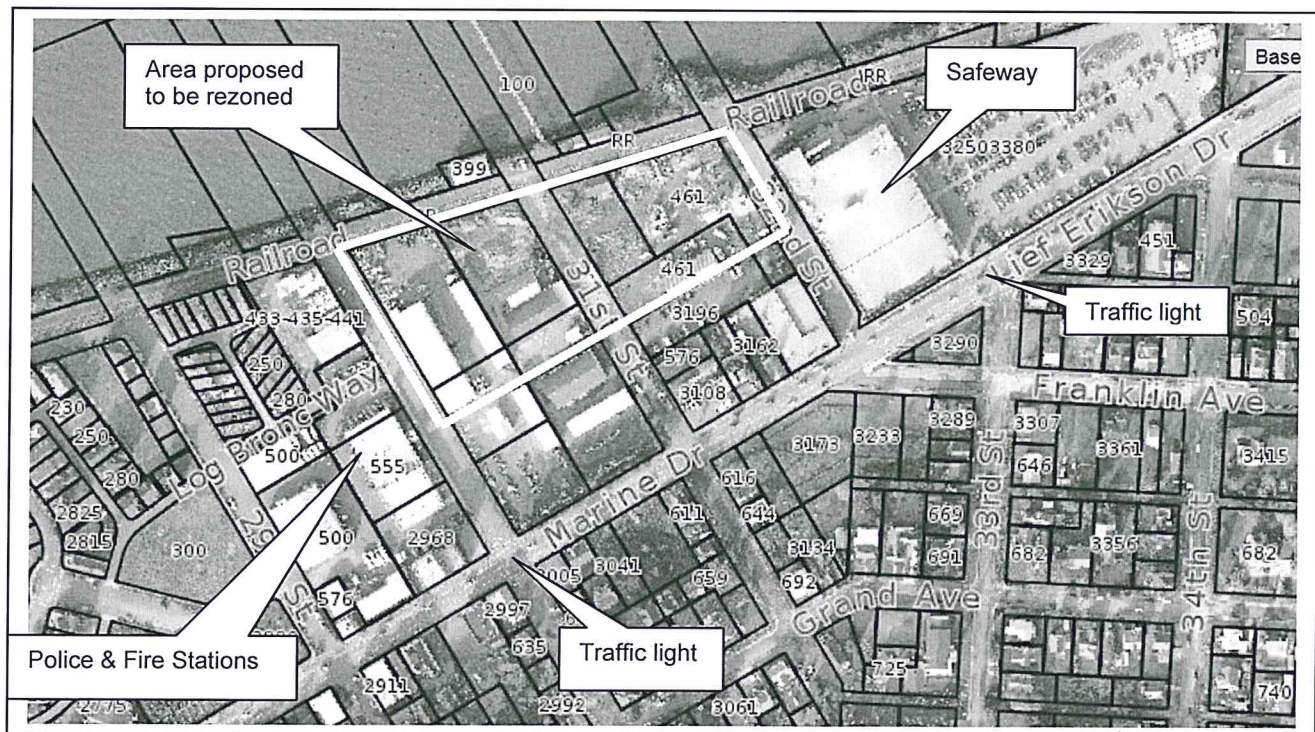
Section 10.070(B.2) concerning Map Amendments requires that *"The amendment will: a. Satisfy land and water use needs; or . . ."*

Finding: The proposed amendment will satisfy land use needs in that it will allow for the development of private properties while protecting the vistas and views along the Civic Greenway Area of the River Trail. The proposed amendment limits the allowable development in this area thereby reducing some of the impacts associated with a more intensive development. Most of the area is zoned A-1 (Aquatic One Development) and A-2 (Aquatic Two Development) which have limited allowable development, most of which is maritime related. Proposed lighting and open space landscaping standards would decrease impacts to Police and Fire protection services by the creation of appropriately lit and open areas. As noted in Section C.7 above concerning the BLI, the proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

- E. Section 10.070(B.2) concerning Map Amendments requires that *"The amendment will:*
- a. Satisfy land and water use needs; or*
 - b. Meet transportation demands; or*
 - c. Provide community facilities and services."*

Finding: As noted in Section C.7 above concerning the BLI, the proposed map amendment will reduce the deficit of Residential lands while maintaining an excess in Employment lands.

