



AGENDA

ASTORIA PLANNING COMMISSION

**September 16, 2015
6:30 p.m.
2nd Floor Council Chambers
1095 Duane Street • Astoria OR 97103**

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. July 28, 2015
4. PUBLIC HEARINGS
 - a. Conditional Use CU15-02 by Frank Linza to operate a bed and breakfast in an existing single family dwelling at 364 Floral in the R-3, High Density Residential zone. This item was continued from the August 25, 2015 meeting.
 - b. Conditional Use CU15-04 by Bruce C. Jones to allow indoor family entertainment at The Armory, 1636 Exchange in the MH, Maritime Heritage zone.
 - c. Wireless Communication Facilities WCF15-02 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.
 - d. Variance V15-02 by Sarah Grant from the maximum 45' height to construct a 150' high wireless communication facility at 3850 Reservoir Road in the LR, Land Reserve zone.

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

- e. Wireless Communication Facility WCF15-03 by Sharon Gretch, Lexcom for Verizon Wireless (VAW), LLC dba, Verizon Wireless construct a 150' high wireless communication facility at 1580 Shively Park Road in the IN Institutional zone.
- f. Variance V15-03 by Sarah Grant from the maximum 45' height and 150' setback to construct a 150' wireless communication facility at 1580 Shively Park Road in the IN, Institutional zone.

5. REPORT OF OFFICERS

6. ADJOURNMENT TO WORK SESSION

- a. Riverfront Vision Plan – Neighborhood Greenway Area

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

July 28, 2015

CALL TO ORDER:

Acting President Innes called the meeting to order at 7:00 pm.

INTRODUCTIONS

Interim Planner Morgan introduced Community Development Director Kevin Cronin. Director Cronin shared with the Commission his work background, stating he was happy to be working with the City of Astoria.

ROLL CALL:

Commissioners Present: Acting President McLaren Innes, Kent Easom, Sean Fitzpatrick, Daryl Moore, Jan Mitchell and Frank Spence. President Pearson was excused.

Staff Present: Community Development Director Kevin Cronin, Interim Planner Mike Morgan, City Attorney Blair Henningsgaard.

APPROVAL OF MINUTES:

a. April 7, 2015

Acting President Innes asked for approval of the minutes of the April 7th meeting. Commissioner Mitchell noted the following corrections:

Second paragraph, Page 2 should read: "He also wanted to **show** how the final revisions...."

Fourth paragraph, Page 2 should read: "**Del** Corbett, 701 NW Warrenton Drive..."

Commissioner Easom moved that the Astoria Planning Commission approve the minutes as corrected; seconded by Commissioner Mitchell. Motion passed 6 to 0.

b. April 28, 2015

Motion made and seconded to approve the April 28, 2015 minutes as presented. Motion approved.

PUBLIC HEARINGS:

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

ITEM 4(a):

Amendment A15-02 by Clatsop Community College to amend the land use and zoning map from R-3, High Density Residential to C-3, General Commercial zone at 550 - 16th Street, 164 Franklin, and 1642 Franklin in the R-3, High Density Residential zone.

Interim President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Commissioner Fitzpatrick stated that he had a conflict of interest and recused himself. Interim President Innes asked Staff to present the Staff report.

Interim Planner Morgan reviewed the written staff report. Correspondence in opposition had been received from Karen Sheridan, an adjacent property owner, address 1674 Franklin Avenue. Interim Planner Morgan informed the commission that a lot line adjustment was being prepared by Planner Johnson, who is working with the

college, which would separate the Josie Peper property from the rest of the property, and still allow access for the parking lot area on the east side. Director Cronin reiterated that the building in question has operated as an office and day care for years and the properties in the adjacent area are zoned the same as the proposed zone. Based on the findings of fact contained in the report, Staff recommended approval of the request.

Interim President Innes opened the public hearing. She called for any testimony in favor of, impartial to, or opposed to the application.

Greg Dorcheus, Clatsop Community College, 1653 Jerome, Astoria explained that the College had declared the property, referred to as the Josie Peper building, surplus and had an offer from a private party. The property has been on the market for some time. The new buyer has requested commercial zoning to support a vacation rental business.

Drew Herzig, 628 Klaskanine, Astoria asked to speak impartially. He suggested that perhaps a variance or conditional use would be a better approach to a zone change. Attorney Henningsgaard said this was not possible.

Donna Quinn, 1684 Franklin, Astoria presented testimony in opposition to the request. She submitted a petition signed by several neighborhood property owners in opposition of the amendment request, and an article from the *New York Times* regarding the downside of tourism for the commission's review. She acknowledged her own employment in tourism-related job, but asked if Astoria's planning and development ought not to be focused on making this the best place for the residents. Visitors will then come, as the place will remain authentic. She stressed the need to protect historic residential neighborhoods from the incursion of "vacation" homes.

Len Myers, 544 17th Street, testified in opposition to the request, stating he agreed with Donna Quinn's testimony and wanted to make his opposition known.

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

Director Cronin responded to concerns raised during the public testimony: 1) limiting certain allowable uses in the proposed zone through conditions of approval or through legal means such as a deed restriction. City Attorney agreed with staff that limiting the uses through a land use action is problematic, and 2) "neighborhood character" is a subjective term not included in the applicable criteria whereas staff must render a recommendation based on clear and objective standards.

Commissioner Mitchell stated that she was concerned with some of the uses which would be allowed by right. She asked Counsel if approval could be given limiting the uses to those compatible with the residential character of the eastern part of the block. Counsel Henningsgaard advised that it was not possible. Director Cronin said that there could be deed restrictions on the sale that could limit uses. Commissioner Mitchell asked if this could become a precedent-setting decision. Staff responded that the particular nature of the institution uses surrounding the site would make it less able to be used as a precedent.

Commissioner Spence stated that he had reservations about the proposal because of the parking situation.

Planner Morgan explained that the private property would be a 50' x 100' lot with five parking spaces on the north side of the brick building.

Commissioner Easom said that it was unlikely that the property would sell as a home, since it sits in the middle of an asphalt parking lot next to the PAC. He stated that he supports the zone change.

Commissioner Moore declared he felt the change was justified given the character of the area.

Commissioner Mitchell said she was conflicted about the change but she felt that on balance it made sense to include it in a commercial zone. She stated that it would be difficult to make the findings necessary to deny the request. Although she continues to be concerned about this becoming a precedent-setting decision, the surrounding properties and the configuration of the parking lots make it unlikely that it could be sold as a single-family residence. Interim President Innes also said she was torn, but felt that it was a reasonable request.

Interim President reopened the hearing to allow rebuttal testimony from the applicant. Ann Gyde, representing the applicant, acknowledged that a law office that was leasing the space was operating illegally in a residential zone. The College initiated the zone change to address this issue as well as respond to the request of a prospective buyer, who was not available to attend the hearing.

Commissioner Easom moved that the Astoria Planning Commission finds the proposed amendment to be necessary and recommend to the Astoria City Council that the proposed amendment be approved; seconded by Commissioner Moore. Motion passed with a vote of 4-1, Commissioner Spence against; Commissioner Fitzpatrick abstained.

