



# AGENDA

## ASTORIA PLANNING COMMISSION

August 28, 2018

6:30 p.m.

2<sup>nd</sup> Floor Council Chambers  
1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
  - a. July 24, 2018
4. PUBLIC HEARINGS
  - a. Variance Request (V18-07) by Joseph Michael Fortier from the maximum 30% lot coverage to 38% lot coverage to construct a porch on the rear of an existing single-family dwelling at 193 W. Duane Street.
  - b. Variance Request (V18-10) by Ben Bradshaw from the off-street parking requirements of one spaces to operate a one-bedroom Home Stay Lodging (transient lodging) with zero off-street parking in an existing single-family dwelling at 510 Duane Street.
  - c. Conditional Use Request (CU18-06) and Accessory Dwelling Unit (ADU18-04) by Sarah Jane Bardy to convert an existing garage into an ADU at 1659 Irving Ave in the R-1 zone.
5. REPORT OF OFFICERS
6. STAFF/STATUS REPORTS
7. PUBLIC COMMENT (Non-Agenda Items)
8. ADJOURNMENT

## **ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall  
July 24, 2018

### CALL TO ORDER:

President Fitzpatrick called the meeting to order at 6:36 pm.

### ROLL CALL:

Commissioners Present: President Sean Fitzpatrick, Vice President Kent Easom, Jennifer Cameron-Lattek, Jan Mitchell, Brookley Henri, and Joan Herman.

Staff Present: Planner Nancy Ferber and City Attorney Blair Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES:

President Fitzpatrick asked for approval of the minutes of the June 26, 2018 meeting. Vice-President Easom moved that the Astoria Planning Commission approve the minutes as presented; seconded by Commissioner Henri. Motion passed unanimously.

### PUBLIC HEARINGS:

President Fitzpatrick explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff. He noted that CU18-03 by Trevor Elaine had originally been continued to this meeting, but the application had since been withdrawn.

### ITEM 4(a):

CU17-06 Permit Extension Request for Conditional Use CU17-06 by Astoria Warming Center to extend permit to September 6, 2019 to operate the Astoria Warming Center at 1076 Franklin Avenue. This item was continued from the July 26, 2018 meeting due to an error in mailing the public notice.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, he asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. One piece of correspondence had been received and was included in the Staff report. Staff recommended approval of the request.

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

Annie Dolber, 679 Alameda, Astoria, Astoria Warming Center Board Secretary, stated that the Warming Center was usually open for 90 days between November 15<sup>th</sup> to March 15<sup>th</sup> and the days of operation are weather dependent. The extension request is based on the City codes. The proposal and City codes had not been changed from the previous year. The Warming Center supplied Staff with copies of the current parking lease and memorandum of understanding (MOU) with the First United Methodist Church, which also remained unchanged.

Dan Parkison, 550 St. Rt. 401, Nacelle, WA, Astoria Warming Center Board President, said last year the Warming Center was asked to do a thorough site analysis before applying for a permit extension this year. The process took several months, as they looked for alternative sites. They met with the community college, hospital, armory, and medical offices. The armory would not work because they offer skating and other activities throughout the day and in the evenings. The community college and hospital did not have any available space. They looked a couple of commercial properties that were for sale, but the down payments were between \$250,000 and \$300,000 and had sold before the Warming Center was even done discussing them with the realtor. Then, they looked at renting, but rents were between \$2,500 and \$4,000 a month and all of the properties



would have required substantial modifications. They began surveying churches in the area because the best use of a church building is a part-time, night time use. Churches typically have a day school during the summer when the Warming Center is not open and meeting facilities are usually used during the day. Additionally, churches have a mission to minister to the poor. They contacted every church listed in the yellow pages and visited every church that had a large enough facility regardless of the zone they were located in. Pastor Bill emailed all of the potential churches and they all responded that they had other uses in their buildings. The church that the Warming Center is currently located in offers an exit from the basement. The Warming Centers needs legal handicap exits from the basement of a church. The survey indicated no other church had space that was available or met the exit requirements. The site analysis was submitted to Staff and was included in the Staff report.

Commissioner Herman noted the report indicated that several individuals had been banned from the facility in the previous year. She asked what they had been banned for.

Chris Williams, 15 New Lock Rd., Nacelle, WA, Astoria Warming Center Board Member, stated about six individuals had been banned for a variety of reasons. One couple had drug paraphernalia, two individuals were banned for fighting inside the facility, and one was banned for being consistently contrary to what the coordinator was asking him to do. Several had been banned just for the evening for rolling cigarettes in the facility. He did not know why the others had been banned. He confirmed that after being banned, no one had caused any trouble trying to return, regardless of whether they had been banned for the evening or for the rest of the season. He believed this was due to the strong support of the guests who did not want bad behavior there either.

Mr. Parkison added that the facility was a low barrier center but had a zero-tolerance policy. This year, the tone would be set by discussing the standards every night at dinner and reacting quickly to non-compliance. Many nights, they turn people away because they reach full capacity. Their location is in an R-3 zone and the front doors face 11<sup>th</sup> Street. The C-4 zone is 23 feet from the front doors. Their clients come to the Warming Center from the C-4 zone and return to that zone when they leave because they typically head to the bus, mental health and medical appointments, or to DHS. Half of the church property is in the C-4 zone and if the Warming Center was located across the street, they would not be having a discussion about a permit in R-3. The C-4 zone is across from, up the hill from and down the hill from the Warming Center. When they were located across the street at the Senior Center, their impact was identical to the impact they have now.

Annie Martin, 1024 Grand, Astoria, said she believed that the Warming Center met its obligations under the Good Neighbor Commitment. Last year, they set up new rules and guidelines to support guest accountability and personal responsibility. Every night they were open, they educated guests about respect for fellow guests, staff, volunteers, the neighborhood, and Astoria. They have and would continue to log all complaints by the neighborhood. Responses have been and would continue to be made in a timely manner, which is always less than 48 hours. Because of the zero-tolerance policy that prohibits violent or aggressive behavior, they have built a better relationship with the neighborhood and local authorities. Additionally, they now have trash bins and trash pickup that covers a two-block radius. They are looking into doing more recycling with Peace Lutheran Church. No overnight camping and no loitering signs were added to the parking lot. The biggest part of the Good Neighbor Commitment has been their neighborhood meetings. They held meetings before, during, and after the Warming Center was open last year and they are a valuable resource for making policy changes. Notices are sent out three weeks in advance to neighbors, building owners, and residents. Announcements are made on social media and flyers are posted. Anyone who wants to receive notices can email the Warming Center. A meeting will be held two months prior to opening this season on September 15<sup>th</sup>.

Commissioner Herman said the complaint log listed five complaints. She asked if those were the only complaints received for the entire season.

Ms. Martin stated those were the only complaints they were aware of. The complaints made via social media were addressed but were not official complaints. People know they can contact the Warming Center any time, even when they are not open. She displayed statistics on the screen from the last season. The Warming Center was open 80 nights, served 161 guests, and served 4,000 meals. The Warming Center in Warrenton would not likely open this year and there are no longer any Warming Centers on the peninsula. So, she believed there would be more of a need for a Warming Center in the community. She believed they would be at capacity on the nights they are open. Last winter was mild and they were only open for 80 out of 90 nights. If this winter is more severe, they will turn away more people. She believed their location was the easiest accessible area. If she were



to put a monetary value on their services to the community, with meals and volunteer hours, it would probably be about \$150,000. The bigger value is the care and wellbeing of the community, keeping them sheltered, fed, and out of harm's way.

Ms. Dolber said all of the dinners and coffee were donated by restaurants and a grocery store in the community. The CommuniCare grant recognized their service to the community. The high school Key Club volunteered to help clean on a regular basis all year long. Other donations included coats and clothing from NWRES and Columbia Bank. The need for support was publicized on Facebook. Their page has over 1,600 followers. They also used local radio, word of mouth, and a booth at the Sunday Market, which they will attempt to do again if their permit extension is granted.

Mr. Parkison said he talked to Allen Evans about how the Warming Center fit into his program. His clients and the Warming Center clients overlap and he strongly supported the warming. There is a tremendous need in the community. When people are on the street, winter is different from the summer. In the winter, people begin to get desperate, their mentality and health changes. When the Warming Center takes someone off the street who might freeze to death at night, they are very grateful. The homeless community polices itself inside the building because it is super important to them and they do not want to lose it. They make posters and put them on the walls about respecting the neighborhood. A lot of the people who come in went through medical bankruptcies or could not make rent. They could make a monthly payment, but could not get back on their feet because they do not have first and last month's rent, a deposit, and application fees. Loss of a job, mental illness, and addiction are other reasons. Most of the people they serve are temporarily homeless and many have full time jobs. When they come to the Warming Center, they are given the human touch that they do not get on the street, which is the beginning of them returning to society. Many people will go Helping Hands. Last year, the Warming Center sent many people to Seaside. They hoped to work closely with Mr. Evans this year. The difference between Mr. Evans program and the Warming Center is that people on certain prescription medications can stay at the Warming Center. Mr. Evans will not take people who are being medically treated for drug addiction. So, there is a need for both programs. There is a church in Astoria trying to set up workforce housing for employers who sponsor people. He did not know if that would get off the ground.

President Fitzpatrick called for any testimony in favor of or opposed to the application. Hearing none, he called for testimony impartial to the application.

Kris Haefker, 687 12<sup>th</sup> Street, Astoria, said the Warming Center had done a much better job this year than in past years. He appreciated that rules were being enforced. He lived very close to the Warming Center and he hears a lot of noise from the downtown area. Some of that noise is probably related to people who visit the Warming Center, but not strictly during the times the Warming Center is open. He would appreciate it if the Warming Center educated its guests about how noise travels in Astoria because he had received complaints from tenants. That would add to the neighborhood agreement. A temporary use permit is a 90-day permit and zoning did not have anything to do with where that is located. Under State law, to get a temporary use permit for an emergency shelter, there is no requirement to be in any specific zone.

City Attorney Henningsgaard confirmed that Astoria's codes did not have any zone requirements.

Mr. Haefker said the Warming Center was not limited to a church facility and other buildings can be considered in the future. In order to grant the temporary use for an emergency shelter, the shelter just needs approval from the fire marshal and building inspector.

Planner Ferber said this was under review because the code did not define emergency shelters. The City has had separate ongoing discussions about amending the code, but no definitions had been adopted yet.

Mr. Haefker said he believed the State's code was different from Astoria's.

City Attorney Henningsgaard explained that the State did not have any regulating ordinances [inaudible 40:33]. He confirmed the Warming Center had not yet been defined as an emergency shelter.

Mr. Haefker was concerned about the group managing the shelter in the future because it was a mostly volunteer group. In Portland, volunteer managed facilities had a burnout rate and he wanted to make sure that the good job being done now would continue in the future.



President Fitzpatrick closed the public hearing and called for closing comments of Staff.

Planner Ferber stated she believed the recommended conditions of approval clearly indicated what had been recommended last year. However, the Commission could still add conditions to address noise complaints.

President Fitzpatrick called for Commission discussion and deliberation.

Commissioner Cameron-Lattek said she believed the conditions for the extension had been met. No changes in use had been proposed and she appreciated the work the Applicants had done to uphold the Good Neighbor Commitment. She confirmed that contact information for the Warming Center was easy to find. She did not want to add any conditions, as she believed the noise complaint should be brought up at one of the neighborhood meetings.

Commissioner Herman agreed the conditions for the extension had been met. She was glad to see the Good Neighbor agreement had been working well. As long as the Warming Center remains committed to the agreement, it would continue to work well.

Commissioner Henri appreciated the statistics. She believed there were no conflicts with the requirements for the permit extension. The Warming Center is a better fit than it was before the Good Neighbor Commitment and she was willing to extend the permit for another year.

Commissioner Mitchell believed the Warming Center had done good job of due diligence when looking for other facilities. She was impressed that the volunteers had worked through all of the Commissioners' questions and concerns. They worked to meet the concerns of the neighborhood and are providing a service to the community. The requirements have been met and she was in favor of the request.

President Fitzpatrick thanked the Warming Center board for the Good Neighbor Commitment. Season three was quite different season four. In season three, he had to go out early in the morning to pick up broken glass and trash. This year, after two weeks, he did not have to go out again. Additionally, the loitering and other issues were been taken care of early on in the season. The first night this year that the Warming Center was open, the temperature was 52 degrees and his neighborhood could smell the marijuana smoke. Just before the facility closed for the season, there were people with territorial issues and were aggressive towards the volunteers. He appreciated the efforts by the volunteers and the changes that the Good Neighbor Commitment brought to the neighborhood. Season three was the first time he did not feel safe in his neighborhood, downtown, or on his property. He had not felt that way since season three ended. He was concerned that the Warming Center would be open every night between December 15<sup>th</sup> and January 15<sup>th</sup>, as noted on Page 12 of the Staff report.

Mr. Parkison confirmed that was incorrect, explaining that the Warming Center had asked for that last year. This year, their hours of operation would be completely weather dependent.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve the Permit Extension for Conditional Use CU17-06 by Astoria Warming Center, with the following changes to the Staff report:

- Strike the last paragraph of Section V on Page 12.
- Clarify that the operating days would be weather dependent between November 14, 2018 through March 15, 2019.

Seconded by Commissioner Herman. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

#### ITEM 4(b):

V18-08

Variance Request V18-08 by Bruce Jones and Julie Flues for the Columbia River Maritime Museum from the maximum 64 square feet of allowable signage and two signs per frontage to install one banner each on the west and south façade and one wall sign on the east façade in addition to the existing 176.7 square feet of signage at the Columbia River Maritime Museum at 1792 Marine Drive.



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

President Fitzpatrick declared he was a member of the Columbia River Maritime Museum, but he believed he could be impartial.

Commissioner Mitchell declared she was a member of the museum as well, but she could be impartial.

President Fitzpatrick asked Staff to present the Staff report.

Planner Ferber reviewed the written Staff report. She noted that the movie banners would only be up during the summer between Memorial Day and Labor Day. No correspondence had been received and Staff recommended approval of the request with the conditions listed in the Staff report.

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

Julie Flues, 1 3<sup>rd</sup> Street, Astoria, said she appreciated the recommendation. The museum is proud to be an attraction in Astoria. Coming into Astoria from the east, it is not possible to tell that the building is a museum until arriving at the third entrance because of the way the life boat protrudes out from the building and conceals the sign. The new signs would let people know that the museum is one of the great attractions in Astoria.

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

Commissioner Henri said it seemed like a good idea to allow signage that alerted visitors from the east. The museum looked tasteful, but she was concerned that rotating posters would be out of character. She liked that the poster would only be hung between Memorial Day and Labor Day and was in favor of the request.

Vice President Easom believed the signage being requested was appropriate to the site. He believed Astoria's signage requirements were too strict. The museum had been using banners for several years and they have always been tasteful, so he was in favor of the application.

Commissioner Herman stated the museum was one of the largest buildings in town. The sign ordinance caps at a maximum of 128 feet regardless of the building's size. She confirmed with City Attorney Henningsgaard that approving this request would not set a precedent.

Commissioner Cameron-Lattek said she felt like the conditions had been met. The museum's signage has always been tasteful.

Commissioner Mitchell believed the architecture of the building was the biggest draw and she did not believe the museum would put up signage that would distract from the quality of the museum.

President Fitzpatrick agreed that the signage requirements were strict. When people come into town and look at the big building shaped like waves, some people have no idea what it is. Better signage is a great idea and he believed it would be less of a distraction and more of an aid to drivers. Drivers will know where they are and can start pulling in sooner.

Planner Ferber noted that the building was within the Gateway Overlay Zone, which had specific signage standards that were applicable to free standing signs. Signage on the existing building does not have to go through a design review.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance Request V18-08 by Bruce Jones and Julie Flues; seconded by Commissioner Herman. Motion passed unanimously.



President Fitzpatrick read the rules of appeal into the record.

President Fitzpatrick called for a recess at 7:38 pm. The Planning Commission meeting reconvened at 7:43 pm.