There is a traffic light at 30th Street. In accordance with Statewide Planning Goal 12 concerning Transportation, and the Transportation Planning Rule (TPR) (OAR 660-12-060), any plan amendment having a significant effect on a transportation facility (i.e. Highway 30) must assure that the allowed land uses are consistent with the function, capacity, and level of service of the facility. In addition, OAR 734-051-0080, and OAR 734-051-0100 state that a proposed development or land use action where an on-site review indicates that operational or safety concerns may be present requires a Traffic Impact Study.



The following is a comparison of some of the uses for both the existing and proposed zones.

Uses	C-3 Zone		CR Zone	
	Outright	CU	Outright	CU
Business Service	X			
Commercial laundry or dry cleaning	X			
Communication service	X			
Construction service	X			
Educational service	X			
Family day care center	X		X	
Day care center		X		X in community building only
Motel, hotel, bed & breakfast, home stay, or other tourist lodging		X		X home stay lodging only
Multi-family dwelling	X			
Personal service	X			
Professional service	X			
Repair service	X			
Retail sales	X			
Single-family and two-family dwelling	X with limitations		X	
Arts & crafts studio			X	
Commercial or public parking lot.	X			
Transportation service		X		
Indoor family entertainment		X		
Temporary use meeting the requirements of Section 3.240		X		X
Animal hospital or kennel		X		
Automotive repair, service, and garage; gas station		X		
Hospital		X		
Light manufacturing; wholesale trade; warehousing		X		
Public or semi-public use	X			X

The zone change to CR Zone will provide for less variety of uses within the approximate 4.7 acre site, decreasing most of the commercial uses while retaining the single and two-family dwelling and associated uses. All of the uses proposed in the CR Zone are currently allowed in the C-3 Zone except for the addition of arts and craft studio. Therefore the traffic impact would be reduced due to the elimination of some of the heavier commercial uses. All City utility services are available to the area. The nature of the traffic would be more private vehicles versus the larger commercial trucks and patron/client vehicles associated with the commercial uses. There is no indication that operational or safety concerns are present nor would they be increased as a result of the proposed uses on the existing transportation system. Any future development would be subject to a Traffic Impact Study as required by Development Code Article 3.

The site is relatively flat and there are no designated wetlands.

In April 2014, the City Council adopted the Transportation System Plan (TSP). This Plan was conducted by the City of Astoria in conjunction with the Oregon Department of Transportation (ODOT) and studied the existing and forecasted transportation needs in the City. The subject property proposed for rezone is located on Marine Drive between 30th and 32nd Streets. These intersections were not identified in the TSP as having any major concerns. Project D3 identifies "Marine Drive Coordinated Signal Timing Plans" as a project for this area. Bike lanes are proposed to be enhanced in this general area with Project B48. Project D27 identifies Log Bronc Way, a frontage road parallel to Marine Drive, to be extended from 30th to 32nd Street within the area to be rezoned. Project D31 identifies US Highway 30 Safety Enhancement with the addition of a center turn lane/median between 27th and 33rd Street. Redevelopment of this area for residences would support and be consistent these projects.

Since the area proposed to be zoned CR is accessed from City streets and not directly from the State Highway, ODOT no longer comments on the TPR review. However, ODOT has been included in the draft amendment review process. From the existing TSP and projected traffic volumes and projected uses, it appears that the transportation facilities in this area are sufficient to accommodate the uses allowed in the proposed CR Zone.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Astoria Planning Commission forward the proposed amendment to the City Council for adoption.

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE PERTAINING TO IMPLEMENTATION OF THE ASTORIA RIVERFRONT VISION PLAN

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section : To be inserted after Section 14.040.

14.045 USES PERMITTED OUTRIGHT FOR OVERWATER DEVELOPMENT.

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone, if permitted outright in the base zone for the site, and subject to the other appropriate development provisions of this Section.

1. Small boat building and repair.
2. Water-dependent facilities including dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.
3. Public pier.
4. Public use associated with a maritime use.
5. Navigational structure.
6. Shoreline stabilization.
7. Flowlane disposal of dredged material.
8. Pipeline, cable, and utility crossing.
9. Storm water and treated wastewater outfall.
10. Communication facility.
11. Temporary dike for emergency flood protection limited to 60 days subject to State and Federal requirements.
12. New dike construction.
13. Maintenance and repair of existing structure or facility.
14. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the permitted uses 1 through 10 listed above.