REPORTS OF OFFICERS/COMMISSIONERS:

Community Development Director Cronin provided a summary of the projects the department is involved in, including: Parklets, the Affordable Housing Study, Riverfront Vision Plan Phase 3, administrative reorganization, development services review, as well as economic development issues.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:55 pm.

ATTEST:

APPROVED:

Secretary

Director

MEMORANDUM

TO: ASTORIA PLANNING COMMISSION

FROM: MIKE MORGAN, INTERIM PLANNER

DATE: SEPTEMBER 9, 2015

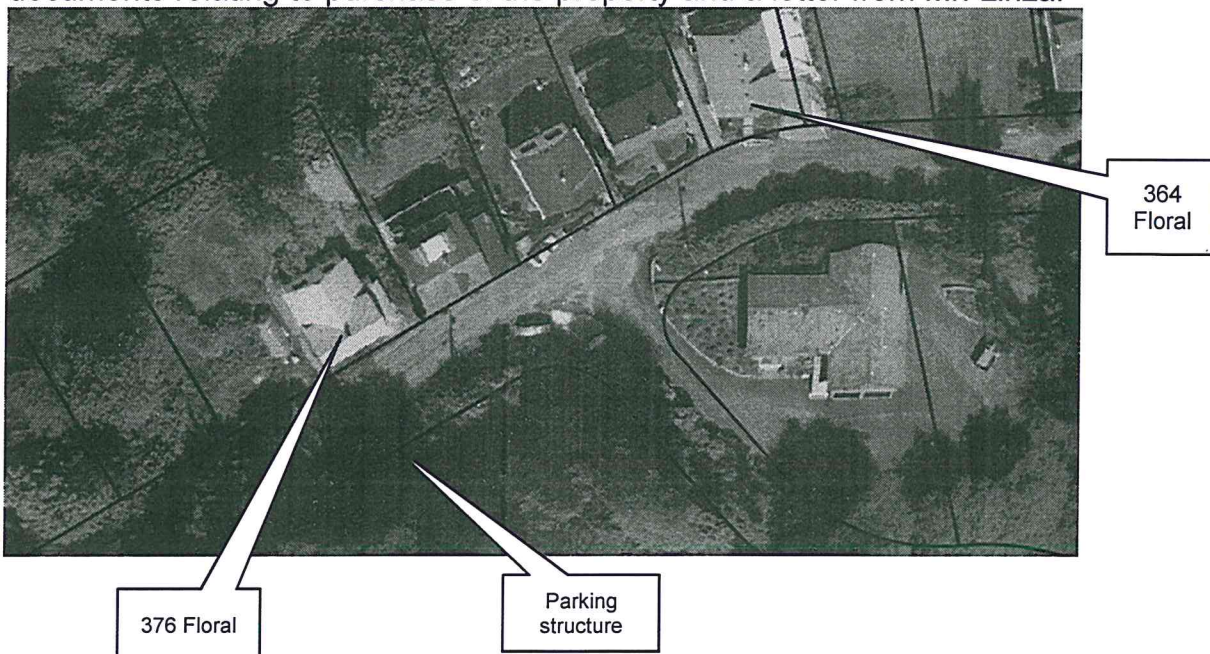
RE: LINZA CONDITIONAL USE – CU15-02

At the August 25, 2015 Planning Commission meeting, the public hearing regarding CU15-02 was continued at the request of the applicant in order to allow him to identify a location for three parking spaces to accommodate a three unit bed and breakfast at 364 Floral Street. Staff had recommended denial because, in part, of the lack of parking on site and the narrowness of Floral Street, which has no on-street parking. However, it was suggested that if three parking spaces could be found within 200 feet of the B&B he could potentially meet the requirement.

Mr. Linza applied to the City Engineering Department to allow him to occupy part of the east end of Floral for parking in the undeveloped right of way, but his request was denied.

As an alternative, Mr. Linza has contracted for purchase a home at 376 Floral, a property which has adequate parking for the home as well as a structure that is in the Floral right of way and has historically been permitted to remain as such.

The Planning Commission should consider the request in light of the proposed purchase and determine if it satisfies the parking requirement. The Planning Commission also must be sure that all other criteria is met, including the appropriateness of the proposed use relative to the transportation access and facilities, emergency response, and actual impacts to adjacent homeowners. Attached are the documents relating to purchase of the property and a letter from Mr. Linza.



Frank & Margery Linza

9/8/2015

366 Floral St.

Astoria, OR 97103

Re: Bed & Breakfast Licensing for 364 Floral St. Astoria, OR 97103

To City of Astoria Planning Commission,

We are proud to announce the purchase under contract of 367 Floral St. Astoria, OR 97103 and the accompanying city property across the street. We will be dedicating three off-street parking spaces to provide parking for 364 Floral St. Astoria, OR 97103. The parking spaces are 190 ft. from the proposed Bed & Breakfast location. Future parking spaces will be built working with the City engineers and erosion control to properly provide additional off-street parking.

Please consider this as adequate parking in compliance of Bed & Breakfast City Ordinance.

Sincerely,


Frank & Margery Linza


OWNER'S SALE AGREEMENT AND EARNEST MONEY RECEIPT

A. PURCHASER'S OFFER: FRANCIS Edward LINZA & MARJERY Ellen LINZA ("Purchaser")
offer(s) to purchase the following real property in the County of CLATSOP, State of Oregon (insert address and legal description): 376
FORAL ST, ASTORIA, OR 97103 - Lots 18-19-20 Block 15, TAYLORS ADDN.
(TAX 21707, 21703, 26380)
and the following personal property (personal property in as is condition): BARN/PARKING STRUCTURE & CITY LOT

for the purchase price of TWO Hundred & Seventy-Five Thousand Dollars \$ \$275,000.00
payable as follows: (a) earnest money herein received for of \$ 1,000.00
(b) on (date) _____, as additional earnest money, the sum of \$ _____;
(c) on delivery of ☐ deed ☐ contract, the sum of (balance of down payment) \$ _____;
(d) the balance of the purchase price \$ 274,000.00
payable as follows: ON OR BEFORE CLOSING

☐ (CHECK IF APPLICABLE) SEE ADDENDUM A FOR ADDITIONAL PROVISIONS.

Loan Contingencies. If a loan is provided for above, Purchaser shall promptly apply and use best efforts to obtain that loan, and the sale and purchase are subject to the Purchaser and the property qualifying for the loan.

Earnest Money Deposit. If this offer is accepted, the earnest money received for below shall be: (a) (use only if closing in escrow) ☒ deposited with TICOR Title

as escrow; or (b) ☐ retained by Seller, and either (i) applied at closing to the Purchase Price or otherwise retained by Seller as provided in this agreement, or (ii) retained by Seller until refundable to Purchaser as provided in this agreement.