ITEM 4(c):

V18-06                      Variance Request V18-06 by Terra Patterson for the Astoria Aquatic Center from the maximum 300 square feet of allowable signage to install an 11' by 150' (1,650 square feet) wave sign which includes a 3' by 38' (114 square feet) text sign painted on the north elevation wall in addition to the existing 52 square feet of signs on the existing Astoria Aquatic Center at 1997 Marine Drive.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, he asked Staff to present the Staff report.

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

Vice President Easom confirmed that the previous sign was a little bit smaller than the one being proposed, but the design was similar.

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

Terra Patterson, 1997 Marine Drive, Astoria, Aquatic Center Supervisor, said the previous sign was a large wooden sign that was installed when the building was built. The wave was smaller and it went along the front of the building facing Marine Drive. When the building was repainted last fall, the wave and the sign were removed and were found to be rotten. Staff researched various options and believed the proposed sign would provide the best representation of the building and the purpose of the facility. The mural would brighten the area and complement the surrounding area, including the wave design of the Maritime Museum building.

Commissioner Mitchell asked what colors would be used in the mural.

Angela Cosby, 1997 Marine Drive, Astoria, Parks and Recreation Director, stated a variety of blues would be used. The mural was designed and would be painted by Roger McKay, who also did the mural inside the Aquatic Center.

President Fitzpatrick called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff.

Planner Ferber said the building was in the Gateway Overlay Zone. However, Article 14 was not addressed in the criteria because there were no design issues. The Planning Commission is just reviewing the size and location of the mural.

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

Commissioner Henri said when she first moved to Astoria, she had been unable to find the Aquatic Center and passed by it a few times before finding the building. Replacing the sign would be great. The mural on the inside of the building was awesome and she was in favor of the request.

Vice President Easom believed the sign regulations were inappropriate for the size of this building. He was in favor of the request.

Commissioner Mitchell said the request seemed appropriate. The building currently has no indication of the facility's purpose.

Commissioner Cameron-Lattek stated she supported the application. She liked the old sign and was happy to see a more colorful version.

Commissioner Herman said the new sign was very similar to the original and would make the building look more attractive. She supported the application.

President Fitzpatrick agreed that it was important for people who are looking for the space to figure out what the building is and where it is located. The Aquatic Center is an attraction and an institution. He was in favor of the request.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance Request V18-06 by Terra Patterson; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

ITEM 4(d):

V18-05                      Variance Request V18-05 by Alexander Pappas Construction for Paul and Sally Turchetta from the maximum 6' fence height to construct an 8' fence in the rear and rear side yards of an existing single-family dwelling at 31 Skyline Avenue.

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

Vice President Easom declared that he had used Alexander Pappas as a contractor, but that would not influence his opinion.

President Fitzpatrick asked Staff to present the Staff report.

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

Commissioner Mitchell confirmed that all of the adjacent property owners had been notified and Staff had not received anything from them.

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

Alexander Pappas (via telephone) stated the fence would not be visible much from the street because of the shrubs and the depth of the property along the sides. The fence would be mostly visible from the neighboring properties on the sides and behind. The fence would be 12.5-gauge metal, so it would be very see through, except for the posts spaced every eight to ten feet apart.

President Fitzpatrick called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff.

Planner Ferber noted that fences higher than six feet required a building permit.

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

Commissioner Henri stated she looked at the house when it was on the market, so she was familiar with the back yard, which slopes way down from the street. There is a drainage easement behind the property and there are probably a lot of deer in that area. A see-through fence would look nice. She was in favor of the request.

Vice President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance Request V18-05 by Alexander Pappas Construction; seconded by Commissioner Henri. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.



ITEM 4(e):

CU18-04 Conditional Use CU18-04 by Shelia Dianne Forte to locate a one-bedroom homestay lodging in an existing single-family dwelling at 1240 Sonora Avenue.

President Fitzpatrick asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, he asked Staff to present the Staff report.

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

Commissioner Herman confirmed that a homestay lodging was the same as what most people called an Airbnb.

Commissioner Mitchell understood there was a lot of Staff time involved in follow up. She asked if people generally followed the requirements for homestay lodgings. She also asked how Staff would know if a homeowner was renting out rooms when they were not present.

Planner Ferber said Staff knows pretty quickly because compliance is complaint driven. A couple City Councilors are concerned about homes being used as vacation rentals, which is not allowed. When Staff receives notice that a whole house is being advertised on Airbnb, they will follow up with the homeowner. The few that Staff has found are currently in active code enforcement. Generally, neighbors complain when someone parks in front of their house or when they suspect a house is being used as a vacation rental.

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

Shelia Dianne Forte, 1240 Sonora, Astoria, said she was excited to share her home and her beautiful city. All of her kids are grown and have moved away from home, so they have a lot to share.

Commissioner Cameron-Lattek asked why Ms. Forte preferred a homestay rather than an apartment.

Ms. Forte said she could make a lot more money renting by the night instead of by the month. People have asked if they could rent her space, but long-term renters have different requirements than nightly renters.

President Fitzpatrick called for any testimony in favor of the application.

Kris Haefker, 687 12<sup>th</sup> Street, Astoria, said he was always in favor of homestay lodgings. He believed there was a lot of confusion about homestay lodgings. It is important to understand that homestay lodgings benefit Astoria's housing market on many levels. As an Airbnb host, he has had a lot of people contact him about monthly or weekly stays. He is currently renting to a man who is doing the lineman program at Camp Rilea. He has also donated housing to the director of the Missoula Children's Theatre and for the Astoria Music Festival. When homestay hosts do their routine for a year, they tend to start leaning towards other housing options because of the scheduling and cleaning and because homestays are so seasonal. There is a perception that there is a lot of money to be made, but it's very seasonal. Averaging out the income over the course of a year can sometimes be a wash. One thing hurting a lot of homestay hosts is the transient room tax. Many people are not paying the tax, so the legal homestays have to compete with lower rates. It would be nice to see some sort of collection mechanism that happens at the time of booking so that the City gets more money and there is an even playing field. Astoria does not need new hotels and homes can provide for the seasonal overflow. Many times, his tenants had made more noise and disruption than the Airbnb guests. He joked that family and friends were more difficult to host than the Airbnb guests because they take a lot more energy and leave a lot more mess. Homestay lodgings needed to be considered on a much different level and not be lumped in with vacation housing because it benefits the people of Astoria. He asked the Commission to consider the economic hardship criteria because many people are having a hard time staying in their homes. Homestay lodgings could help those people because they cannot always find a roommate or fix up their house.

President Fitzpatrick called for testimony impartial to or opposed to the application. Hearing none, he called for closing comments of Staff.



Planner Ferber noted that at the state level, there is an ongoing conversation about cities adopting transient lodging rules to get the financing managed at a higher level. Additionally, City Council has discussed changing City Codes to streamline the homestay lodging permitting process and potentially require health and safety inspections.

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

Commissioner Cameron-Lattek said she was in favor of the application because she felt the conditions had been met. She believed the owner had communicated that she understood the impact of a homestay lodging. She also demonstrated an understanding of City ordinances and intention to adhere to them. She asked why the applicant wanted a homestay instead of a long-term rental because homestays are not as oppositional as City Council and others like to say they are. Homestays are a good step towards becoming comfortable with someone living your home. For some, it might also be a good source of revenue. It is important to have on the record homeowners' thoughtful reasons for making this decision.

Commissioner Herman stated she was ambivalent about this application. She appreciated that the Applicant planned to subject herself to paying lodging taxes when there are others in town who are not. She supported the Applicant's right to a point to use her home as a homestay. She was concerned about the shortage of affordable housing for the workers who support the tourism industry. She asked Staff if she could legally oppose the request based on her concern.

Planner Ferber explained that the Commission needed to decide whether the proposal met the criteria. The Applicant has already stated she would not rent out the space to a long-term tenant, so approving the request would not be sacrificing workforce housing.

Commissioner Herman said when there is an option, it is difficult to say that one would or would not do something if it is a self-contained unit.

Planner Ferber confirmed with the Applicant that the space was a basement bedroom, living area, and a full bath. If the space had a full kitchen, the request would be reviewed as an accessory dwelling unit (ADU).

Commissioner Henri commented that she was in favor of the application. Homestay lodgings are unique because the homeowners can choose when they want guests in their house.

Commissioner Mitchell added that there may be ways people move towards a change in housing style, particularly with the large old houses and the older population. People love their old houses, but they have a hard time supporting the house by themselves. That will be part of the discussion about finding workforce housing. She recommended the Commission have a work session to find ways to use Astoria's ordinances and codes to help the process.

Commissioner Mitchell moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU18-04 by Shelia Dianne Forte; seconded by Vice-President Easom. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

#### ITEM 4(f):

CU18-05                      Conditional Use CU18-05 by Matt and Bree Philips to locate a one-bedroom homestay lodging in an existing commercial building at 855 Exchange Street.

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



Vice-President Easom declared a potential conflict, as Bree Philips was in the same business as he was. He believed this would be Ms. Philips primary place of business for her real estate office. However, he believed he could vote impartially.

President Fitzpatrick asked Staff to present the Staff report.

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

Commissioner Mitchell asked if the Commission should consider changing the C-4 zoning code to provide for workforce housing.

Planner Ferber said yes, the code had been flagged for amendments the next time City Council makes housing a goal. City Council had also discussed downtown housing and building permit issues related to ingress and egress for second story housing.

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

Bree Philips, 855 Exchange Street, Astoria, said she and her husband owned the building and their first idea was to add the unit to workforce housing. However, the code will not allow that. The unit will be a self-contained, one-bedroom, one-bath apartment with a full kitchen. She would love to be a part of the work session to discuss adding housing in the community. She asked the Commission to consider Staff's recommendation and approve her proposal.

Commissioner Herman asked if the Applicant would switch to a permanent resident if the code were changed.

Ms. Philips confirmed she would prefer a permanent resident. She was already a landlord and it is a lot of work to manage the cleaning and turnover. She had already spoken to people who were interested in renting the unit at market rate.

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

Vice-President Easom said he would love to see the unit as long-term housing, but it would still add to Astoria's stock of transient housing. He was in favor of the application.

President Fitzpatrick noted that hospitality and habitation were two different businesses and he hoped the code would be changed to allow this unit to become a long-term rental.

Vice-President Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU18-05 by Matt and Bree Philips; seconded by Commissioner Mitchell. Motion passed unanimously.

President Fitzpatrick read the rules of appeal into the record.

#### REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Cameron-Lattek reported that she read an article in *Street Routes* newspaper, which is sold by homeless people in Portland. The City has been encouraged to discuss what language to use when referring to people who do not have permanent homes. The article used the terms "unsheltered" and "homeless" interchangeably, which demonstrated that homeless people were comfortable using those terms to represent themselves.

Commissioner Mitchell reported that the City was about to start working with a consultant to schedule work sessions and hearings. She planned to take a trip in October, but she did not want to miss any special meetings.

#### STAFF UPDATES:



Planner Ferber announced that the work session on the Urban Core Area of Riverfront Vision Plan had been scheduled for August 7<sup>th</sup>. She was not aware of any follow up work sessions in October, but she would send Commissioners a list of meeting dates via email. The next regular Planning Commission meeting was scheduled for August 28<sup>th</sup> and there were currently three hearings on the agenda.

**PUBLIC COMMENTS:**

There were none.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:33 pm.

**APPROVED:**

\_\_\_\_\_  
City Planner

\_\_\_\_\_  
Date

DRAFT



## STAFF REPORT AND FINDINGS OF FACT

AUGUST 8, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: MIKE MORGAN, CONTRACT PLANNER

THROUGH: NANCY FERBER, CITY PLANNER



SUBJECT: VARIANCE REQUEST (V18-07) BY JOSEPH MICHAEL FORTIER FROM THE 30% LOT COVERAGE REQUIREMENTS OF THE R-1 ZONE AT 193 W. DUANE STREET

### I. BACKGROUND SUMMARY

- A. Applicant: Joseph Fortier  
193 W. Duane Street  
Astoria OR 97103
- B. Owner: same
- C. Location: 193 W. Duane Street; Map T8N R9W Section 7DC, Tax Lot 2300; lots 1&2, Block 4, Trullingers
- D. Zone: R-1, Low Density Residential
- E. Proposal: A variance from the maximum 30% lot coverage to construct a porch on the rear façade of the single family dwelling for a total of 36% lot coverage.

### II. BACKGROUND

The site is located on the south side of Duane Street and is developed with a single family dwelling which encompasses approximately 30% of the lot. The house is designated historic and is listed as Primary in the Uniontown Historic District. It has been extensively restored by the current owner and applicant. The lot is undersized at 3,780 s.f., and the existing footprint of the house is 1,102 s.f., plus a





back porch of approximately 124 s.f. for a total existing lot coverage of 30%.

#### Adjacent Neighborhood:

The neighborhood is developed with a mixture of single-family dwellings. Many of the structures are built closer than the required setback to at least one or two of the property lines. Lot sizes are generally smaller in keeping with the historic character of the neighborhood.



### III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on August 3, 2018. A notice of public hearing was published in the *Daily Astorian* on August 21, 2018. Any comments received will be made available at the Planning Commission meeting.



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

- A. Development Code Section 2.020 allows single-family dwellings as Uses Permitted Outright in the R-1 Zone.

Finding: The use is for a single-family dwelling. The use is permitted outright.

- B. Development Code Section 2.035 states that:
- “1. The minimum front yard will be 20 feet.
  2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
  3. The minimum rear yard will be 20 feet, except on corner lots the rear yard will be five (5) feet.”

Finding: The proposed rear porch would meet the rear setback.

- C. Development Code Section 2.040 states: “Buildings will not cover more than 30 percent of the lot area.”

Finding: The lot is 37.8' x 100' (3,780 square feet) and 30% lot cover would be 1,134 square feet. The existing residential structure covers approximately 1022 square feet (27%) with additional deck of approximately 124 square feet (3%) for a total of 30%. The proposed 348 square foot addition would be on the south side of the house and would replace the 124 s.f. deck, for a total of 1,370 s.f. Therefore, a variance is required for the additional lot coverage from the required 30% to allow for 36% is required.

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

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

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

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

Finding: The lot coverage variance is required to allow an addition on the rear elevation of the house. The existing home is not excessively large and the addition would make the home more livable. The rear



porch is designed to be more historically accurate than the existing porch. The lot is small and substandard and is considered an existing non-conforming lot due to the lot size, which limits available for development. When available, additional property can be purchased and incorporated into an existing lot to meet required lot sizes but the adjacent lots do not have excess green space available.

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

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

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

Finding: The general area is already developed with single-family residences, many of which encroach into one or more setback areas, and some of which exceed the maximum lot coverage.

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

Finding: The addition of a 336 square foot porch and deck on the rear of the lot is a reasonable request given the location and the size of the lot. The structure will not impinge on other property owners in any way.

4. Section 12.030(A)(4) states that the request is not in conflict with the Comprehensive Plan.

Comprehensive Plan Section CP.220(1) concerning Housing Policies states that *“The primary focus of residential development should be the maintenance of attractive and livable residential neighborhoods, for all types of housing.”*

Finding: Use of the property will remain residential. The addition will be an appropriate feature for the historic structure. The request is not in conflict with the Comprehensive Plan.

## V. CONCLUSION AND RECOMMENDATION



The request meets all applicable review criteria. The applicant should be aware of the following requirements:

1. The applicant shall obtain all necessary City and building permits prior to the start of construction
2. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Planning Commission.





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856  
COMMUNITY DEVELOPMENT

30%

LOT SIZE 3786  
CITY OF ASTORIA

JUN - 7 2018

BUILDING CODES

\$300 paid 6/5  
needs addl \$200  
☒ Fee Paid Date 6/25/18 By Cherise JFF  
Fee: Administrative Permit \$300.00  
(or) Planning Commission \$500.00

V 18-07

VARIANCE APPLICATION

Property Address: 193 W. Duane St. Astoria, OR 97103

Lot 1 & 2 Block 4 Subdivision Trullingers

Map 7DC Tax Lot 2300 Zone R-1 \*Historic\*

Applicant Name: Joseph Michael Forties

Mailing Address: 193 W. Duane St. Astoria, OR 97103

Phone: 415-786-5036 Business Phone: \_\_\_\_\_ Email: Joseph.Forties2@providence.org

Property Owner's Name: Joseph Michael Forties

Mailing Address: 193 W. Duane St. Astoria, OR 97103

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

Signature of Applicant: Joseph M. Forties Date: 06/05/2018

Signature of Property Owner: Joseph M. Forties Date: 06/05/2018

Existing/Proposed Use: Construction of rear porch 1-29 ft D-12 ft - 336 sq. ft.