15. 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 that provides a view of the waterfront, and that is in conjunction with an associated water-dependent use such as a marina or seafood processing plant;
 - g. Cold storage and/or ice-processing facility independent of seafood processing facility.
16. Navigation aid.
17. Piling and pile supported structure as necessary for any of the permitted uses 1 through 16 listed above, or as necessary for any use permitted in the adjacent shoreland.

14.050. CONDITIONAL USES PERMITTED FOR OVERWATER DEVELOPMENT.

The following uses and activities and their accessory uses and activities are permitted in the Civic Greenway Overlay Zone as Conditional Uses, if permitted as a Conditional Use in the base zone for the site, and when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the other appropriate development provisions of this Section. It must also be shown that these uses and activities are consistent with the purpose of the Civic Greenway Overlay Zone.

1. Active restoration.
2. Bridge crossing and bridge crossing support structure.
3. Water-dependent or water-related recreational use not listed elsewhere in this zone.
4. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.
5. Fill in conjunction with any of the conditional uses 1 through 4 listed above pursuant to the applicable standards in Section 4.050.
6. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the conditional uses 1 through 5 listed above.
7. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.

8. 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.
9. Water-related commercial or industrial use other than those listed under Section 14.045(15) of this zone.
10. Piling as necessary for any of the conditional uses 1 through 9 listed above.
11. Temporary use meeting the requirements of Section 3.240.
12. Non-water dependent and non-water related uses may be located in existing, under-utilized buildings existing prior to 2013 provided the use does not preclude future water-dependent or water-related uses.

14.055. STANDARDS FOR OVERWATER DEVELOPMENT.

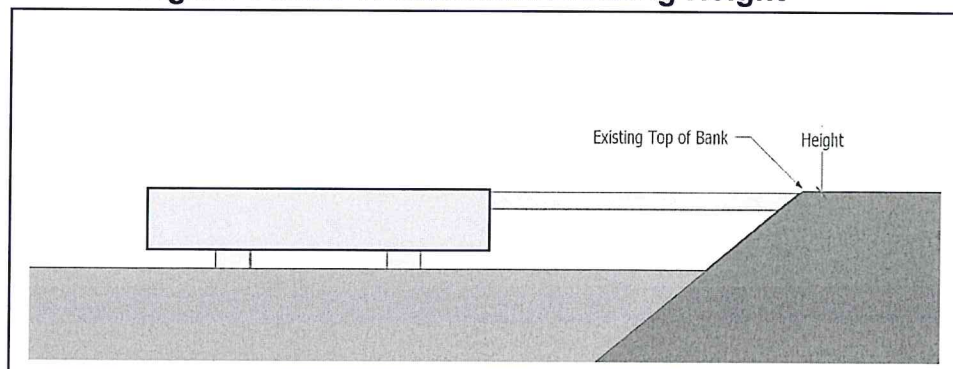
The following development standards apply to overwater development in the Civic Greenway Overlay Zone. The Overwater Development standards shall also apply to on-land development north of the River Trail / 50' wide railroad line property between 19th and 41st Streets. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.

Maintenance, repair, or restoration of buildings existing prior to 2013 shall be exempt from the standards of this Section 14.055. Additions and/or new construction on these buildings shall be subject to these standards.

A. Height.

1. Maximum building height, except hand rails, is one story, with a maximum of 12 feet above shall be the top of the existing adjacent riverbank. No variance may be granted for an exception to this height limitation.

Figure 14.055-1: Maximum Building Height



2. 35th to 41st Street Exception.

For buildings located greater than 500' from the shoreline, the maximum height shall be 28' from the top of the existing adjacent riverbank. There shall be a minimum 75' wide, unobstructed view corridor separation between buildings.

B. Size.

1. The maximum gross floor area of enclosed structures is 4,000 square feet.

2. 35th to 41st Street Exception.

There shall be no maximum gross floor area for buildings located greater than 500' from the shoreline.