Property Included/Excluded. With the following exceptions, Seller shall leave on the premises as part of the property purchased: all irrigation, plumbing, heating, cooling, electrical and lighting fixtures (including oil tanks but excluding unattached fireplace equipment); built-in appliances; water heaters; bulbs and tubes; window treatments; window and door screens; storm doors and windows; attached floor coverings; attached television antennae; and all shrubs, plants and trees. The exceptions are (if none, so state):

RANGE, REFRIGERATOR, SAN/MICROWAVE & WASHER AND DRYER
Deed. The property is to be conveyed by statutory warranty deed free and clear of all liens and encumbrances except zoning ordinances, building and use restrictions, reservations in

Federal patents, easements of record which benefit the property or area where the property is located and (if none, so state) NONE

Seller Financing. If Seller will hold a contract or trust deed, the contract or trust deed shall require Purchaser to: (a) maintain the real property in good condition; (b) provide fire and customary casualty insurance naming Seller as an insured, for the full insurable value of the real property; and (c) pay all real property taxes and assessments when due. Purchaser's default shall entitle Seller to: (a) call all amounts owing, due and payable; (b) recover Seller's reasonable attorney fees incurred in exercising Seller's remedies under the contract or note and trust deed; and (c) exercise all remedies legally available.

Possession. Possession of the property is to be delivered to Purchaser: ☐ within _____ day(s) after closing; ☒ on or before OCT. 19, 2013

Pro Rates. Real property taxes, rents, unused tenant deposits (whether or not refundable), interest on obligations assumed by Purchaser, other expenses prepaid by Seller for the property, and accrued and unpaid obligations relating to the property and for which Purchaser will be responsible, shall be prorated between Seller and Purchaser as of the date of possession. Real property taxes assessed after closing on account of prior special assessment of the property (e.g., as farm or forest property) shall be paid by ☐ Purchaser ☐ Seller (INDICATE WHICH). Purchaser shall pay Seller for heating oil in the tank at date of possession.

Closing. Closing shall occur on or before OCTOBER 19, 2013 (CHECK IF APPLICABLE) The transaction will be closed by the escrow company named above, with the escrow fee paid 50% by Seller and 50% by Purchaser. At closing, Seller may pay, out of the purchase money, encumbrances to be discharged by Seller.

Assignment. If any of the purchase price will remain owing to Seller after closing, Purchaser may not assign Purchaser's rights under this agreement without the written consent of Seller. Seller's Representations. Seller represents that: (a) except as stated in writing in this agreement or in Seller's Property Disclosure, if any, Seller knows of no material structural defects in the real property including the heating, cooling, electrical and plumbing systems and equipment; (b) the residence is connected to ☒ a public sanitary sewer system ☐ a cess pool or septic tank ☐ a public water system ☐ a private well. Seller agrees that the real property including those systems and equipment shall be in substantially its present condition, at delivery of possession. With these exceptions, the real property is sold and purchased as is, with all defects apparent and not apparent. NOTE: Seller may be required to give Purchaser a statutory property disclosure or disclaimer.

Private Well. If the property is served by a private water well, Seller represents that: (a) the well has provided an adequate supply of water during the entire year for the uses it serves; (b) (if the well provides water for human consumption) to the best of Seller's knowledge the water is fit for human consumption; and (c) the continued use of the well and water complies with the laws of all governmental agencies. No other representations are made concerning the water supply and well. If the well provides water for domestic use, upon Seller's acceptance of Purchaser's offer, Seller, at Seller's expense, will have the well tested for nitrates and total coliform bacteria and for such other matters as are required by the Oregon Health Division. Upon receipt, Seller shall submit the test results to the Oregon Health Division and Purchaser. If the written report of the test made by Seller shows a substantial deficiency in quality of the water, then Purchaser may terminate this transaction by delivering written notice of termination to Seller within 24 hours after receipt by Purchaser of the written test report, unless within 24 hours after delivery of notice of termination, Seller agrees in writing to correct before closing, the deficiencies shown on the report.

Inspection. Purchaser understands that a complete professional inspection of the property is advisable. CHECK ONE OF THE FOLLOWING TWO BOXES:

☒ PROFESSIONAL INSPECTION(S): Purchaser may have the property and all elements and systems thereof (including any private water well serving the property) inspected by one or more professionals chosen and employed by Purchaser. If an inspector reports the presence of a material defective condition or of a lead-based paint hazard in the property,

Purchaser may terminate the transaction by delivering to Seller, written notice of Purchaser's disapproval of the inspection report. Notice must be delivered within _____ business days (seven if not filed in) after the date this agreement is made. Purchaser shall promptly provide a copy of the report to Seller if requested by Seller. Purchaser understands that if Purchaser does not give written notice of disapproval of an inspection report showing a material defective condition or a lead-based paint hazard, within the time provided above, that constitutes acceptance of the condition of the property.

☐ PURCHASER'S INSPECTION: Purchaser has personally inspected the property and all elements and systems thereof. Purchaser is fully satisfied and has elected NOT to have an inspection performed by anyone else.

Lead-Based Paint. ☒ (Check and comply if property includes non-exempt housing constructed before 1978) See attached "Seller's Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards."

Smoke Detectors. Seller agrees that prior to closing a properly installed and functioning smoke detector(s) will be installed in each dwelling unit as required by law.

Title Insurance. As part of closing, Seller will furnish to Purchaser at Seller's expense a title policy in the amount of the purchase price and insuring marketable title. Prior to closing, Seller shall give Purchaser a title insurance company's report showing its willingness so to insure title to the property.

Earnest Money Payment/Refund. If Seller does not accept this offer, or if Seller accepts this offer and fails to close the sale as provided in the agreement, the earnest money shall be refunded, but Purchaser's acceptance of the refund is not a waiver of other remedies available to Purchaser. If Seller accepts this offer and is ready, willing and able to perform, and Purchaser fails to perform as and when provided in this agreement, then the earnest money and additional earnest money, if any, shall be paid to Seller and this contract will be of no further binding effect.

Statutory Disclosures. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES. (IF THE PROPERTY IS TAXED AS HISTORIC PROPERTY, INCLUDE STATEMENT IN ORS 93.040(3)) Time/Essence/Binding Effect. Time is of the essence. This contract is binding upon the successors and permitted assigns of Purchaser and Seller.

Purchaser may revoke this offer any time prior to Seller's acceptance. If not accepted by 4 o'clock PM, (date) 18 SEPT. 2013, this offer is automatically revoked. Purchaser has an executed copy of this offer, which Purchaser has read and understands. The deed or contract is to be prepared in the name of

FRANCIS, Edward LINZA & MARJERY Ellen LINZA

Purchaser (A): Francis Edward Linza Date: 7/8/13 (B): _____ Date: _____

Address (A): 364 Foral Street Astoria OR 97103 Address (B): _____

Address (B): _____

Phone(s): (A) 503-407-4168 & _____; (B) _____ & _____ Fax: (A) _____; (B) _____

B. SELLER'S ACCEPTANCE/REJECTION/COUNTER OFFER AND RECEIPT FOR EARNEST MONEY (COMPLETE ONE OF THE FOLLOWING TWO OPTIONS):

☐ Seller accepts the Purchaser's offer and acknowledges receipt from the Purchaser of the sum of \$ _____ in the form of ☐ cash ☐ check ☐ promissory note

payable: ☐ on Seller's acceptance; or ☐ on (date) _____, as earnest money and part payment of the purchase price, which Seller will handle as

provided above. Seller acknowledges receipt of an executed copy of this contract, which Seller has read and understands.