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

Request for variance to use 38% of lot for foot print of house and porch - Current limit is 30% use of lot. Current foot print is 1102 sq. ft. or 29%. Variance is for additional 302 sq. ft. over or 8% of allowable use of lot.

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

For office use only:

Application Complete:	<u>6/25/18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	
120 Days:			



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

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

12.030(A)(1) The request is necessary to prevent unnecessary hardship.

(See attached statement)

12.030(A)(2) Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located.

(See attached statement)

12.030(A)(3) The request is necessary to make reasonable use of the property.

(See attached statement)

12.030(A)(4) The request is not in conflict with the Comprehensive Plan.

(See attached statement)

**Astoria Development Code Section 12.030(B) states:**

In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.

1. Relevant factors to be considered in determining whether a hardship exists include:
  - a. Physical circumstances related to the property involved;
  - b. Whether a reasonable use, similar to like properties, can be made of the property without the variance;
  - c. Whether the hardship was created by the person requesting the variance;
  - d. The economic impact upon the person requesting the variance if the request is denied.
2. Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:
  - a. The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
  - b. The incremental impacts occurring as a result of the proposed variance.
3. A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.
4. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.



# Map

Parcel 241412  
 . extension house  
 241430

W Duane St



**DISCLAIMER** The information provided on this map is for informational purposes only. The City of Astoria, Oregon, does not warrant the accuracy or completeness of the information provided. The City of Astoria, Oregon, does not assume any liability for any errors, omissions, or inaccuracies in the information provided. The City of Astoria, Oregon, does not assume any liability for any damages, including but not limited to, direct, indirect, or consequential damages, arising from the use of this map. The City of Astoria, Oregon, does not assume any liability for any damages, including but not limited to, direct, indirect, or consequential damages, arising from the use of this map. The City of Astoria, Oregon, does not assume any liability for any damages, including but not limited to, direct, indirect, or consequential damages, arising from the use of this map.



South

10° — + 20°

Slope of  
back yard

Lot = 3,786 sq. ft.

← 29' ft →

\*Proposed  
Rear Porch 336 sq. ft.

↑ 12' ↓

↑ 38 ft ↓

Existing House

1,102 sq. ft.

← 29 ft →

Front Porch

Terraced

Stairs

Terraced

Terraced

Terraced

Terraced

Stairs

Terraced

Retaining Wall

193 W. Duane St.

North

West Retaining Wall

West

Retaining Wall

Slope

East



## Variance Application

Joseph Michael Fortier

193 W Duane Street Astoria, Oregon 97103

415-786-5096

Joseph.Fortier2@providence.org

### **Proposed Project:**

Rear Porch running the length of the house, similar in design to the porch on the front of the house. Dimensions – Length -29 ft., Depth 12 ft., 336 sq. feet.

### **12.030 (A)(1) The request is necessary to prevent unnecessary hardship.**

Due to the property being located on a hill side, much of the yard has too steep a grade for reasonable use. The front yard is very steep and has been terraced for planting to improve drainage and prevent erosion. The back yard has a grade between 10-20% that increases as it slopes downhill to an existing retaining wall on the West side of the property. Because of the slope much of the yard is unusable. The neighboring properties have more level lots; however, due to the location of my house on the slope, previous owners have had to build retaining walls on the West and North side of the property to accommodate for the steep incline. The proposed porch would alleviate the problem by providing adequate outdoor area that is level and usable without being intrusive.

### **12.030 (A)(2) Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located.**

The proposed design of the porch is architecturally consistent with both the existing property, and the neighboring houses. The proposed porch will run the length of the house leaving a large green space in the back yard between the house and the adjacent houses in the rear. In addition, by constructing the porch in the rear of the house, the façade of the house will remain architecturally intact as it was when originally constructed in 1910. The proposed porch will not be visible from the street, thereby maintaining the architectural integrity of both the house and the neighborhood.

### **12.030 (A)(3) The request is necessary to make reasonable use of the property.**

Due to the steep grade of both the front and back yards, there is very little level ground available for outdoor use. The proposed project will make available 336 square feet of level space for use and enjoyment of the property. This would greatly enhance the ability to use the existing property. The overall lot is 3786 sq. ft., and the existing house is 1102 sq. ft. taking up 29% of the lot. The proposed project, the back porch is an additional 336 sq. ft. bringing the net foot print to 1,438 sq. ft. or 38% of the lot. If the property was full size, this would fall within the guidelines of being less than 40% of the lot; however, as the lot is slightly smaller than a full lot

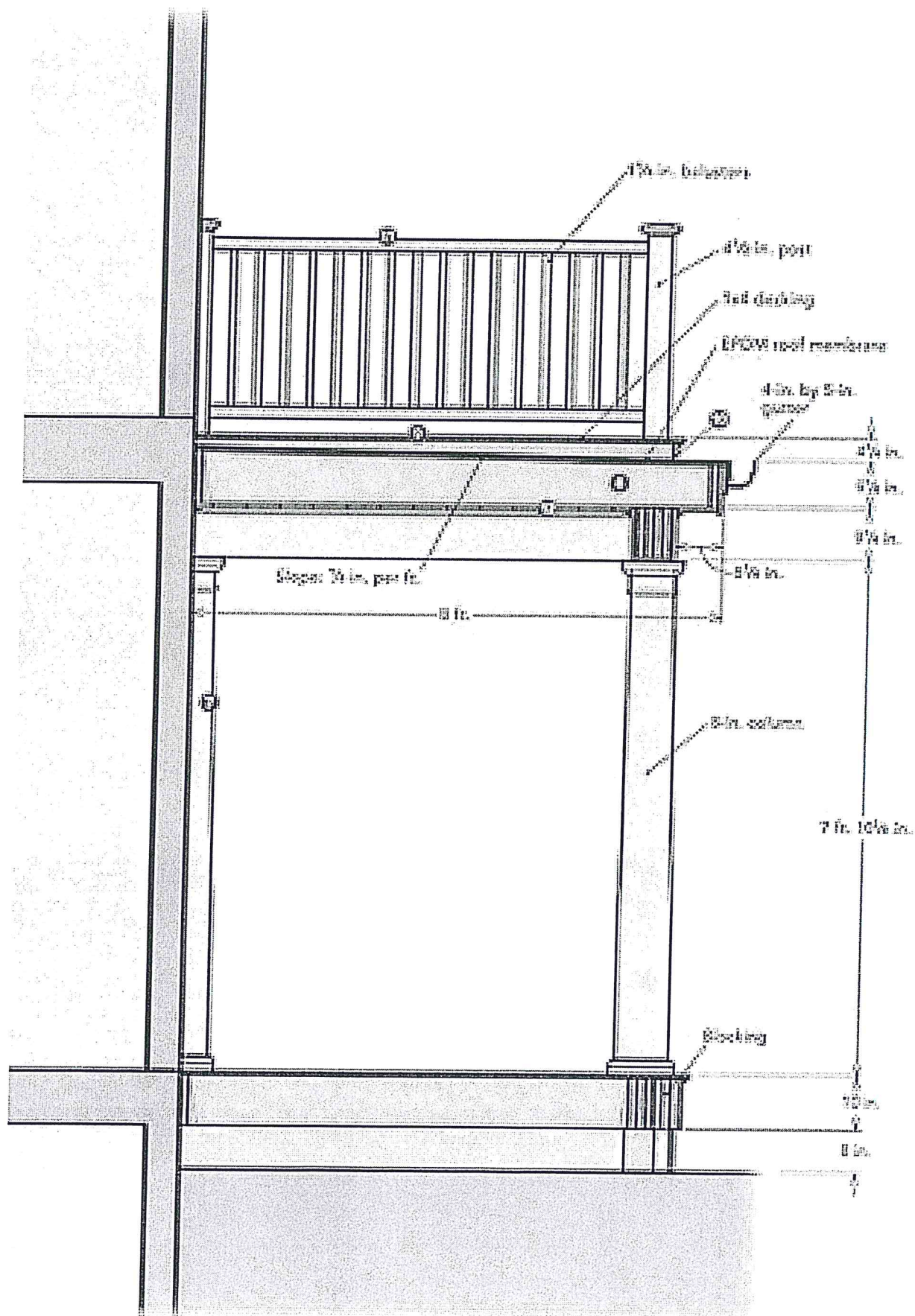
the limit is set at 30% of lot coverage. The request for the variance is to accommodate the 302 sq. ft. that would allow for reasonable use of the property.

**12.030 (A)(4) The request is not in conflict with the Comprehensive plan.**

The proposed project of the back porch maintains the architectural integrity of both the existing structure and neighboring homes. As it would be located in the backyard, it would not be visible from the street, thereby maintaining the original façade of the property. Finally, as the proposed porch would run the length of the house, it would leave a large green space in the backyard between adjacent properties.









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ADDRESS: 193 W. Duane  
 CLASSIFICATION: Primary  
 OWNER: Alice and Edwin Niska  
 193 W. Duane  
 Astoria, OR 97103  
 ASSESSOR MAP: 89 7DC  
 PLAT: Trullingers Addition  
 YEAR BUILT: 1911  
 ALTERATIONS: Minor

TAX LOT: 2300  
 LOT: E 12 1/2'  
 Lt 1, 2

BLOCK: 4  
 STYLE: Craftsman  
 USE: Residential

**DESCRIPTION:** This two story building is square in plan and has a hip roof with a hip dormers. The chimney has a corbelled cap. Weatherboard sheaths the upper stories and vertical boarding covers the elevated basement. The foundation is concrete. A majority of the windows are paired one over one double hung wood sash; the first floor front windows have been altered to larger fixed pane. The front porch extends across the full width of the building and is covered by a hip roof supported by tapered square posts. A low wall clad with weatherboard partially enclose the front porch. Alterations include the addition of a front basement window and a new wrought iron front porch stair railing. The building, set back approximately fifteen feet, faces north on W. Duane on a rise and is in good condition.

According to Polk's Astoria's City and Clatsop County Directory, the building was occupied in 1911 by Mary Corehobber, a packer with the Sanborn Cutting Co. The 1913 directory lists John Johnson and John Maenppa, both carpenters. Maenppa reportedly built the house in 1911. Jacob and Minnie Alanko occupied the building in 1915. Jacob was a prominent business person who owned a jewelry store at 381 Commercial Street. Charles and Amalia Eskola were occupants from 1920-21 to 1936. Eskola opened the Columbia Realty Co. in 1919 and two years later was among the incorporators of the Columbia Packing Co. Upon incorporation the capital stock was \$25,000 and the company was authorized to operate as a fish cannery. Amalia Eskola died in 1939, one year after their new residence was built at 144 W. Commercial. Mary Niska, widow of Leonard occupied the building in 1937. Mary was a canneryworker and the cook for the Karhuvaara (Bridge Apt) Boarding House. Presently, Mary Niska's son, Edward, occupies the residence.

### 193 W Duane

Front (North) Elevation  
 Northwest Heritage Property





**YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A  
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA**

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	8-3-18
Email	8-3-18
Web	8-3-18
Pub	8-21-18

The City of Astoria Planning Commission will hold a public hearing on Tuesday, August 28, 2018 at 6:30 p.m. at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Variance Request (V18-07) by Joseph Michael Fortier from the maximum 30% lot coverage to 38% lot coverage to construct a porch on the rear of an existing single-family dwelling at 193 W. Duane Street (Map T8N R9W Section 7DC, Tax Lot 2300; Lot 1 & 2, Block 4, Trullingers) in the R-1 Zone (Low Density Residential). Development Code Standards 2.015 to 2.050, 3.190, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 and CP.240 to .255 are applicable to the request.
2. Variance Request (V18-10) by Ben Bradshaw from the off-street parking requirements of one spaces to operate a one-bedroom Home Stay Lodging (transient lodging) with zero off-street parking in an existing single-family dwelling at 510 Duane Street (Map T8N R9W Section 7DA, Tax Lot 9100; south 50' of Lot 8, Block 30, McClure's) in the R-2 Zone (Medium Density Residential). The request is to also possibly locate a leased parking space that is not adjacent to the subject site. Development Code Standards 2.060 to 2.095, Articles 7, 9, & 12, and Comprehensive Plan Sections CP.005 to CP.028, CP.040 to CP.045, CP.206, CP.345 to CP.370 are applicable to the request.
3. Conditional Use Request (CU18-06) and Accessory Dwelling Unit (ADU18-04) by Sarah Jane Bardy to convert an existing garage into an ADU at 1661 Irving Ave. (Map T8N R9W Section 8DC, Tax Lot 11200; Lot 3, Block 53, Shively's) in the R-1 Zone (Low Density Residential). Development Code Standards 2.015 to 2.050, 3.020, 9 & 11, Comprehensive Plan Sections CP.005 to CP.028, CP.040 to CP.045 and CP.215 to .255 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

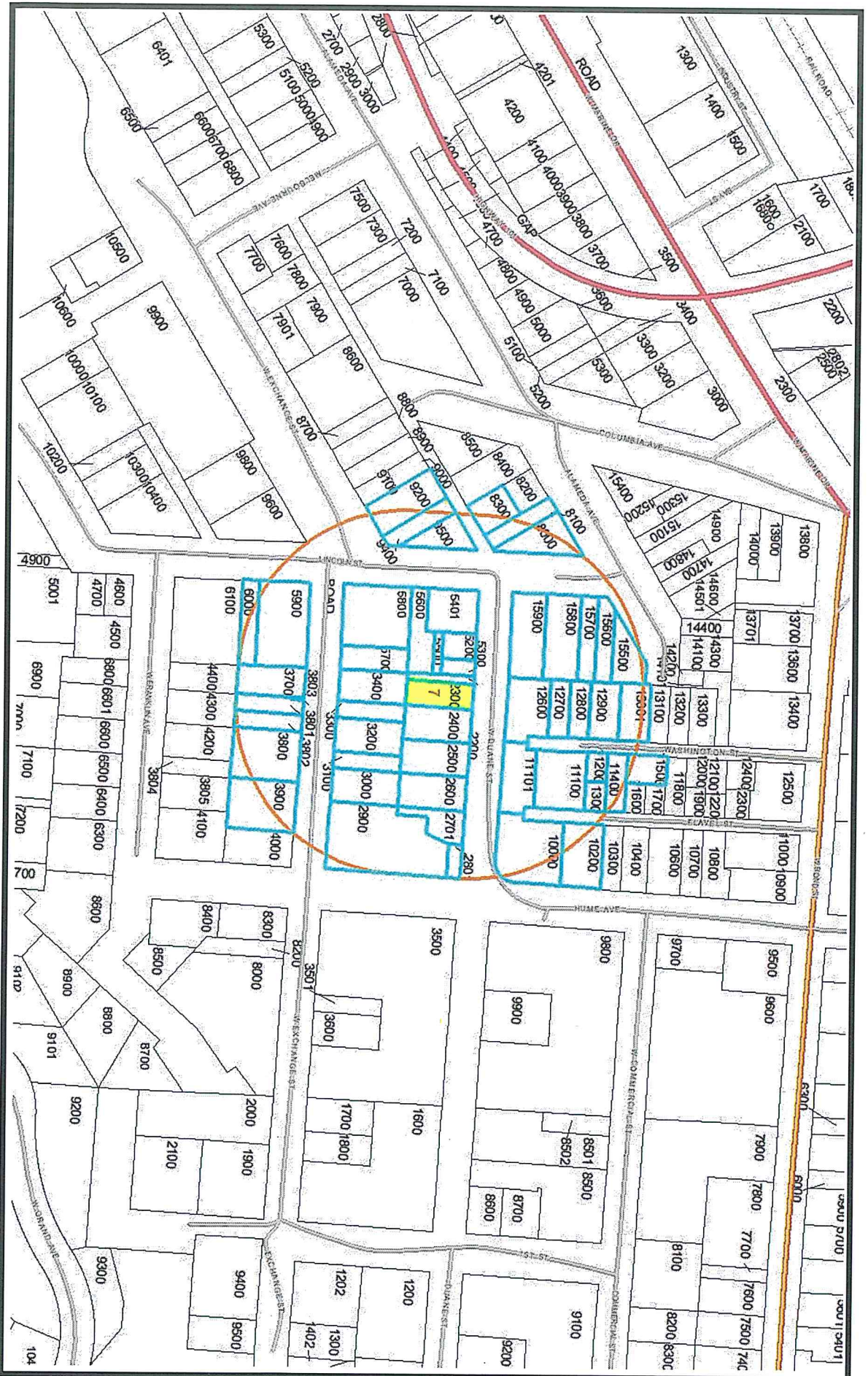
The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.