C. Width.

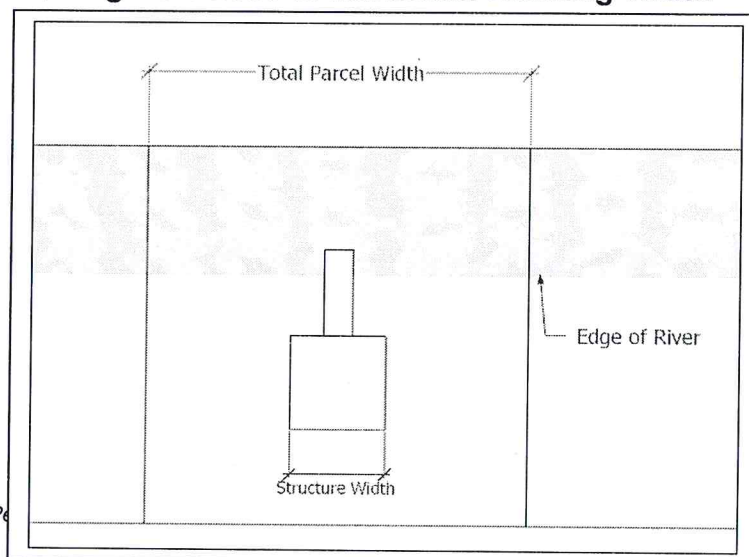
1. The maximum width of an overwater building is 25% of the total parcel width (measured along the parcel frontage adjacent to the Columbia River) or 50 feet, whichever is greater. In cases where total parcel width is 100 feet or less, the building width may be up to 25 feet.

2. 35th to 41st Street Exception.

The maximum width of an individual overwater building located greater than 500' from the shoreline shall be a maximum 50% of the total parcel width (measured along the parcel frontage adjacent to the Columbia River shoreline) or 150', whichever is less.

The maximum width of all overwater buildings located greater than 500' from the shoreline and located on a contiguous set of parcels under the same ownership shall be a maximum of 50% of the total width of the combined parcels (measured along the parcel frontage adjacent to the Columbia River shoreline).

Figure 14.055-2: Maximum Building Width



D. Access to the Columbia River.

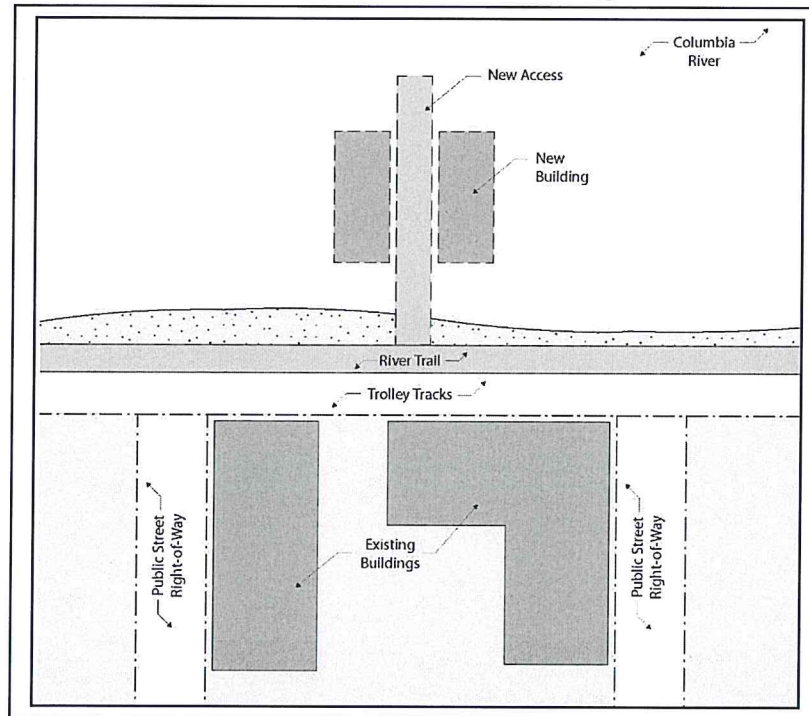
Access to the River shall be provided using piers and/or walkways as part of new construction and major renovations to structures constructed after the year 2013, where major renovation is defined as construction and alterations only to building exteriors valued at 75% or more of the assessed value of the existing structure.

Piers and walkways shall be constructed in accordance with Access Design A, Access Design B, or Access Design C, as shown and described below.

1. Access Design A - "Mid-Site Access".

This access design shall be provided in a public access easement provided through the middle of the development or structure.