☐ Seller rejects Purchaser's offer and (check if applicable) ☐ makes the attached counter offer.

Seller (A): _____ Date: _____ (B): _____ Date: _____

Print Seller Name(s): (A) _____ (B) _____

Address (A): _____ Address (B): _____

Address (B): _____

Phone(s): (A) _____ & _____; (B) _____ & _____ Fax: (A) _____; (B) _____

C. PURCHASER'S ACKNOWLEDGMENT: Purchaser acknowledges receipt of a copy of Purchaser's offer showing Seller's acceptance, and confirms Purchaser's agreement to purchase the property.

Purchaser (A): _____ Date: _____ (B): _____ Date: _____

Receipt for Funds

Settlement Agent Name:
 File/Escrow Number: 360415018709
 Settlement Date:
 Client/Matter: Franis Edward Linza
 Ledger Comment:
 Property Address: 376 Floral Street/Astoria OR 97103

Trust Accounting Date: 9/8/2015
 Trust Account Code: TAUS
 Trust Account Bank Name: TAUS
 Trust Account Number:

Transaction Date: 9/8/2015
 Reference Number: 114001048
 Deposit Number:

Received From: Francis E Linza Amount: \$ 1,000.00

Funds Applied Towards: Buyer
 Type of Funds Received: Check
 From Check Number: 4968
 Account Number: *****20
 Bank Drawn On: Providence Credit Union
 ABA Routing Number: 323075945

Memo: Earnest Money

Received the above funds:

9/8/15
 Date

Haley Rubus

The parties to this escrow acknowledge that the maintenance of escrow accounts with some depository institutions may result in Escrow Holder or its affiliates being provided with bank services, accommodations or other benefits by the depository institution. Escrow Holder or its affiliates also may elect to enter into other business transactions with or obtain loans for investment or other purposes from the depository institution. All such services, accommodations and other benefits shall accrue to Escrow Holder or its affiliates and Escrow Holder or its affiliates shall have no obligation to account to the parties to the escrow for the value of such services, accommodations or other benefits.

NOTICE OF OPPORTUNITY TO EARN INTEREST

You have the opportunity to earn interest on your escrowed funds as follows:

1. Request your escrow agent setup an interest bearing account.
2. The charge to set up and service the interest bearing account is \$ _____.
3. As an example, the amount of interest you can earn on a deposit of \$1,000.00 for a thirty day period at an interest of 4% is \$3.33. Interest earned is dependent on the amount of the deposit, length of time of the deposit and the prevailing interest rate.
4. To establish an interest bearing account, ask for an "Escrow Instruction - Interest Bearing Account", complete the form and return it to your escrow officer.

FRANCIS E LINZA
 CELL 503-407-4168
 19475 S FISHERS MILL RD
 OREGON CITY, OR 97045

360415018709 WR 9/8

4968

7/8/15 Date

Pay to the Order of: TICOR TITLE \$ 1,000.00

One Thousand Dollars & 00/100 Dollars

6400 SELAKE ROAD, SUITE 125
 MILWAUKIE, OR 97222
 (503) 215-6090

Providence FEDERAL CREDIT UNION

For: Earnest Money 376 Floral St Astoria OR 97103

Frank E Linza

9/8/15
 03:56:01PM
 Report By: haley.rubus

STAFF REPORT AND FINDINGS OF FACT

August 11, 2015

TO: ASTORIA PLANNING COMMISSION

FROM: MIKE MORGAN, PLANNER



SUBJECT: CONDITIONAL USE REQUEST (CU15-02) BY FRANK LINZA TO LOCATE A THREE ROOM BED AND BREAKFAST AT 364 FLORAL AVENUE

I. SUMMARY

- A. Applicant: Frank Linza
364 Floral Avenue
Astoria OR 97103
- B. Owner: Margery Linza
366 Floral Avenue
Astoria OR 97103
- C. Location: 364 Floral Avenue; Map T8N-R9W Section 7CD, Tax Lots 3400 & 3302, 2400; Lot 5, Block 15, Taylor's
- D. Zone: R-3, High Density Residential
- E. Lot Size: 6,775 square feet (.15 ac.)
- F. Proposal: To operate a three bedroom transient lodging facility in an existing single family home.

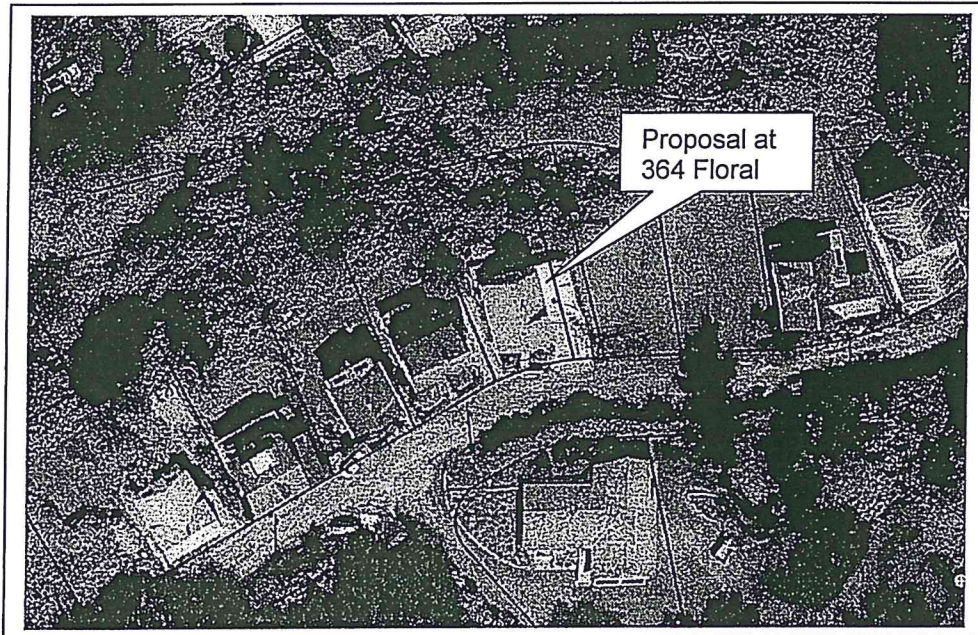
II. BACKGROUND INFORMATION

A. Site:

The building is located on the north side of Floral Avenue overlooking the Port of Astoria marina and the Astoria Megler Bridge. It is currently operated as a 2-unit Home Stay Lodging, which is an outright use in the R-3 zone. The site is on the edge of a regulatory landslide that extends north across Multnomah Avenue onto Alameda Avenue. Floral Avenue is a dead end street and relatively narrow in this area and is classified as a local street in the Transportation System Plan. There are three other single family dwellings beyond (east of) the proposed facility, where Floral dead ends.