# Map

250 ft Buffer for PN / APC 8/28/18  
193 W. Duane  
V18-07



## Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.





## STAFF REPORT AND FINDINGS OF FACT

July 31, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNING CONSULTANT

THROUGH: NANCY FERBER, PLANNER

SUBJECT: VARIANCE REQUEST (V18-10) BY BEN BRADSHAW FROM OFF-STREET PARKING REQUIREMENTS OF ONE ADDITIONAL SPACES TO ALLOW A ONE BEDROOM HOME STAY LODGING WITH ZERO ADDITIONAL PARKING AT 510 DUANE STREET

### I. BACKGROUND SUMMARY

- A. Applicant: Ben Bradshaw  
510 Duane Street  
Astoria OR 97103
- B. Owner: Benjamin L Bradshaw  
Dale Christopher Wright  
510 Duane Street  
Astoria OR 97103
- C. Location: 510 Duane Street (Map T8N R9W Section 7DA, Tax Lot 9100; south 50' of Lot 8, Block 30, McClure's)
- D. Zone: R-2, Medium Density Residential
- E. Lot Size: 50' x 50' (2,500 square feet)
- F. Request: Variance from required one additional parking space to operate a one-bedroom Home Stay Lodging in an existing single-family dwelling with no additional off-street parking.

### II. BACKGROUND

#### A. Site:

The residence is located on the north side of Duane Street just east of the dead-end portion of 5th Street. The house close to the south and west property lines. There is a one car driveway on the east side of the house accessed from Duane Street.



B. Adjacent Neighborhood:

The neighborhood is developed with two single-family dwellings on the north side of Duane, an SFD on the corner of 6th and Duane, and vacant steep hillside to the west and south of the site. Duane Street is platted 60' wide with an approximate 15' improved travel lane and sidewalk on the north side and is a dead-end street. The 5th Street right-of-way is platted 50' wide and is improved with a compacted gravel driveway approximately 10' wide from Duane Street to the adjacent SFD at 500 Duane Street. The lots in this block are varied in size from 50' x 50' to 100' x 150' and some even larger. Buildings are built with varying setbacks with several at zero setback.



C. Proposal:

The applicant originally requested a permit to operate a two-bedroom Home Stay Lodging (transient lodging) in an existing single-family dwelling. The proposed use would require two additional off-street parking spaces which the applicant cannot provide. The applicant is the property owner and would live in the house at the same time the guests are there. Through the application review process, staff met with the applicants to discuss options with the request. The applicant has agreed to reduce the request to a one-bedroom Home Stay Lodging which would require only one additional parking space.

The proposed use as a one-bedroom Home Stay Lodging facility requires that the facility be owner occupied and is an outright use in the R-2 Zone.

III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 200 feet pursuant to Section 9.020 on August 3, 2018. A notice of public hearing was published in the Daily Astorian on August 21, 2018. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Development Code Section 2.065.6 allows "Home Stay Lodging" as an Outright Use in the R-2 Zone.

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



Finding: The applicant proposes to operate a facility with one bedroom and the owner will reside full-time while there are guests (Condition 1). The facility is classified as a Home Stay Lodging and is an outright use.

- B. Development Code Section 2.095.1 states that *“All uses will comply with applicable access, parking, and loading standards in Article 7”*.

Development Code Section 7.100 requires *“two spaces per dwelling unit”* for single-family dwelling units.

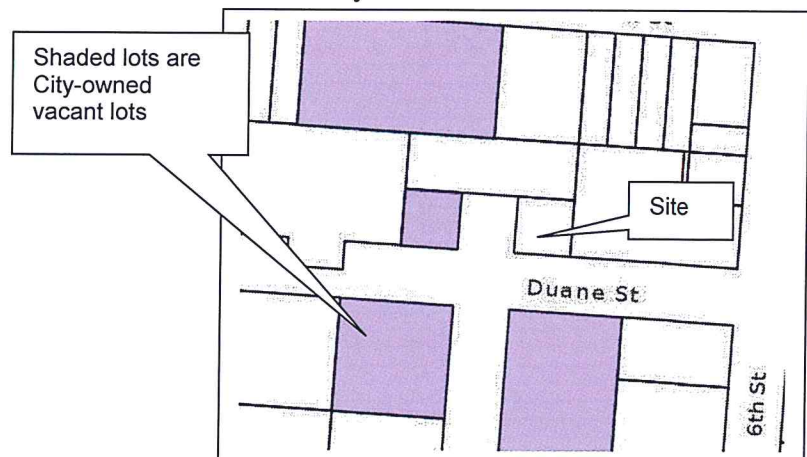
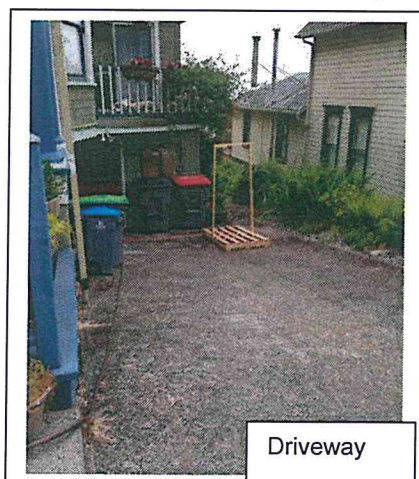
Development Code Section 7.100 requires *“one additional space for each bedroom used for transient lodging”*.

Finding: The proposed use will be in an existing single-family dwelling with one room for transient use. A total of three parking spaces are required for the proposed use. There is one off-street parking space for the dwelling in a paved driveway on the east side of the house. The applicant would need to provide one additional space for the transient lodging or obtain a Variance. He has submitted an application for a parking variance.

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

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

Finding: The present use as a single-family dwelling requires two off-street parking spaces and only one space is currently provided. One additional parking space would be required for the one-bedroom Home Stay Lodging. This is a residential urban neighborhood with mostly single-family dwellings on a variety of sizes of lots with several City-owned vacant lots.





There are only two other dwellings on this block of Duane Street and both have some off-street parking. The site is located approximately three blocks from the start of the commercial area downtown.

The applicant has stated that there is only one vehicle for the home. Generally, this is not a consideration since the Variance would be applicable to the property and future owners and not specifically to the current owners. Therefore, there could be more vehicles associated with the dwelling in the future which would increase the traffic and parking impact to the neighborhood. Since the Variance is being reviewed based on current and anticipated traffic volumes, the permit should be limited to the current owners and not valid for future owners (Condition 5). There are no physical changes needed to the dwelling to rent a bedroom for transient lodging, so when the applicant leaves this location, the house would remain a single-family dwelling with three bedrooms.

The applicant has indicated that he has an assigned parking space at his place of employment (Clatsop County) in the County lot located at 7th and Commercial Streets approximately 600' from the site. He states that he generally parks at that lot and walks to work. This would allow guests to use the driveway parking spot at the house. The applicant should park in his assigned space when guests are present at the house (Condition 2). If the applicant should no longer have access to the County parking space, the applicant shall either find alternative off-street parking at a location approved by the Planner and/or cease operation. The Planner shall be notified within 30 days of the loss of the parking space.

While transient lodging establishments are open seven days a week, the majority of use is generally on the weekends. Guest vehicles would be parked over the evening hours, but we have found that guests at lodging facilities located close to downtown will leave their vehicle all day and use other means of transportation, such as walking to their destinations. With a single-family dwelling, the number of vehicle trips would include multiple trips daily. Use of the home for transient lodging would be a low impact use of the single-family home. The impact from one additional vehicle in the neighborhood on an occasional basis would be minimal. This is based on the concept that a "family" of four living in the home using all bedrooms for the family could theoretically have four vehicles which would be more of an impact than the single-family dwelling with a one-bedroom transient lodging.

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

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



Therefore, the vehicle trips associated with a home stay lodging (recreational home) would be less than an existing or new single-family dwelling in this neighborhood. The traffic impact associated with this use would be minimal with approximately three vehicle trips per day. As noted above, the current owners have only one vehicle and therefore the traffic impact is less, and the permit should be limited to the current owners and not future owners. A strict interpretation of the requirement is not required.

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

Finding: The subject site is on the corner of 5th and Duane Street and has frontage on two rights-of-way. Duane Street is platted 60' wide with an approximate 15' improved travel lane and sidewalk on the north side and is a dead-end street. The 5th Street right-of-way is platted 50' wide and is improved with a compacted gravel driveway approximately 10' wide from Duane Street to the adjacent house at 500 Duane Street. Neither of these rights-of-way are improved to a sufficient width to accommodate on-street parking. The applicant has a paved driveway on the east side of the house that is approximately 20' deep x 10' wide and can be used to park one vehicle.

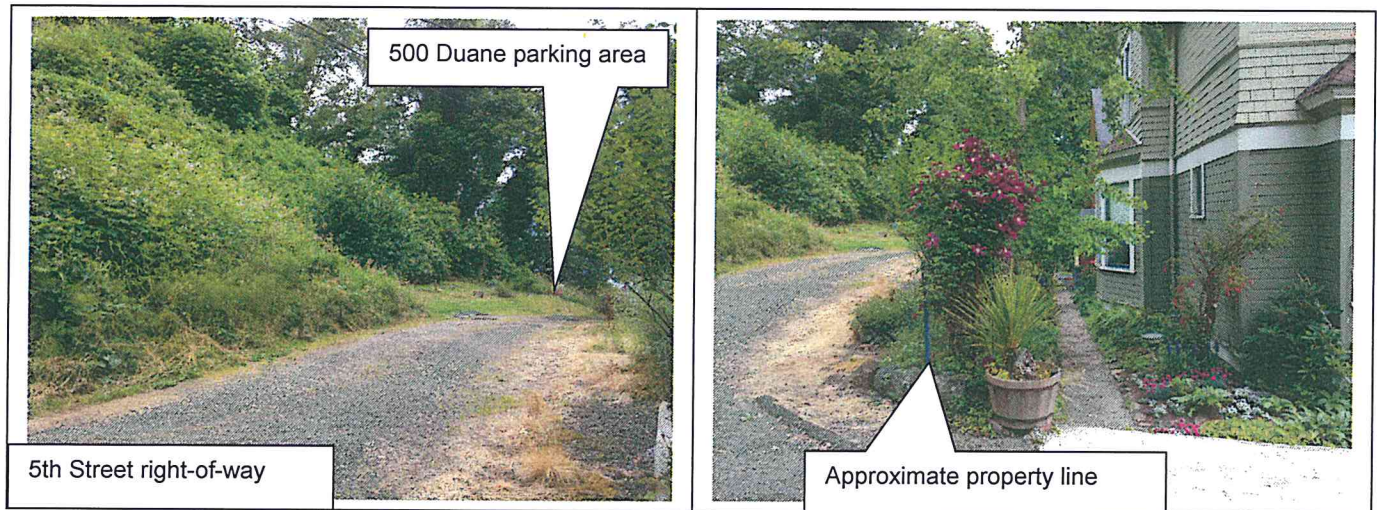


The only traffic on this street would be local traffic for the three dwellings due to the limited access and dead-end streets. Duane Street is straight and unobstructed providing ample sight distances and intersects at 6th and Duane Streets which are improved to their full widths beginning at that intersection. Parking maneuvering should not be a problem.

The adjacent neighbor at 500 Duane Street has also applied for a Home Stay Lodging transient facility in a proposed detached garage. That site is accessed from the dead-end of 5th Street. That property does provide off-street parking for the existing single-family dwelling as well as the proposed Home Stay Lodging. However, access to the parking and parking maneuvering occurs in the 5th Street right-of-way. An email was received on



June 10, 2018 from Mark Breidenbach at 500 Duane expressing concern that parking on 5th Street in its current configuration would impede access to his property. The applicant has indicated a desire to widen the area on 5th Street including a portion of his property on the west to allow for an on-street parking space. City Engineer Nathan Crater has indicated that due to the multiple landslides in this neighborhood in recent years, that widening of these streets is not advisable. Due to the current improved substandard width of the streets, he also states that on-street parking is not allowed.



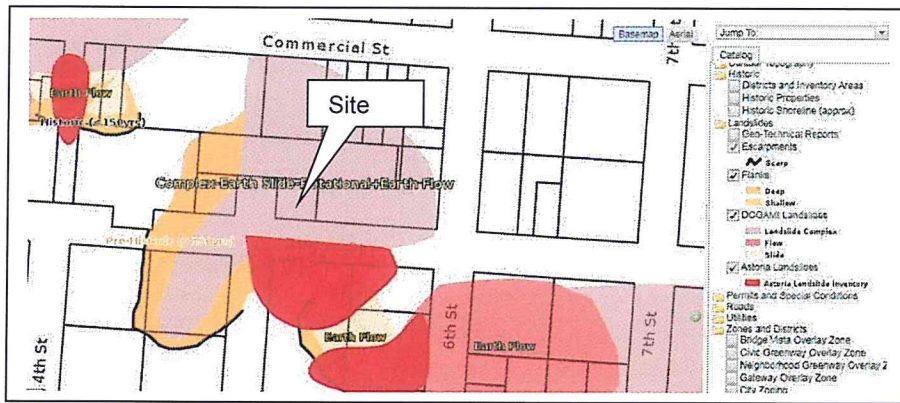
It is anticipated that the street will be able to accommodate future traffic generated by the transient lodging.

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

Finding: As noted above, Duane Street is developed to a width of 15' and is not a highly traveled street. There is good visibility on this street, but no room for on-street parking. Generally, parking of personal vehicles on a residential street would not create a hazard. However, 5th Street is just a gravel driveway and the only access to 500 Duane Street. Parking on 5th Street in its current configuration would create a safety hazard. Therefore, parking on 5th Street should be prohibited for all vehicles unless it is widened with the approval of the City Engineer (Condition 3).

The applicant has also indicated a desire to cut the brush back from the Duane and 5th Street right-of-way to increase the width of the paved area and possibly allow some on-street parking. This area is geologically unstable and has had several landslides over the last 50 years with the most recent one in 2012. Any cutting of vegetation and/or moving of dirt within these rights-of-way should be coordinated with the City Engineer (Condition 4).





With parking in the existing driveway and no parking on the existing 5th Street right-of-way, granting the variance will not create a safety hazard.

## V. CONCLUSION AND RECOMMENDATION

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

1. The owner shall reside in the house at the same time as the guests.
2. The applicant shall park in his assigned space on the County lot when guests are present at the house. Should the applicant no longer have a space on the County lot, the applicant shall either find alternative off-street parking at a location approved by the Planner and/or cease operation. The Planner shall be notified within 30 days of the loss of the parking space.
3. The applicant shall advise the guests that no parking is allowed on the 5th Street right-of-way with its current configuration.
4. No vegetative cutting or moving of dirt within the right-of-way shall occur unless reviewed and approved by the City Engineer.
5. The permit shall be limited to the current owners and not valid for future owners.
6. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

The applicant should be aware of the following requirements:

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





# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

## COMMUNITY DEVELOPMENT

☒ Fee Paid Date 7-16-18 By Visa

Fee: Planning Commission \$500.00

No. V 18-10

### PARKING VARIANCE APPLICATION

Property Location: Address: 510 Duane

Lot South 50' Lot 8 Block 30 Subdivision McClure's

Map 7DA Tax Lot 9100 Zone R-2

Applicant Name: Ben Bradshaw

Mailing Address: 510 Duane St.