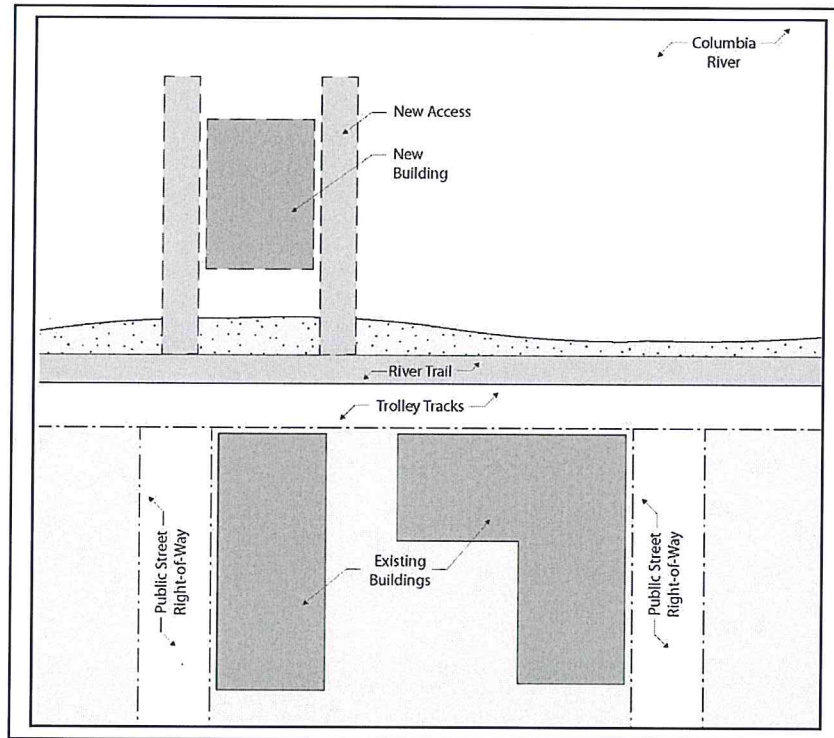
Figure 14.055-3: Access Design A



2. Access Design B - "Viewpoints".

This access design shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or a public access easement.

Figure 14.055-4: Access Design B



3. Access Design C – "Trail Extension".

This access design serves as an extension of the River Trail and shall be provided through either existing right-of-way, right-of-way that is created and dedicated to the City, or easements for the piers on the east and west sides of the development. The boardwalk along the north side of the development shall be provided in a public access easement. *[Note: Two possible scenarios are illustrated in the following figures for this option.]*