B. Neighborhood:

Floral is developed almost exclusively with single family dwellings. There is a vacant lot next to the proposal on which a single family dwelling could be built. The neighborhood slopes steeply down to Alameda Avenue. Multnomah Avenue right of way directly below the house is undeveloped.



C. Proposal:

The applicant currently operates 364 Floral as a "Home Stay Lodging", which is a transient lodging facility with one or two rooms and is occupied permanently by the owner. He is proposing to operate a three bedroom bed and breakfast at this location. A bed and breakfast of this size requires five parking spaces. A bed and breakfast is defined as a transient lodging facility between 3 and 7 bedrooms which is owner or manager occupied and provides a morning meal. The applicant is requesting one more unit above the home stay lodging which he currently operates.

III. PUBLIC REVIEW AND COMMENT

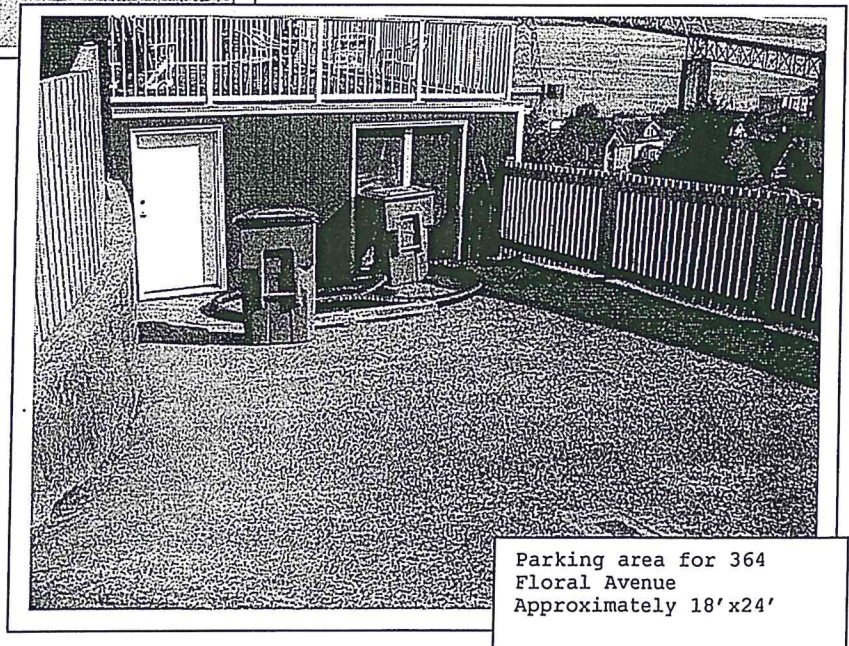
A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on July 31, 2015. A notice of public hearing was published in the Daily Astorian on August 18, 2015. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

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

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

Finding: A bed and breakfast facility is allowed in any residential building and is not limited to single-family dwellings. As mentioned, the owner currently operates a two unit "home stay lodging" facility which is permitted in the R-3 zone as an outright use.



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

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

Finding: The request is for three guest rooms plus the manager's residence, which requires five parking spaces. The building at 364 Floral can accommodate two parking spaces in the driveway, which is approximately 18' wide by 26' long. The building at 366 Floral, which is also owned by and is the home of the applicant, has a driveway that can accommodate two vehicles. The applicant is in the process of putting pavers in front of the 364 Floral house, which could conceivably provide one additional space. Without this space, there is a deficit of three parking spaces that are needed for the guest rooms. Because of the narrowness of the Floral Avenue right of way, it is not possible for the guests or the owners to park on the street. Apart from a variance, the only other option would be for the applicant to lease off site parking spaces in the neighborhood. Standard is not met.

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

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

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

Finding:

The house is suited to use as a bed and breakfast, with outstanding views and outdoor living area overlooking the Columbia River. The owner has made significant improvements to the structure, including the interior and exterior, which was previously used as a single family rental. However, the three lodging rooms may overtax the capacity of the property and the neighborhood with the lack of parking and maneuvering area. Standard is not met.

- E. 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 existing building was constructed and used as a single-family residence. The applicant states that he will live in the 364 Floral building. The applicant and his wife own both 366 and 364 Floral. There are other appropriately zoned sites throughout the R3 Zone, but not owned by the applicant. The R3 zone allows for a variety of residential uses as an outright use, including home stay lodging as an outright use. There are no other lodging facilities on Floral Avenue at the present time.

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

Finding: The site is difficult because of the narrowness of Floral Avenue and the lack of available land for parking. While the property is large, most of the lot extends over the bank to the north. On-street parking is available only in the sloping driveway or in the front yard of 364 Floral.

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

Finding: Public facilities are available to the site. The use will not overburden water, sewer, or storm drainage. The impacts of a small bed and breakfast would be less than a three or four bedroom home with full-time residents. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but the proposed use will not overburden these services

- H. 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 exterior construction is proposed as part of this request. The property includes a portion that is in a landslide area that extends north, but no geologic report is required.


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


Finding: The building is existing and the site is amply landscaped. Additional landscaping is not required.

VI. CONCLUSIONS AND RECOMMENDATIONS

The request does not meet all applicable review criteria. *Staff recommends denial of the request based on the Findings of Fact above.*

However, the Planning Commission may consider continuing the hearing to enable the applicant to obtain through lease or purchase three additional parking spaces for guests within 200 feet of the proposal.

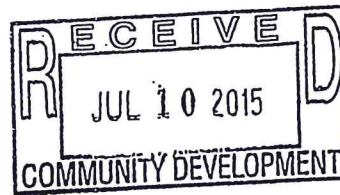


Interim Planner

Director



CITY OF ASTORIA
Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT



No. CU 1502

Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: 364 FLORA

Lot 5 ~~Admission 4~~ Block 15 Subdivision Jaylors

Map 7C0 Tax Lot 3400 \$3302 Zone R3

Applicant Name: Frank Linza

P.O. Box

Mailing Address: 422 Astoria OR 97103

Phone: 503-407-4168 Business Phone: Email: flinzacabinetry@gmail.com

Property Owner's Name: Margery Linza

Mailing Address: Same

Business Name (if applicable):

Signature of Applicant: Frank Linza

Date: 6/16/15

Signature of Property Owner: Margery Linza

Date: 7/8/15

Existing Use: SINGLE FAMILY RES.

Proposed Use: BED + BREAKFAST (3 UNITS)

Square Footage of Building/Site: ? 2032 sq ft NOT included CARPORT 522 sq ft

Proposed Off-Street Parking Spaces: 4 SPACES

NOTE: 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.

Office use only:

Application Complete:

Labels Prepared:

120 Days:

Permit Info Into D-Base:

Tentative APC Meeting Date:

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

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

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

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.