Phone: 503.995.6509 Business Phone: 425.314.3388 Email: JCwright86@gmail.com

Property Owner's Name: Ben Bradshaw + Chris Wright

Mailing Address: 510 Duane

Business Name (if applicable): The Cat Birdseat (transient<sup>1</sup> home-stay lodging) 2 bedrooms

Signature of Applicant: [Signature] Date: July 16<sup>th</sup> 2018

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

Existing/Proposed Use: existing SFD propose SFD with <sup>two</sup> ~~one~~ bedroom home stay lodging

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

Off-street parking: two spaces required for SFD, ~~one~~ additional space required for Home Stay Lodging; one off-street parking space on site and one assigned/leased space off site approximately 600' away on Clatsop County parking lot at 7th and Commercial

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

#### For office use only:

Application Complete:	<u>✓</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>8/28/18</u>
120 Days:			



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

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

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

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

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

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

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

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**Attach Site Plan**







**YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A  
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA**

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	8-3-18
Email	8-3-18
Web	8-3-18
Pub	8-21-18

The City of Astoria Planning Commission will hold a public hearing on Tuesday, August 28, 2018 at 6:30 p.m. at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Variance Request (V18-07) by Joseph Michael Fortier from the maximum 30% lot coverage to 38% lot coverage to construct a porch on the rear of an existing single-family dwelling at 193 W. Duane Street (Map T8N R9W Section 7DC, Tax Lot 2300; Lot 1 & 2, Block 4, Trullingers) in the R-1 Zone (Low Density Residential). Development Code Standards 2.015 to 2.050, 3.190, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 and CP.240 to .255 are applicable to the request.
2. Variance Request (V18-10) by Ben Bradshaw from the off-street parking requirements of one spaces to operate a one-bedroom Home Stay Lodging (transient lodging) with zero off-street parking in an existing single-family dwelling at 510 Duane Street (Map T8N R9W Section 7DA, Tax Lot 9100; south 50' of Lot 8, Block 30, McClure's) in the R-2 Zone (Medium Density Residential). The request is to also possibly locate a leased parking space that is not adjacent to the subject site. Development Code Standards 2.060 to 2.095, Articles 7, 9, & 12, and Comprehensive Plan Sections CP.005 to CP.028, CP.040 to CP.045, CP.206, CP.345 to CP.370 are applicable to the request.
3. Conditional Use Request (CU18-06) and Accessory Dwelling Unit (ADU18-04) by Sarah Jane Bardy to convert an existing garage into an ADU at 1661 Irving Ave. (Map T8N R9W Section 8DC, Tax Lot 11200; Lot 3, Block 53, Shively's) in the R-1 Zone (Low Density Residential). Development Code Standards 2.015 to 2.050, 3.020, 9 & 11, Comprehensive Plan Sections CP.005 to CP.028, CP.040 to CP.045 and CP.215 to .255 are applicable to the request.

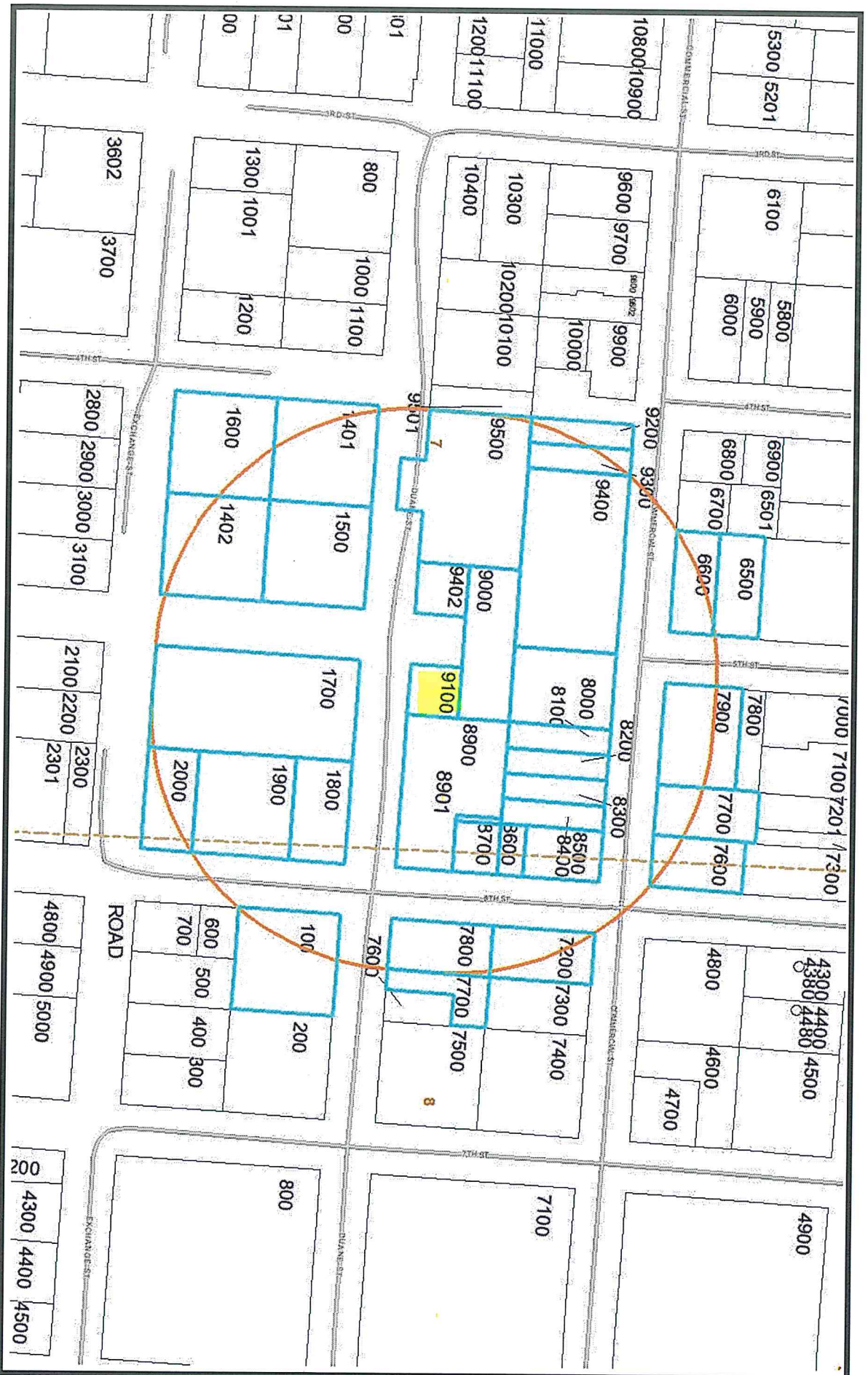
A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.



250 #t buffer for RN / APC 5/28/18  
510 Duane  
V18-10



Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.





## STAFF REPORT AND FINDINGS OF FACT

August 22, 2018

TO: ASTORIA PLANNING COMMISSION

FROM: NANCY FERBER, CITY PLANNER 

SUBJECT: CONDITIONAL USE REQUEST (CU18-06) BY SARAH JANE BARDY TO LOCATE AN ACCESSORY DWELLING UNIT (ADU18-04) IN AN EXISTING DETACHED GARAGE IN AN R-1 ZONE.

### I. Background

- A. Applicant: Sarah Jane Bardy  
1661 Irving Ave  
Astoria, OR 97103
- B. Owner: Same, note adjacent SFD in same ownership is 1661 Irving, proposed ADU is addressed as 1659 Irving Ave
- C. Location: 1659 Irving; Map T8N-R9W Section 8DC, Tax Lot 11200; Lot 3; Block 53, Shively's. Adjacent to historic structures.
- D. Zone: R-1 Low density residential
- E. Lot Size: 7,500 square feet, proposed ADU is 572 square feet, existing duplex is 2,600
- F. Request: To convert and expand an existing detached garage for use as an ADU

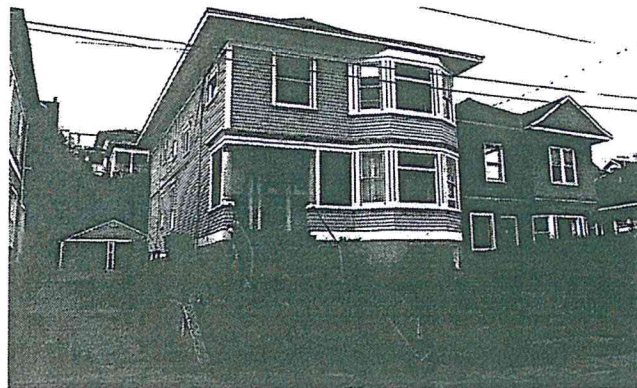




## II. BACKGROUND

### A. Subject Property

The applicant owns the existing duplex at the site, with the detached garage. The R-1 zone does not allow for duplexes, the current use is existing non-conforming and may continue to operate as a duplex without an ADU. ADUs are allowed in the R-1 zone with a conditional use permit, however ADUs cannot be located on a lot with a duplex, they can only be accessory to a Single Family Dwelling.



With the addition of an ADU, the existing duplex must convert to a Single Family Dwelling, required by ADU policy. The owner is aware that potential use of the principle unit in the future cannot convert back to a duplex based on the following codes:



3.180C "Discontinuance of a Nonconforming Use states:

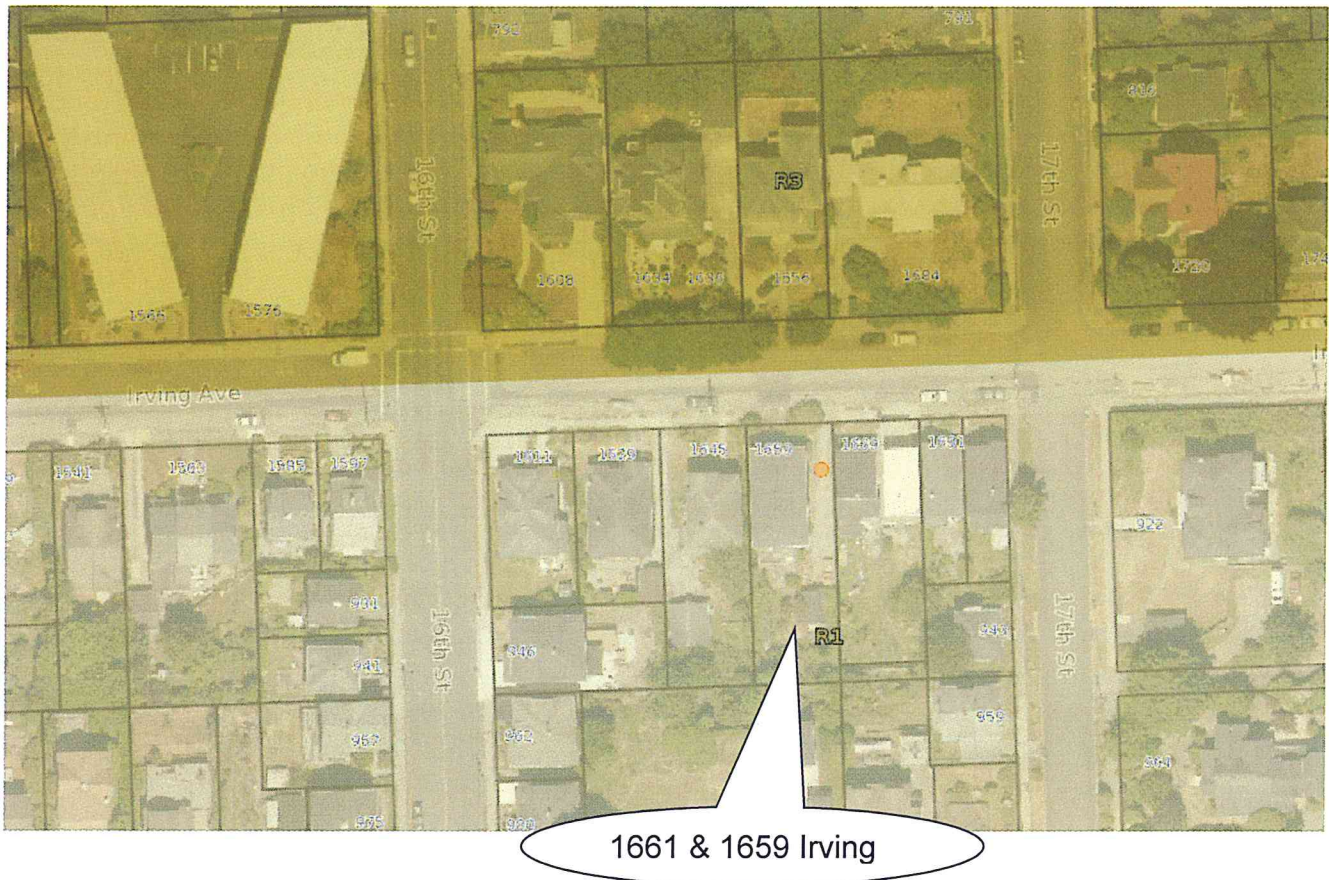
1. *If a nonconforming use involving a structure is discontinued for a period of one (1) year, further use of the property shall conform to this Code.*
2. *If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this Code.*

The house is located on the south side of the street east in the middle of the block between 16<sup>th</sup> and 17<sup>th</sup> Streets. The lot is 7,500 sides, as shown below. For reference, duplexes are allowed in the R-2 and R-3 zones, and require 7,500 square feet, while single family dwellings require a minimum of 5,000 square feet.

The neighborhood consists of a variety of single family dwellings as well as multifamily housing in the adjacent R-3 zoning such as the historic Szender's Apartments built over the former reservoir at 1566 Irving. On-street parking is available on both sides of Irving Avenue, although it is a narrow Right of Way, approximately 30' wide.



## B. Adjacent Neighborhood



1661 & 1659 Irving

## III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 250 feet pursuant to Section 9.020 on August 3, 2018. A notice of public hearing was published in the *Daily Astorian* on August 21, 2018. An additional public notice will be required for the review by the Historic Landmarks Commission for the exterior alteration. Comments received will be made available at the Planning Commission meeting.

## IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 2.025 (7) concerning Conditional Uses in R-1 Zoning lists ADUs as a permitted conditional use.

Finding: Proposed ADU would exist in an R-1 zone and is permitted under a Conditional Use Permit. Although the ADU policy was updated in 2017 to allow more flexibility in size and location, ADUs are limited to sites with Single Family Dwellings. The requirement is noted in Development Codes sections:



3.020 A. *"The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood."*

3.020 B Standards for Accessory Dwelling Unit states:

*"An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller. Only one unit per single-family lot and per main dwelling is permitted."*

Duplexes are not allowed in the R-1 zone as an outright or conditional use. The lot is considered a single-family lot even though it is above the minimum required square footage for a SFD. To locate the ADU in the R-1 zone, the use of the duplex must revert to a single family dwelling. For reference, change of nonconforming use noted in Article 3 states:

*Article 3.180 B. "Change of Nonconforming Use.*

*"A nonconforming use may be changed to a conforming use. However, after a nonconforming use is changed to a conforming use, it shall thereafter not be changed to a use that does not conform to the use zone in which it is located."*

B. Section 3.020(B) concerning Accessory Dwelling Units lists the following requirements:

- a. *A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.*

Finding: The lot size is 7,500 square feet in an R-1 Zone. This criterion is satisfied.

- b. *An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller.*

Finding: The square footage of the primary structure is 2,600 square feet, the proposed ADU will have a square footage of 572. This is less than 800 square feet and reflects 22% of the primary structure. This criterion is satisfied.

- c. *The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, areas over attached garages, and detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.*



Finding: The proposed ADU be an expansion of an existing garage. The existing and proposed site plans are included on page 8. This criterion is satisfied.

- d. *To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.*

Finding: The ADU will not have separate utilities. This criterion is satisfied.

- e. *An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.*

Finding: The detached unit is subordinate to the existing duplex which shall be converted to a SFD. The primary residence and ADU will remain under the same ownership This criterion is satisfied.

- f. *In addition to the main entrance, one entrance to the house may be located on the side or rear of the house. An additional entrance shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot.*

Finding: The detached unit is located behind the main dwelling, the doors will be on the west and south sides of the existing structure. This criterion is satisfied.

- g. *Accessory Dwelling Units are allowed as an accessory use to any existing single-family dwelling in all zones.*

Finding: The existing duplex shall covert to a single family dwelling to meet this criterion.