Figure 14. 055-5: Access Design C.1

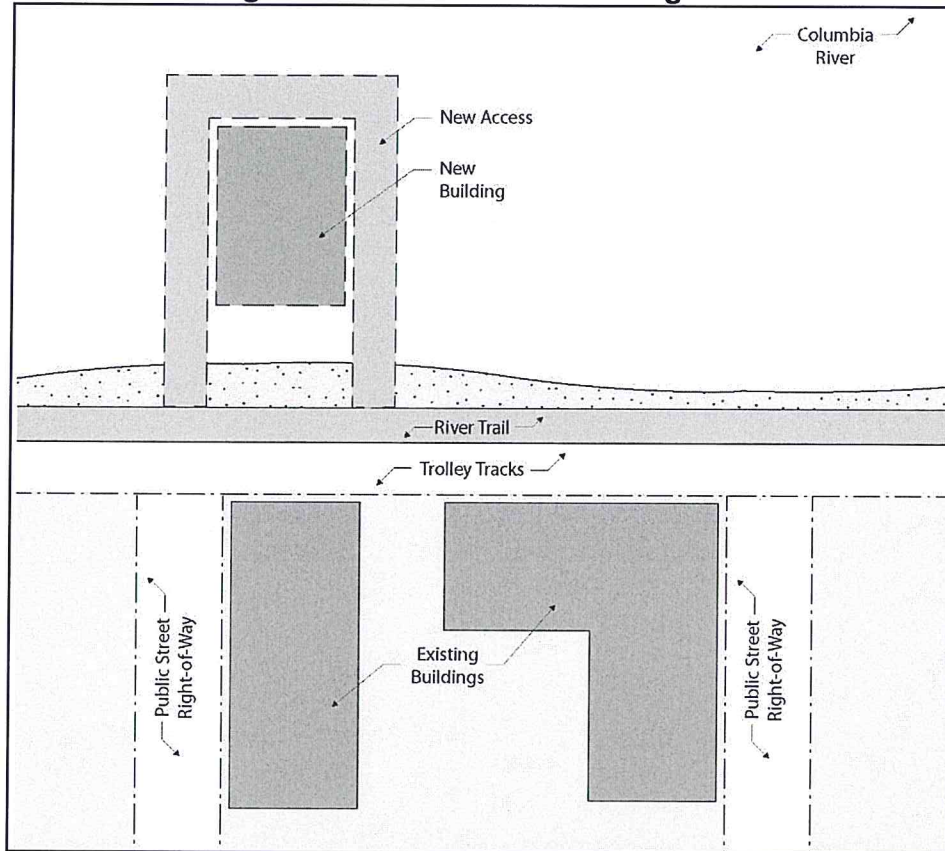
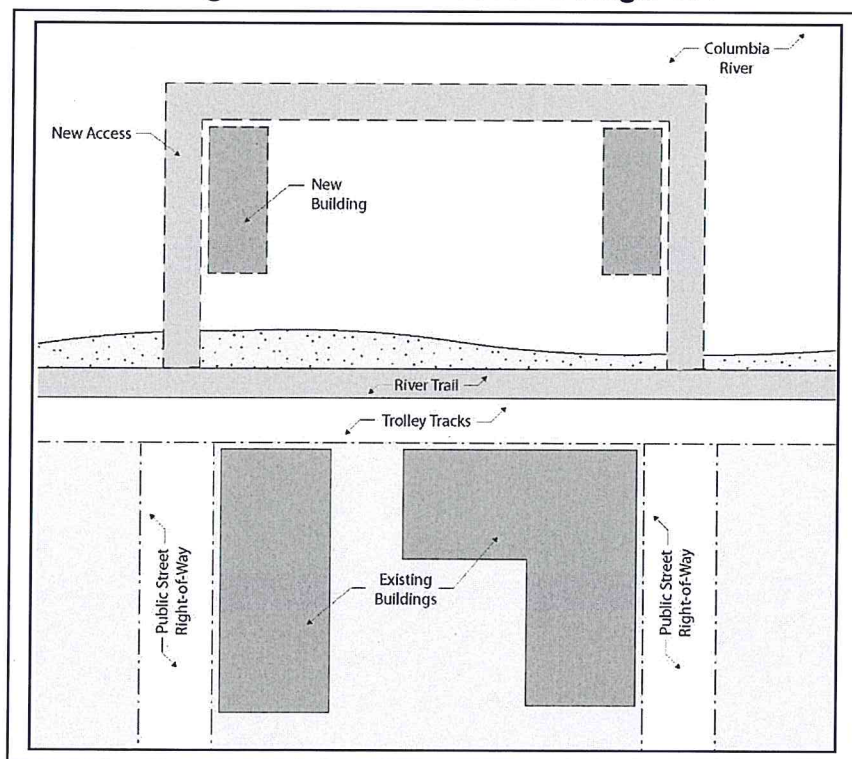


Figure 14.055-6: Access Design C.2



4. Pier and Walkway Width.

Minimum pier and walkway width is 10 feet if one side of the pier or walkway is developed with overwater structures. Minimum pier and walkway width is 14 feet if both sides of the pier or walkway are developed with overwater structures.

5. Pier and Walkway Length.

Piers and walkways shall extend beyond the north face of the overwater development a minimum length of 10 feet to ensure that the river is visible beyond the adjacent structure(s).

6. Hours of Access.

Access on overwater piers and walkways may be restricted during hours specified in City Code Section 5.926 to 5.928.

7. Maintenance Responsibility.

Responsibility for maintenance of the piers and walkway shall be established through a recorded maintenance agreement acceptable to the City.

E. Other Development Standards.

The Other Applicable Use Standards of the Gateway Overlay Zones (MH, FA, CA, HC, AH-HC, HR, LS, AH-MP) do not apply to overwater development in the Civic Greenway Overlay Zone.

Section *. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2014.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2014.

ATTEST:

Mayor

Brett Estes, City Manager Pro Tem

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner LaMear
 Herzig
 Mellin
 Warr

Mayor Van Dusen