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

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

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

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

Application for Bed and Breakfast for 364 Floral St. Astoria, OR 97103

07/10/15

Where applicable answered below:

11.030 (A) (1) Owner occupied single family home with three bedrooms and one separate owner living quarters. Street level parking with one cement level stair to access front door. Home recently remodeled to updated level flooring and secure well lit carpeted staircase with railing to upper level. Lower level bedroom accessible by secure level wood steps, well lit, with railing. Lower level bedroom also accessible by lower level door accessible from driveway.

11.030 (A) (2) Access to two off street parking sites and two street parking sites for standard size vehicle. Parking does not inhibit traffic flow on dead-end street. Adequate street turnaround at end of dead-end street. Emergency vehicle accessible. City refuse disposal and collection provided at site on Monday a.m. Additional parking provided at 366 Floral.

11.030 (A) (3) Three bathrooms with recent plumbing inspection. Two showers, all well draining. Storm drainage and downspouts updated for proper drainage. Owner occupied.

11.030 (A) (4) No new construction on exterior of building except for updated materials used to improve strength and security of railings of decking. Cross-bracing of foundation support beams and columns to enhance structural strength.

11.030 (A) (5) Easement parking between 366 Floral and 364 Floral. Appropriate landscaping between other buildings on Floral from 364 Floral. Landscaping between parking and front of building.

364 Hotel Est

364 Hotel Est

366 Hotel Est

368 Hotel Est

364 Hotel Est

September 2, 2015...

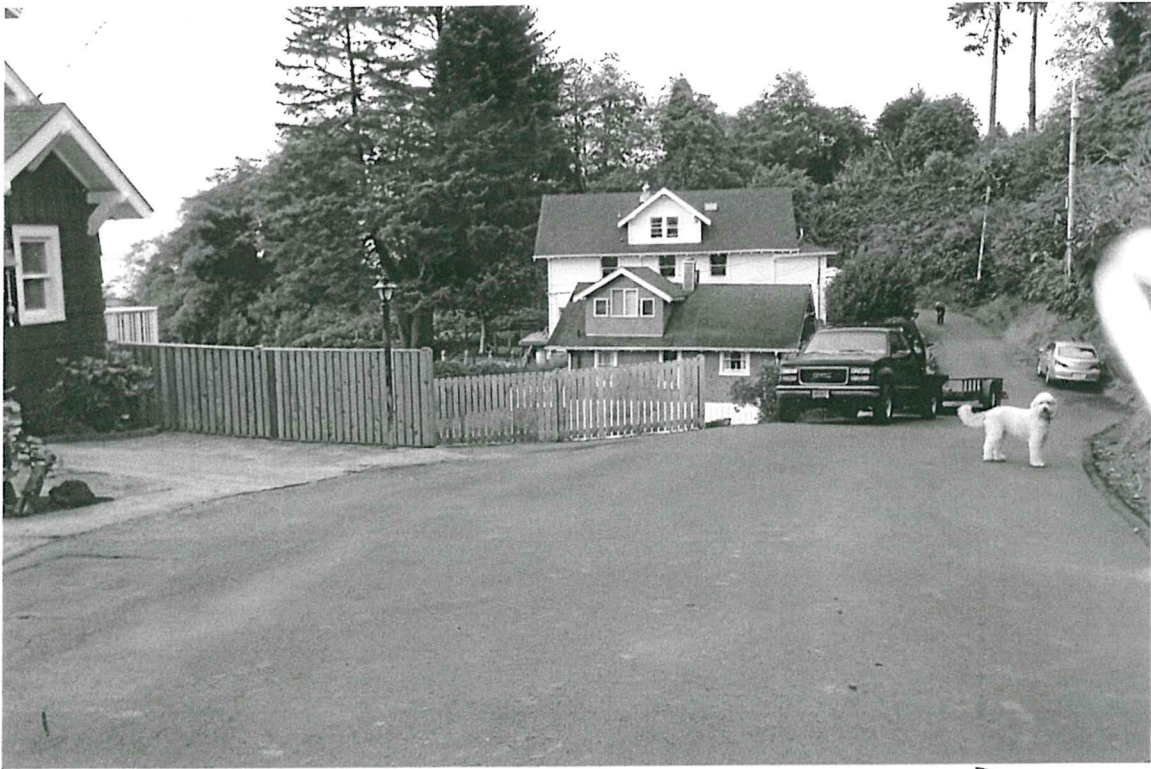
Cheryl L. Allen, 368 Floral Ave, pictures taken August 27, 2015 of Floral Ave. Astoria Oregon. I submit these as evidence, our street can not support This Bed and Breakfast Mr. Linza proposed. I hope all council members have had chance to walk, and observe why much of Floral Ave. residents feel this way. If you have not I walked it for you.

Cheryl L. Allen
368 Floral Ave
Astoria OR
97103



9-3-15
today there was head on
Crash on Alameda Cstreet
below Floral) that street is
much like Floral, double parking,
Blind curves. I have avoided
same thing on Floral
Cheryl Allen

1



Looking down Floral From 368



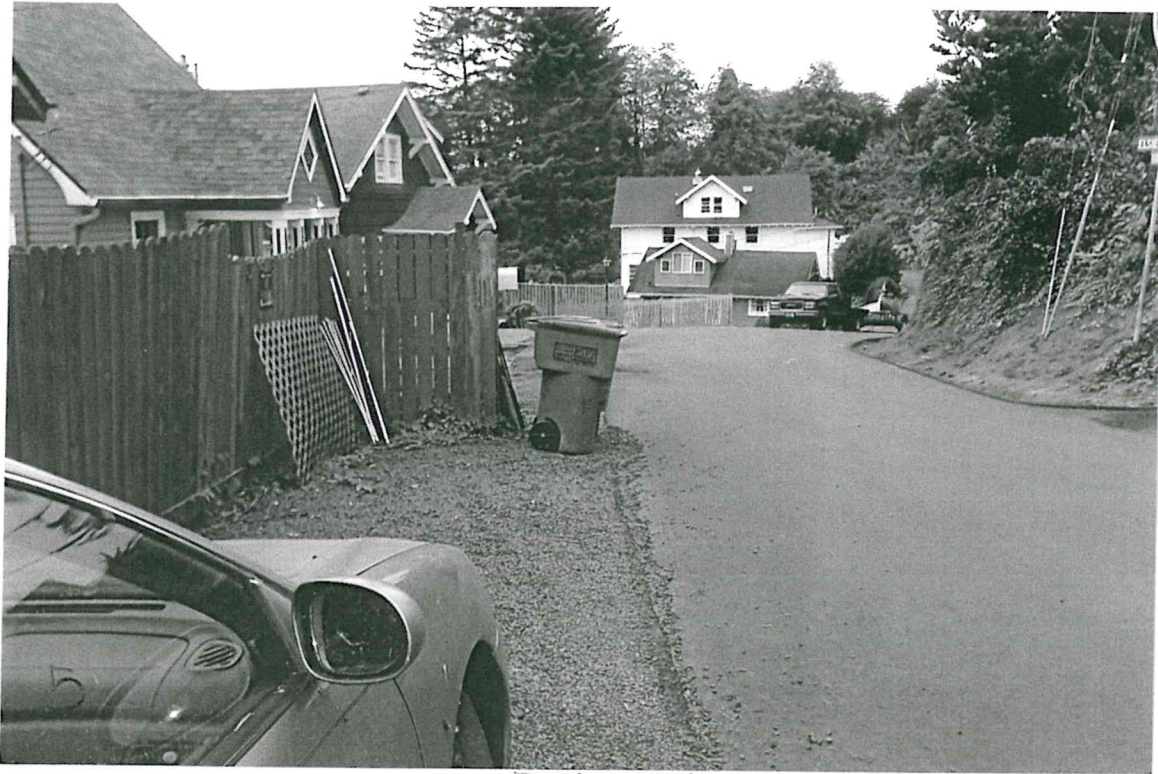
This could be boats or
trucks many large vehicles, can