- h. *The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.*



Finding: The owner intends to stay in the primary residence. The former area used as a duplex cannot be rented as a third dwelling area. This criterion is satisfied.

- i. *The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.*

Finding: A deed restriction has not yet been submitted. Recorded deed language shall be before the unit is occupied. This criterion shall be satisfied after the recorded language is obtained.

- j. *In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan and has parking on both sides of the street, one space may be credited to the requirement of three total spaces.*

Finding: The applicant has indicated parking spaces on the site plan, however the spaces indicated are not to scale, and are required to be either 9.5' x 20' or 8.5' x 16' for compact parking spaces. The use of a duplex required four parking spaces. Reverting to a SFD drops the required parking to 2 spaces. The addition of an ADU requires 1 additional parking space, for a total of 3 off-street parking spaces.

Article 7.040 "Fractional Measurements" notes a fraction of "*one-half or greater shall be counted as one full space*" 1.5 spaces could be compact, rounded up allows for 2 compact spaces, and 1 full sized parking space.



The driveway is approximately 93' long by 13' wide, widening to 17' at the garage. 2 compact spaces would take 32', one additional full size space is a total of 52'. The driveway provides adequate parking, even with the displacement of car(s) potentially parking in the garage. Article 7 notes access requirements for parking areas that have more than 4 vehicles backing into a public right of way. 7.110 (E) E states:

*"Parking or loading areas having more than four (4) spaces shall be designed so that vehicles do not back into public streets, or do not use public streets for maneuvering. All entrances and exits onto public streets*



*shall first have a Driveway Permit from the Engineering Department and shall be designed and constructed to City standards.”*

The applicant's proposed parking plan with more than five spaces does not meet this requirement, and would require additional review by the Engineering Department. The driveway is long enough to provide the off-street parking for 3 spaces required spaces for the SFD and ADU.

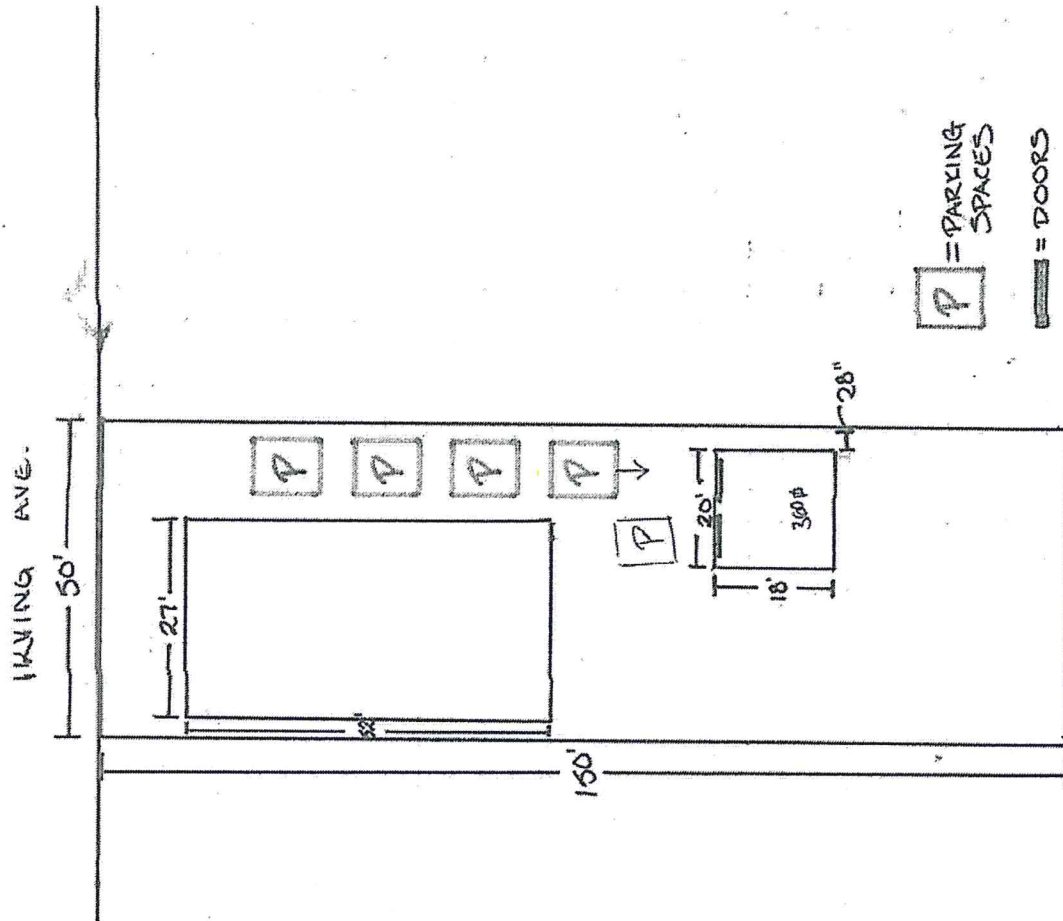
Credit for an on-street parking space for the ADU is not permitted due to the narrow residential street, which does not meet the City's Engineering Design Standards.

This criterion is satisfied.

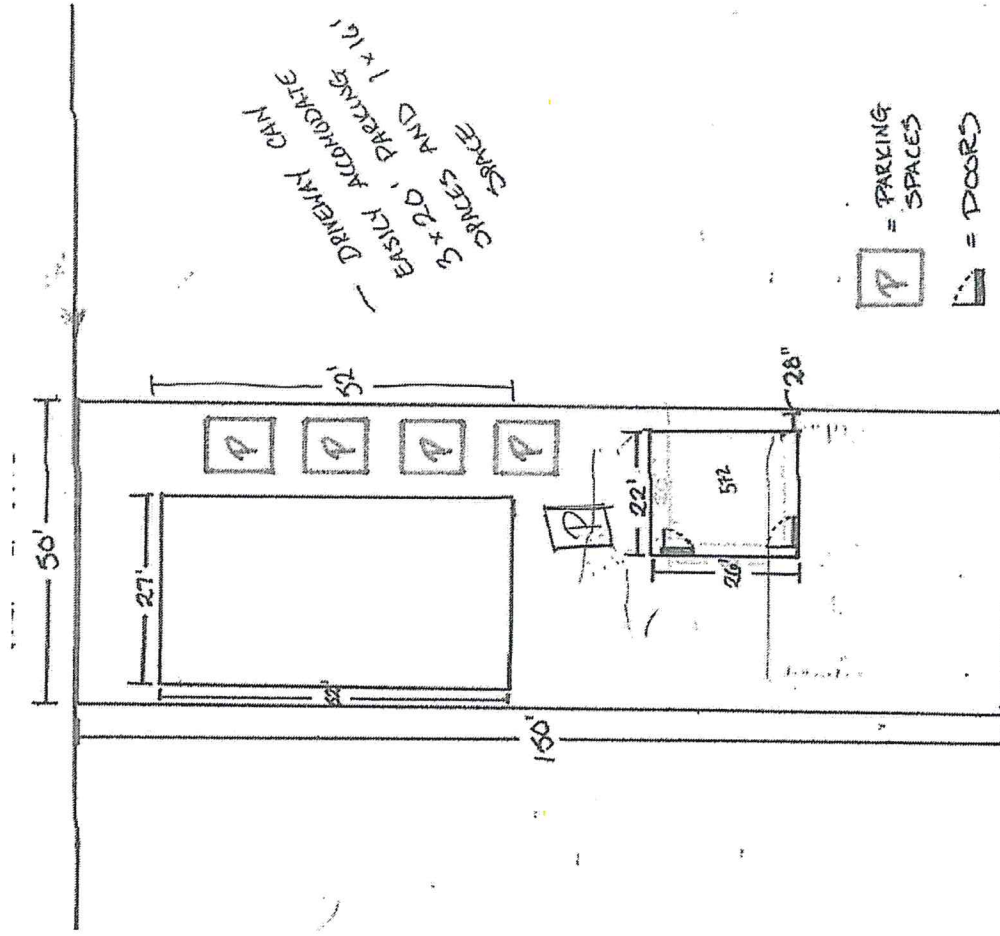
- k. Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017. (Ordinance 17-07, Adopted April 17, 2017)*

Finding: No homestay lodging is proposed and shall not be permitted. This criterion is satisfied.





## EXISTING



## PROPOSED PLAN



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

CP .218 Housing Goals, states the following:

1. *Provide opportunities for development of a wide variety of housing types and price ranges within the Urban Growth Boundary.*

CP.220. Housing Policies, states the following guiding policies:

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

15. *Ensure that multi-family developments in primarily single-family neighborhoods are designed to be compatible with the surrounding neighborhood, in terms of scale, bulk, use of materials, and landscaping.*

Finding: The ADU provides a potential affordable housing option that would otherwise be unavailable in the area. With the reduction from a duplex to the SFD plus an ADU, the total number of dwelling units remains the same. The exterior alteration of the garage triggers review by the Historic Landmarks commission for compatibility and will be reviewed at a future HLC meeting. This criterion is satisfied.

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

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

Finding: The proposed use is an appropriate use at the location due to the fact the total number of dwelling units will not be increasing, just reconfigured. The applicant notes the proposed detached ADU provides better access to suit the needs of her mother, who currently occupies the lower half of the existing duplex.

While ADUs are permitted outright in R-2 and R-3 zones, which are higher density residential zones, they require a Conditional Use Permit in R-1 zones, which is low-density residential. The current use of the site allows



for 2 dwelling units as an existing non-conforming duplex. The impact of ceasing one dwelling unit in the primary structure and relocating it to a detached unit results in a similar impact and use at the site. The criterion is met.

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 applicant's proposed parking plan with more than five spaces does not meet access requirements, and would require additional review by the Engineering Department. However, the driveway is long enough to provide the off-street parking for the total 3 spaces required for the SFD and ADU.

Credit for an on-street parking space for the ADU is not permitted due to the narrow residential street, which does not meet the City's Engineering Design Standards. The criterion is met.

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. As with all new or increased development, there would be incremental impacts to police and fire protection, but it would not overburden these services. The new addressing at the site has been shared with the appropriate departments. The criterion is met.

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: No new external construction is proposed. This criterion is satisfied.

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 existing detached garage is an existing non-conforming structure due to the fact it is encroaching into the 5' side yard setback. Development code allows expansion of existing non-confirming structures.

The proposed expansion into the back yard will not increase the encroachment into the side yard and will maintain the required back yard setback. The exterior alteration will be reviewed by the Historic Landmarks Commission. The expansion meets criteria for 11.030A(5). There is existing landscaping around the garage, and the larger square footage of the lot itself provides additional greenspace, more than a standard 5,000 square would.

## 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. To locate the ADU in the R-1 zone, the use of the duplex must revert to a single family dwelling.
2. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.
3. The applicant shall submit recorded deed language to the Community Development department prior to ADU occupancy.
4. The City suggests this language, or similar language, shall be included in the deed:

*“The dwelling located on the above described property is approved as a single-family dwelling only. In accordance with the Astoria Development Code Section 3.020(5.b), the existence of an Accessory Dwelling Unit in addition to the single-family dwelling is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner. Use of the Accessory Dwelling Unit at this location is subject to the regulations of the Astoria Development Code.”*

The applicant should be aware of the following requirements:

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





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

CITY OF ASTORIA

JUL 16 2018

BUILDING CODES

No. CU 18-08

☒ Fee Paid Date 7/16/18 By [Signature]  
Fee: \$500.00

### CONDITIONAL USE APPLICATION

Property Address: 1661 Irving Ave. (House) 1659=ADU

Lot 3 Block 53 Subdivision Shively's

Map 8.9.8DC Tax Lot 11200 Zone R-1

Applicant Name: Sarah Jane Bardy

Mailing Address: 1661 Irving Ave.

Phone: (503) 791-7137 Business Phone: \_\_\_\_\_ Email: Sarahjane.bardy@gmail

Property Owner's Name: Sarah Jane Bardy

Mailing Address: Same as above

Business Name (if applicable): n/a

Signature of Applicant: [Signature] Date: 7/16/18

Signature of Property Owner: [Signature] Date: 7/16/18

Existing Use: Garage

Proposed Use: A.D.U.

Square Footage of Building/Site: 572

Proposed Off-Street Parking Spaces: 5

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

For office use only:

<u>Hand</u>			
Application Complete:	<u>8.2.18</u>	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	<u>8.28.18</u>
120 Days:	<u>11.29.18</u>		

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

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

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

*See attached*

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

*See attached*

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

*See attached*

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

*See attached*

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

*See attached*

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



Conditional Use Application  
Accessory Dwelling Unit  
Sarah Jane Bardy  
1661 Irving Ave.

I purchased my home four years ago. I currently live in the upstairs unit and my mother occupies the unit downstairs. She has been diagnosed with rapidly advancing Macular Degeneration and is losing her vision. The downstairs unit of my house no longer suits her and I would like to renovate my garage into an accessory dwelling unit that will better suit her needs.

I understand that because of the zoning, I am not able to add a third unit to my property. To remedy this, I am willing to convert my duplex into a single-family home and inhabit both units myself.

The exterior of the garage will retain the same roof line it currently has, the only major change will be making the footprint a bit larger- the details of which are outlined in my permit application.

As I have done in the restoration of my home, all materials will be congruent with the historic materials used on my home. For example: 4inch reveal cedar siding and double-hung windows with crowns.

The structure is set back from my home off of the street so it is not particularly visible to passersby or neighbors. Though I believe the neighbors will all appreciate the improvements I plan to make.

#### 11.03 (A1)

I believe an ADU is appropriate for this location as it is a rather large lot, there is ample parking and green space, and I am willing to convert my duplex into a single-family to meet code requirements.

#### 11.03(A2)

Access to my existing home and the ADU will not be affected by this project. The current garage sits behind and to the east of my home at the end of a long driveway. Two cars can park comfortably side-by-side in front of the north side of the garage/ADU with an additional four more stacked in the long driveway- plus two spots directly in front of my home on Irving Ave.

#### 11.03(A3)

Utilities won't be overburdened as the occupancy of my property is already significantly lower than how it was originally constructed. In addition to converting the home to a single-family, it should be noted that my home has five bedrooms between the two-units. Meaning, in it's original construction it had the potential to house 5-10 people if both units were rented. As it now stands, only two of us live on the property.

#### 11.03(A4)

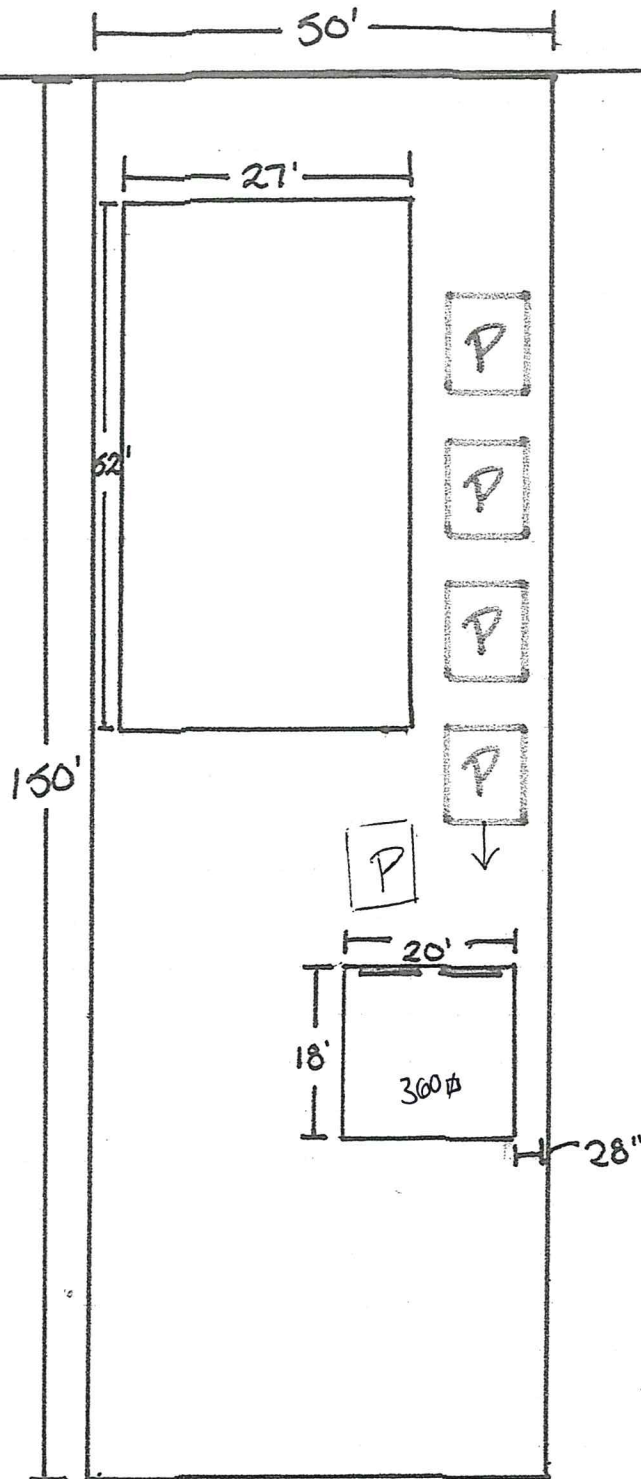
I am fortunate in that though I live on the north side of the hill, I have a relatively flat lot. I do not believe a geographic study would be necessary.