Looking up from proposed
B+B with no car's double parked



Elsie to left my home to
right only turn around I UPS
have been used for garbage. Follow



my parking 368 Floral with
 parts of Fence removed by Mr. Linza
 notice truck trailer there all Summer



4



looking up Floral, Mr. Hecks house
to right



Looking up Floral deceiving
nocars also known slide area
and horizontal in fall & winter (when driving)



more of Floral



Looking down Street
towards Alameda

6



Floral ave



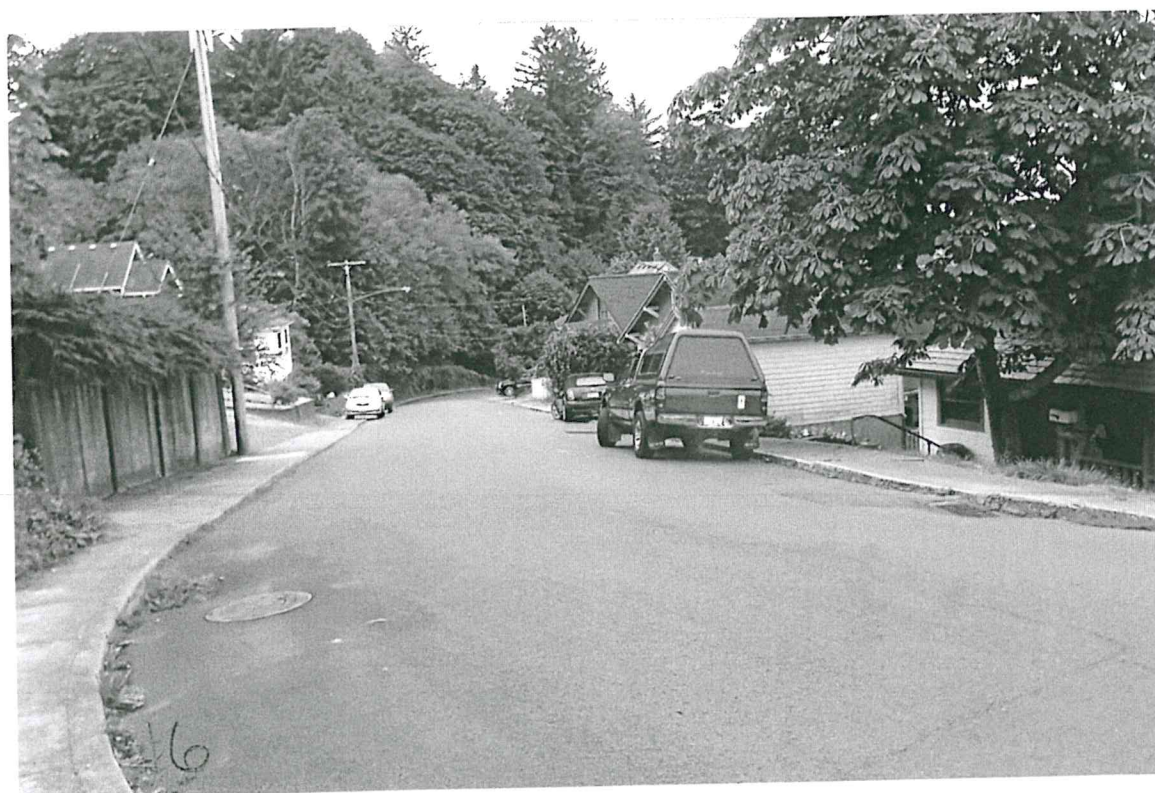
Griggs - Bull house to right
down hill.



Sharp corner Floral
looking towards Alemeds



Towards Alameda on Floral



There is reason why people park
on S. I. (2011)



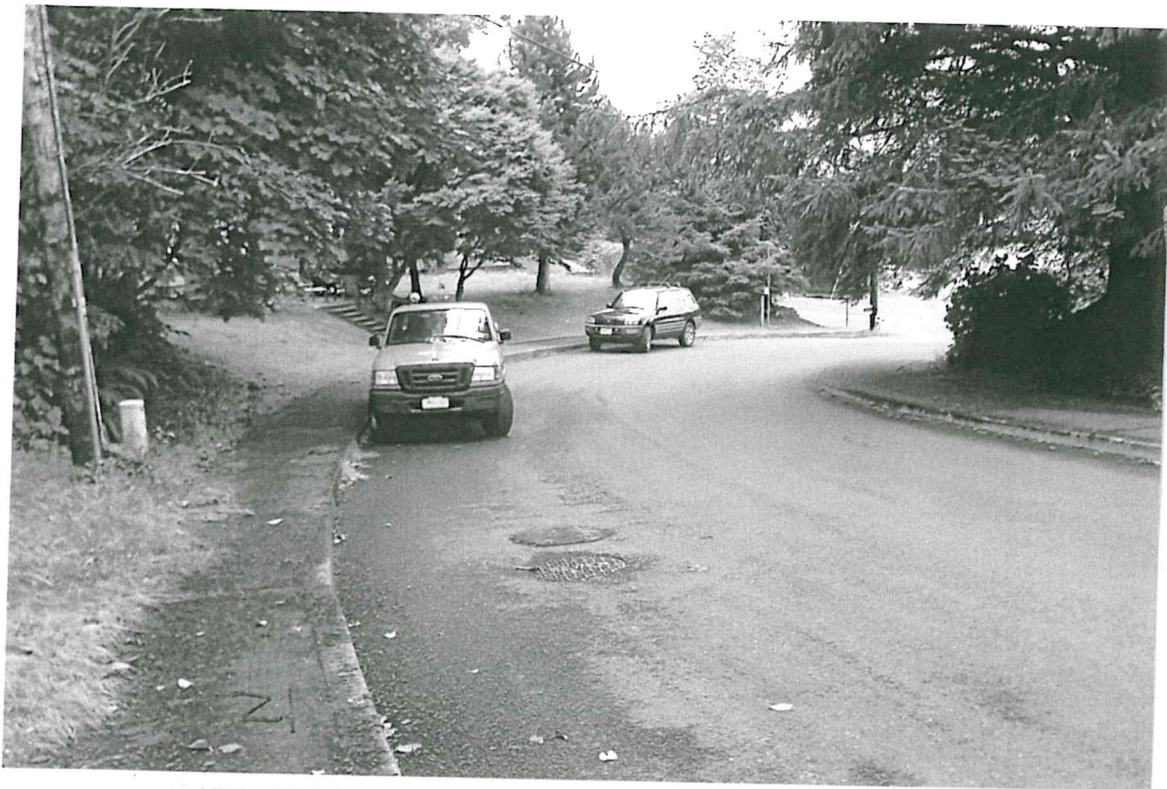
Looking up Slope from almost
Bottom of Floral