#### 11.03(A5)

Landscaping will remain the same.



IRVING AVE.

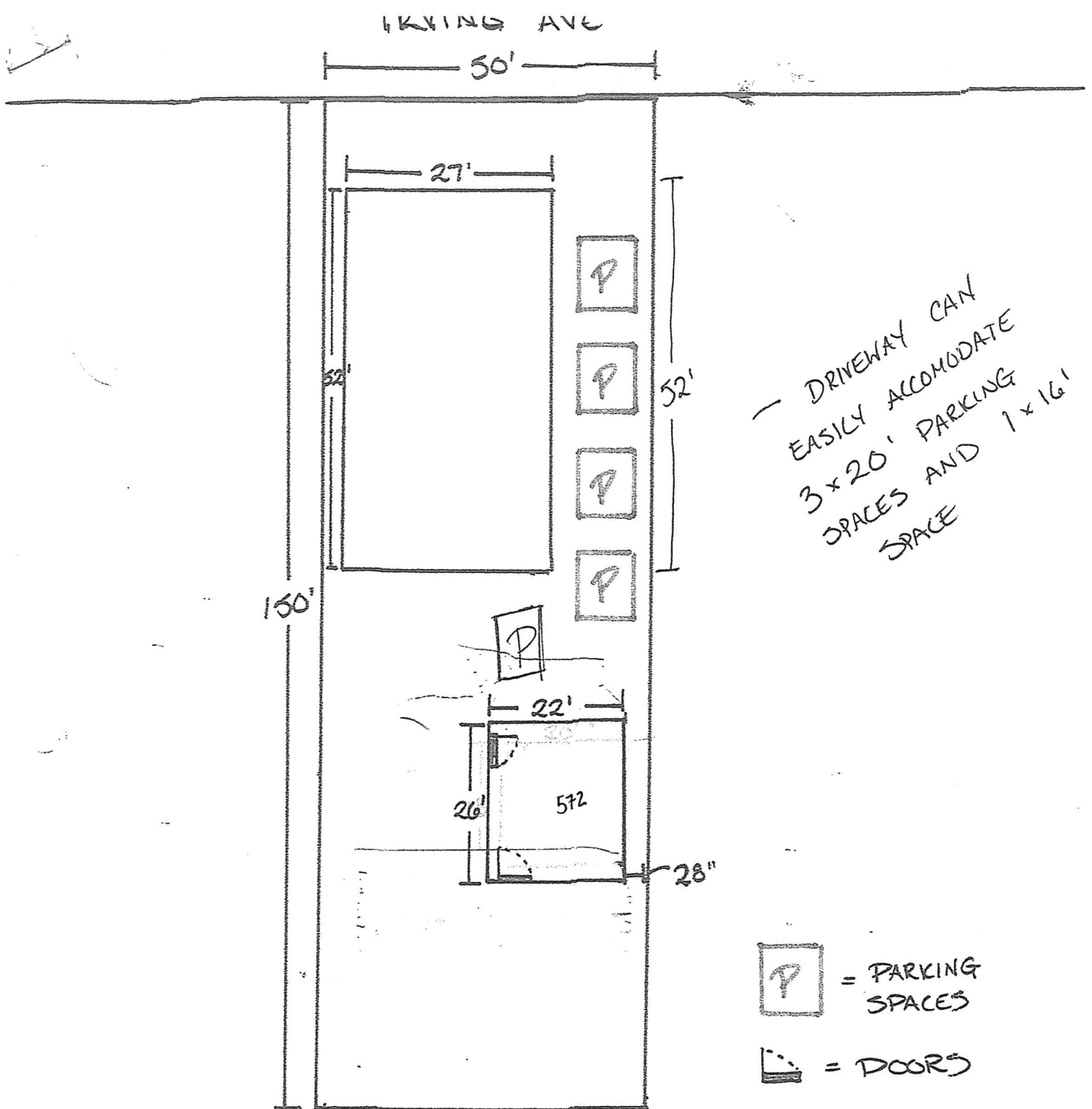


 = PARKING SPACES

 = DOORS

EXISTING

1659-1661 IRVING  
SARAH JANE BARDY  
503-791-7137



## PROPOSED PLAN

1659-1661 IRVING  
SARAH JANE BARDY  
503-791-7137











OREGON INVENTORY OF HISTORIC PROPERTIES  
HISTORIC RESOURCE SURVEY FORM  
COUNTY: CLATSOP

HIST. NAME: [historic duplex] DATE OF CONSTRUCTION: c.1906  
COMMON NAME: Augustine/Hablewitz Residence ORIGINAL USE: MF residence (duplex)  
ADDRESS: 1659, 1661 Irving Avenue PRESENT USE: MF residence (duplex)  
CITY: Astoria ARCHITECT: unknown  
OWNER: Kristine Augustine/David Hablewitz BUILDER: unknown  
1659, 1661 Irving Avenue THEME: Urban Development; Architecture  
T/R/S: T8N/R9W/S8 STYLE: Colonial Revival (vernacular)  
MAP NO.: 8-9-8DC TAX LOT: 11200  
ADDITION: Shively's BLDG STRUC DIST SITE OBJ  
BLOCK: 53 LOT: 3 QUAD: Astoria 7½' (1984) RANKING: Secondary

PLAN TYPE/SHAPE: rectangular NO. OF STORIES: 2  
FOUNDATION MATERIAL: concrete (scored) BASEMENT (X/N):  
ROOF FORM & MATERIALS: hip; composition shingles  
WALL CONSTRUCTION: stud wall STRUCTURAL FRAME: light wd. frame  
PRIMARY WINDOW TYPE: 1/1 DH, wood sash  
EXTERIOR SURFACING MATERIALS: weatherboard  
DECORATIVE FEATURES: 2-story bay window; Corinthian porch columns; leaded diamond pane glass in  
entryway window; door and window head casing  
OTHER: interior brick chimney; 2-story sleeping porch in back  
CONDITION: ~~GOOD~~ FAIR POOR MOVED (DATE)

EXTERIOR ALTERATIONS/ADDITIONS (DATED): INTACT--porch steps and railing replaced

NOTEWORTHY LANDSCAPE FEATURES: none

ASSOCIATED STRUCTURES: 2-bay garage

KNOWN ARCHEOLOGICAL FEATURES: unknown

SETTING: mid-block, south side of Irving between 16th and 17th in residential neighborhood south of  
downtown; house sits above street slightly

STATEMENT OF SIGNIFICANCE: This house was constructed as a duplex around 1906. Tenants stayed here  
only a few years before moving on and included such notables as Astoria furniture man Charles Heilborn,  
Glaude and Josephine Barr, Edwin and Alice Woodford, H. Clay and Mabel Ramsey, and Theodore and Alpha  
Sexton. The house illustrates a trend in development in the Fort Hill district toward the appearance of multi-  
family residences after 1900. Local investors began building apartment houses, boarding houses, and duplexes to  
accommodate Astoria's increased population after the turn of the century.

SOURCES: Sanborn-Perris Map Co. 1896, 1908; Polk's Astoria City Directory 1906-36

NEGATIVE NO.: Roll 3-8  
SLIDE NO.:

RECORDED BY: Jill A. Chappel, HRA  
DATE: 5-8-95

SHPO INVENTORY NO.:

HLC -



# OREGON INVENTORY OF HISTORIC PROPERTIES HISTORIC RESOURCE SURVEY FORM - TWO

NAME: [historic duplex]  
ADDRESS: 1659, 1661 Irving Avenue  
TAX LOT: 11200

T/R/S: T8N/R9W/S8  
MAP NO.: 8-9-8DC  
QUADRANGLE: Astoria 7½' (1984)

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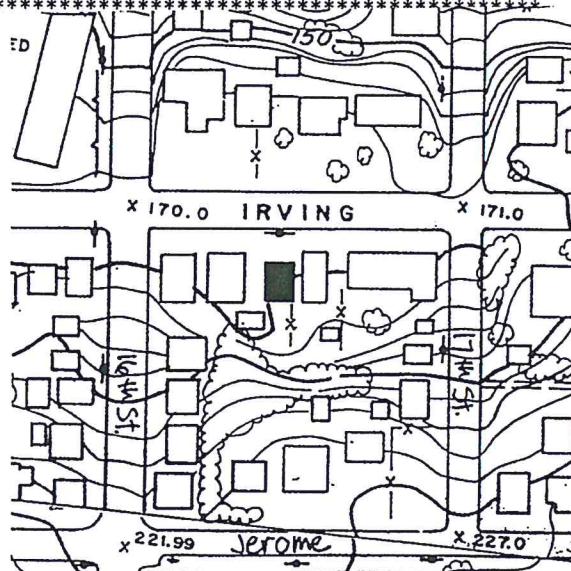
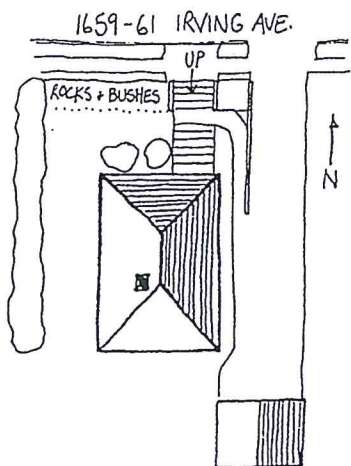
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NEGATIVE NO.: Roll 3-8

SLIDE NO.:

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GRAPHIC & PHOTO SOURCES: Heritage Research Associates, Inc., 1997 Garden Ave., Eugene, OR, 97403

SHPO INVENTORY NO.



**YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A  
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA**

**CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING**

Mail	8-3-18
Email	8-3-18
Web	8-3-18
Pub	8-21-18

The City of Astoria Planning Commission will hold a public hearing on Tuesday, August 28, 2018 at 6:30 p.m. at the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request(s):

1. Variance Request (V18-07) by Joseph Michael Fortier from the maximum 30% lot coverage to 38% lot coverage to construct a porch on the rear of an existing single-family dwelling at 193 W. Duane Street (Map T8N R9W Section 7DC, Tax Lot 2300; Lot 1 & 2, Block 4, Trullingers) in the R-1 Zone (Low Density Residential). Development Code Standards 2.015 to 2.050, 3.190, Articles 9 & 12, Comprehensive Plan Sections CP.005 to CP.028, CP.030 to CP.035 and CP.240 to .255 are applicable to the request.
2. Variance Request (V18-10) by Ben Bradshaw from the off-street parking requirements of one spaces to operate a one-bedroom Home Stay Lodging (transient lodging) with zero off-street parking in an existing single-family dwelling at 510 Duane Street (Map T8N R9W Section 7DA, Tax Lot 9100; south 50' of Lot 8, Block 30, McClure's) in the R-2 Zone (Medium Density Residential). The request is to also possibly locate a leased parking space that is not adjacent to the subject site. Development Code Standards 2.060 to 2.095, Articles 7, 9, & 12, and Comprehensive Plan Sections CP.005 to CP.028, CP.040 to CP.045, CP.206, CP.345 to CP.370 are applicable to the request.
3. Conditional Use Request (CU18-06) and Accessory Dwelling Unit (ADU18-04) by Sarah Jane Bardy to convert an existing garage into an ADU at 1661 Irving Ave. (Map T8N R9W Section 8DC, Tax Lot 11200; Lot 3, Block 53, Shively's) in the R-1 Zone (Low Density Residential). Development Code Standards 2.015 to 2.050, 3.020, 9 & 11, Comprehensive Plan Sections CP.005 to CP.028, CP.040 to CP.045 and CP.215 to .255 are applicable to the request.

A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

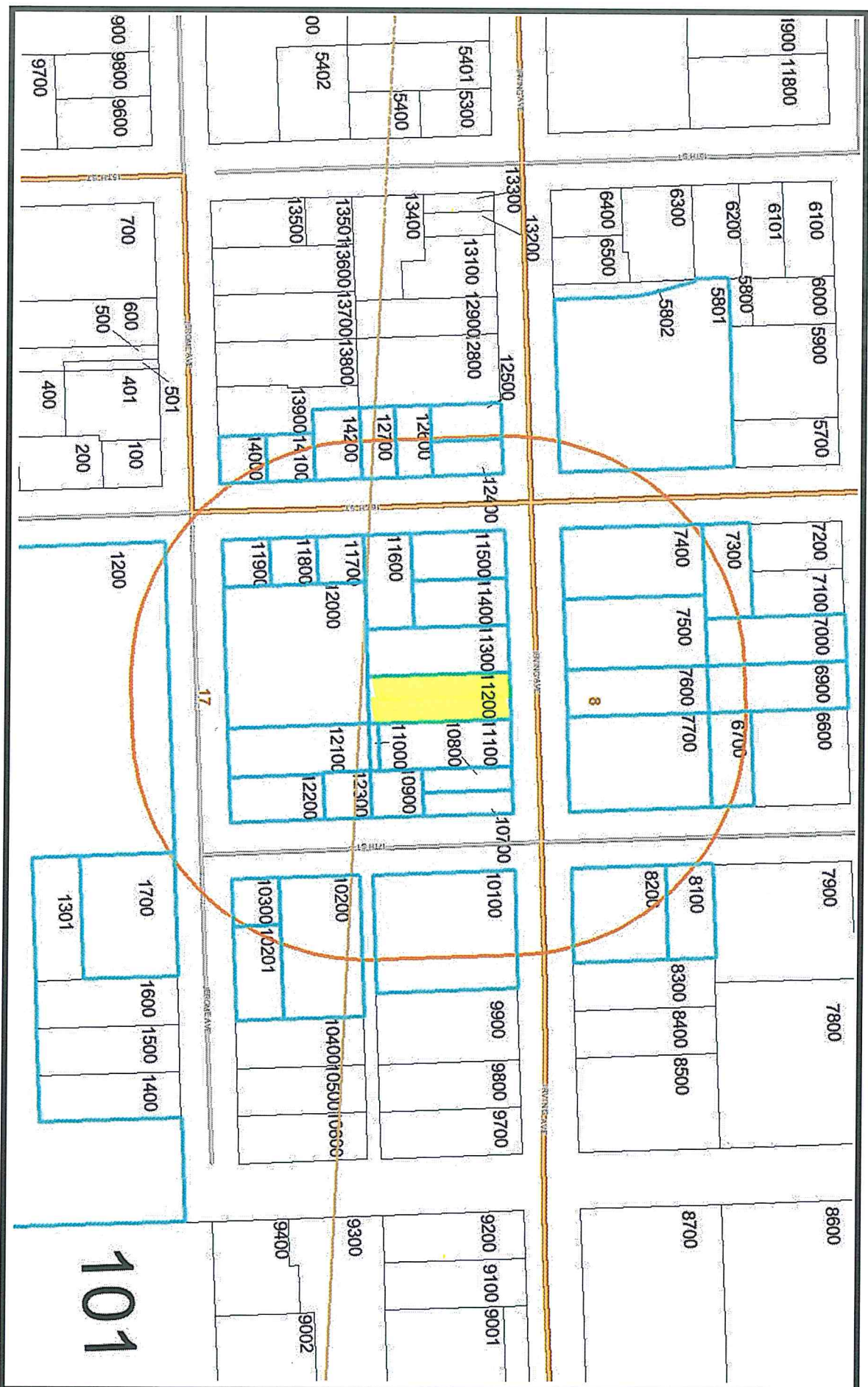
The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at 503-338-5183 48 hours prior to the meeting.

All interested persons are invited to express their opinion for or against the request(s) at the hearing or by letter addressed to the Planning Commission, 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria identified above or other criteria of the Comprehensive Plan or land use regulation which you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.



# Map

ADU + Buffer for PN/APC 8/28/18  
 1661 Irving  
 CU18-06 and ADU18-04



## Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.





CITY OF ASTORIA  
Founded 1811 • Incorporated 1856  
COMMUNITY DEVELOPMENT

CITY OF ASTORIA

JUN 26 2018

BUILDING CODES

\* Existing non-conforming  
\* Historic  
\* Duplex  
\* 1 ceased duplex  
or  
make as non kitchen

ADU 18-04

☒ Fee Paid Date 100.00 CC

By R 8/11/18

Fee: \$100.00 + cup

## ACCESSORY DWELLING UNIT APPLICATION

Property Address: ~~1659 - 1661 IRVING AVE.~~ 1661=house, 1659=ADU

Lot 11200 3

Block 53

Subdivision SHIVELY

Map 8-9-8 DC

Tax Lot 11200

Zone R-1

Applicant Name: SARAH JANE BARDY

Mailing Address: 1661 IRVING AVE., ASTORIA

Phone: 503-791-7137 Business Phone: Email: SARAHJANE.BARDY@GMAIL

Property Owner's Name: SARAH JANE BARDY

Mailing Address: 1661 IRVING AVE., ASTORIA

Business Name (if applicable):

Signature of Applicant:

Date: 6/25/18

Signature of Property Owner:

Date: 6/25/18

Existing Use: UNUSABLE 2 CAR GARAGE

Proposed Use: A.D.U. FOR MOTHER

GARAGE - 360  
ADU - 572  
LOT - 7500

Square Footage of Building/Site:

Proposed Off-Street Parking Spaces: 1 HAVE 4 OFF-STREET SPACES EXISTING

**SITE PLAN:** A site plan depicting property lines and the location of all existing and proposed structures, parking, and door locations is required. The plan must include distances to all property lines and dimensions of all structures and parking areas. Scaled free-hand drawings are acceptable.

For office use only: received 6/26/18 @

→ Pending decision from applicant 7-6-18 ✓ needs to pay fee 8-2-18

Application Complete:	8-2-18	Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	8-28-18
120 Days:	11-29-18		



**FILING INFORMATION:** The Community Development Director will review only complete applications. Completed applications can be processed as a Type 1, Type 2, or Type 3 depending on the zoning and non-conforming uses. A Pre-Application conference is required for Type 2 and Type 3 requests prior to acceptance of the application as complete.

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

3.020.B. Standards.

1. Size.

a. Primary Structure.

*A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage.*

**Square footage of finished area of existing structure:** ~~2,100~~ 360

b. Accessory Dwelling Unit.

*An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller.*

**Square footage of primary dwelling unit:** 2,100

**Square footage of smaller ADU:** 572

2. Creation of the Unit.

- a. *The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, areas over attached garages, and detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.*

**Is the ADU in an existing, attached portion of the building:** NO

**Is the ADU detached from the main dwelling:** YES

**Is the ADU new construction:** RENOVATION

- b. *To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.*

**If there are separate utilities, when were they installed:** N/A

- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.

Is the dwelling in an undivided ownership: YES

3. Location of Entrances.

In addition to the main entrance, one entrance to the house may be located on the side or rear of the house. An additional entrance shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot.

Location of existing doors: 2 GARAGE DOORS FACING NORTH

Location of additional proposed doors: FRONT DOOR: EAST OR NORTH  
BACK DOOR: SOUTH

4. Zones in Which Permitted.

Accessory Dwelling Units are allowed as an accessory use to any existing single-family dwelling in all zones.

5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.

Will the owner reside in the primary unit or ADU: YES

- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

**The City suggests the following for inclusion in the deed:**

"The dwelling located on the above described property is approved as a single-family dwelling only. In accordance with the Astoria Development Code Section 3.020(5.b), the existence of an Accessory Dwelling Unit in addition to the single-family dwelling is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner. Use of the Accessory Dwelling Unit at this location is subject to the regulations of the Astoria Development Code."



**Submit a draft deed with this or similar deed restriction for approval.**

6. Lot Size.

*A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.*

**Lot dimensions and square footage:** 150' x 50' = 7500' <sup>2</sup>

7. Off-Street Parking Requirements.

*In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan and has parking on both sides of the street, one space may be credited to the requirement of three total spaces.*

**Location and number of off-street and on street parking spaces on site plan:**

LONG DRIVEWAY CAN FIT 4-5 CARS

8. Height.

*The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less.*

**What is the height of the existing or new detached ADU:** 12' 6"

9. Homestay Lodging.

*Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017. (Ordinance 17-07, Adopted April 17, 2017)*

C. Permits.

1. Permit Required.

*A permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.*

2. Expiration of Permit.

*An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:*

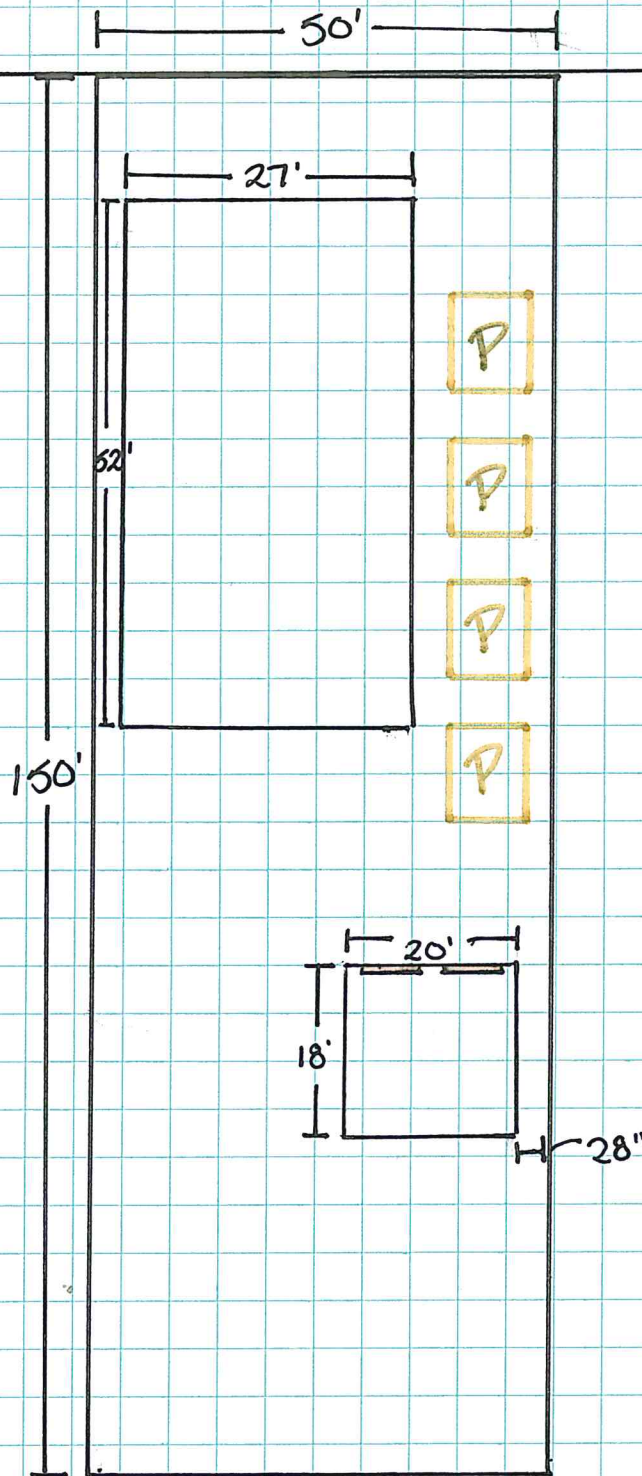
- a. *The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or*
- b. *The subject lot ceases to provided the approved number of parking spaces; or*
- c. *The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.*





*D. Non-conforming Accessory Dwelling Units.*

- 1. The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:*
  - a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.*
  - b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.*
  - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".*
- 2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:*
  - a. The permit review shall be in accordance with Article 9 concerning administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.*
  - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:*
    - 1) That full compliance would be impractical; and*
    - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and*
    - 3) That the granting of the permit will not create a safety hazard.*
- 3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040."*

IRVING AVE.



 = PARKING SPACES

 = DOORS

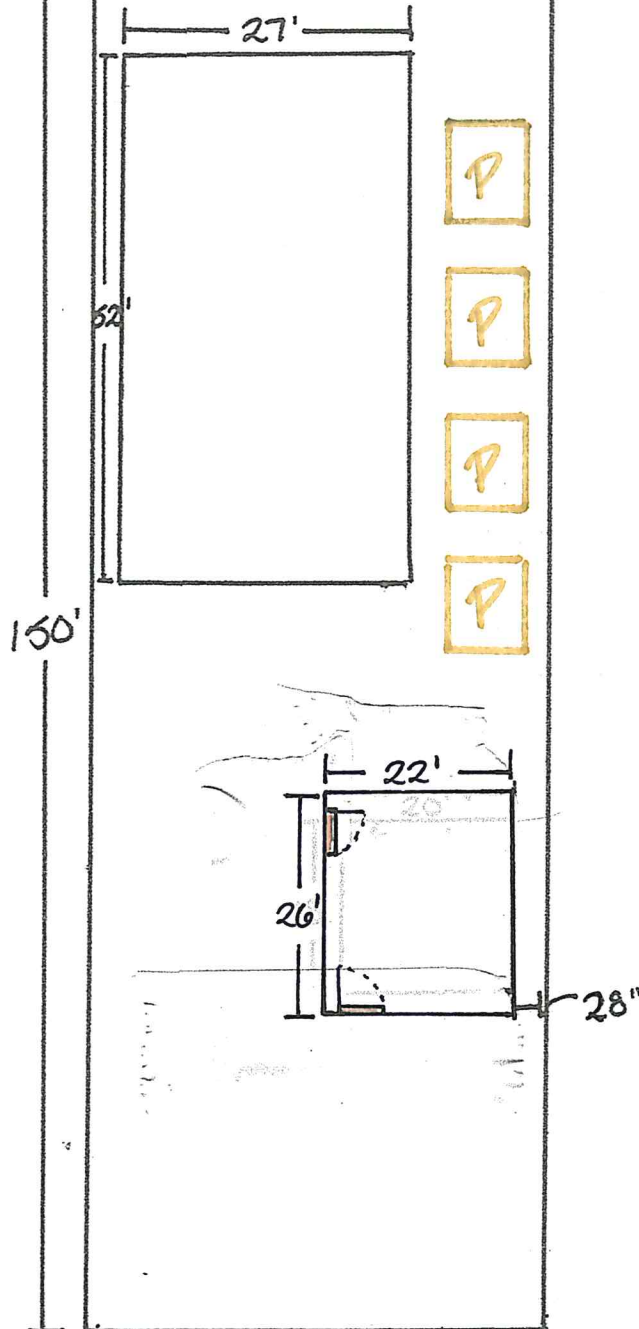
EXISTING


1659-1661 IRVING  
SARAH JANE BARDY  
503-791-7137



IRVING AVE.

50'



 = PARKING SPACES

 = DOORS

PROPOSED PLAN

1659-1661 IRVING  
SARAH JANE BARDY  
503-791-7137

YOU ARE RECEIVING THIS NOTICE BECAUSE THERE IS A  
PROPOSED LAND USE APPLICATION NEAR YOUR PROPERTY IN ASTORIA

CITY OF ASTORIA  
NOTICE OF PUBLIC HEARING

Mail	8-3-18
Email	8-3-18
Web	8-3-18
Pub	8-21-18

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A copy of the application, all documents and evidence relied upon by the applicant, the staff report, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at least seven days prior to the hearing and are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available at the Community Development Department at 1095 Duane Street, Astoria. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Contact the Planner at 503-338-5183 for additional information.

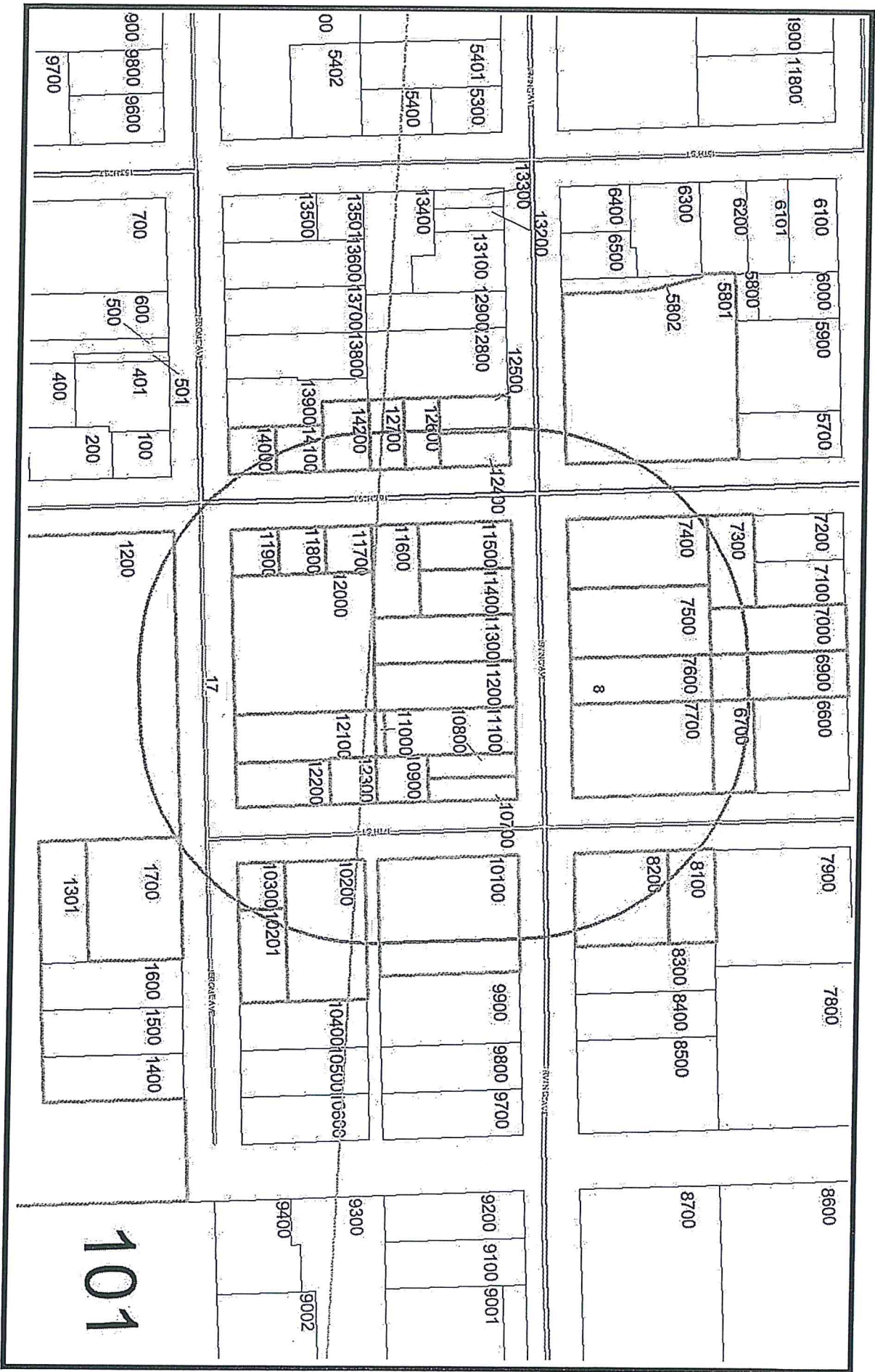
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# Map

ACU + Duffer for RN/APC 8/28/18  
 1661 Irving  
 CUIB-06 and ADU18-04



## Clatsop County Webmaps

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