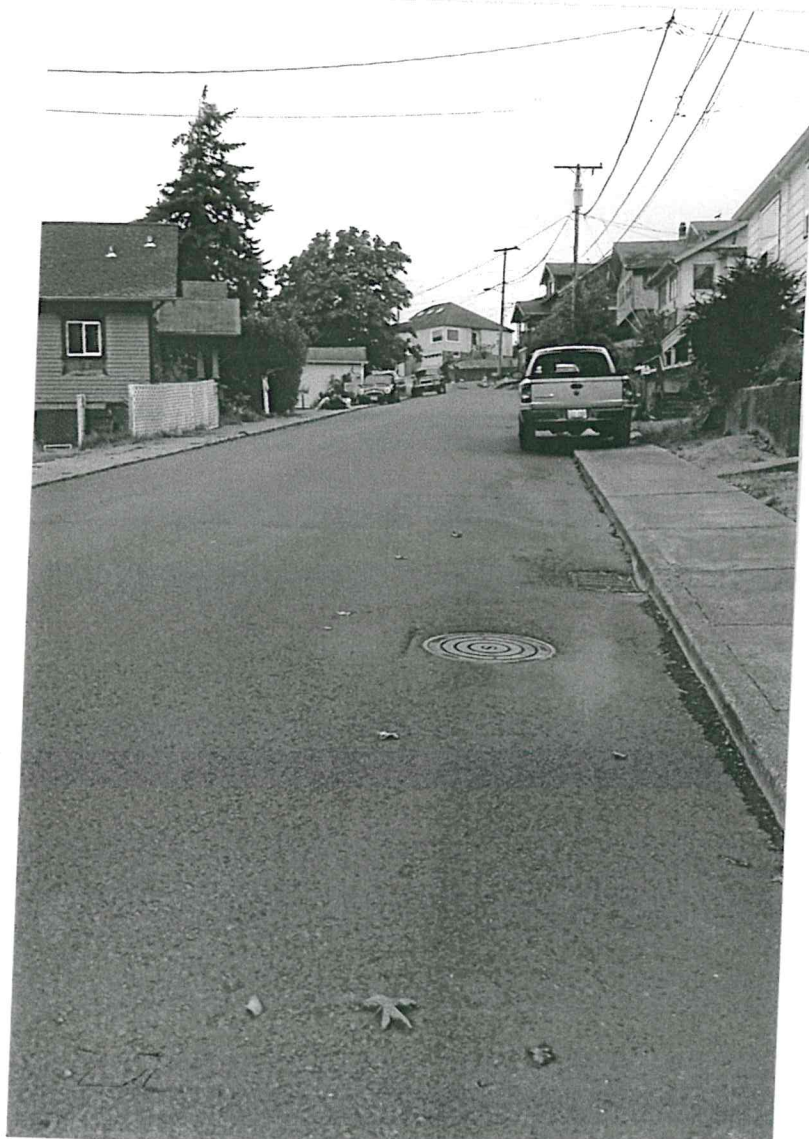
Last curve before a lemeck,
on Floral - often has vehicles
in the corner



looking up floral car on
side walk for Reason



← Alemedk
w/ kinds
both
sides
Double
parked



Looking
up Floral
From above
picture



Looking up Floral



Fire trucks have not
made it up hill R/T parkings



25

Small SUV takes up road
looking up Floral Ave



26

a Real perspective of
how Small Street is +



MR. Maki's house to right difficult
to see any oncoming traffic, walking



From my porch, some
proposed parking 9-2-15 how much
under new Dumb



again mr Linza's proposed
Parking



See how Big 1-truck is



Floral ave, what happen's with car's boats - out of my window



368
← FLOR
They have no time turning

Looking up Elsie 1/2 (about) private drive. Where (wow) FedEx UPS private many turn around. IF I Dark in my space



Linza's proposed parking



whats not Left of
my yard. City approved



proposed B+B parking - this is
normal work day all summer - traffic
very limited - for 2 empty homes ,



now I have approved
mud pit, to only entry to my home



my tree
From funeral
For friend
now all
taken
and approved
By permit



This
is
future
parking
as
my
porch
taken
+ retained
wall to
hold up

STAFF REPORT AND FINDINGS OF FACT

September 9, 2015

TO: ASTORIA PLANNING COMMISSION

FROM: MIKE MORGAN, INTERIM PLANNER

SUBJECT: CONDITIONAL USE REQUEST (CU15-04) BY BRUCE C. JONES C/O of Astoria Armory TO ALLOW INDOOR FAMILY ENTERTAINMENT AT THE ASTORIA ARMORY, 1636 EXCHANGE STREET.

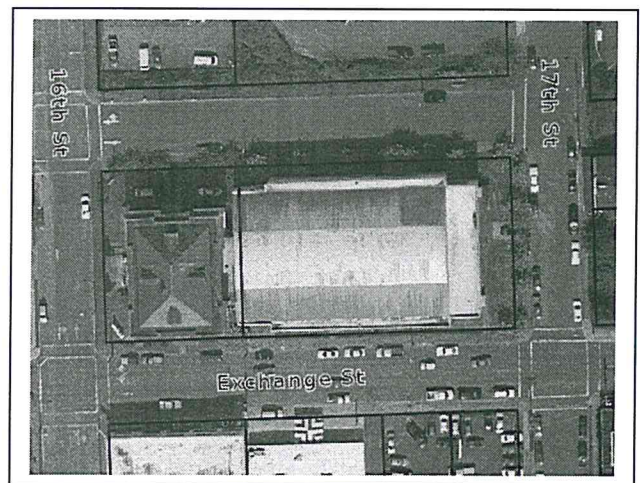
I. Background

- A. Applicant: Bruce C. Jones/Friends of the Astoria Armory
455 45th Street
Astoria OR 97103
- B. Owner: Craft3 c/o Walt Postlewait, Chief Lending Officer
PO Box 826
Ilwaco, WA 98624
- C. Location: 1636 Exchange St., Lot 1-4, Block 120, Shively, Map T8N-R9W
Section 8DB, Tax Lot 1400;
- D. Zone: MH Maritime Heritage
- E. Lot Size: 25,000 s.f., or .57 acres. (200 ft. x 125 ft.)
- F. Request: To operate a facility for indoor family entertainment in the Astoria Armory, including roller skating, etc. in the building.

II. BACKGROUND

A. Site:

The Armory is located on the north side of Exchange Street just east of 16th Street and the Heritage Center. The building occupies most of the 25,000 square foot site, and has two levels. It contains approximately 40,000 square feet total. There is minimal open space and parking around the building. The building was completed in 1942 during



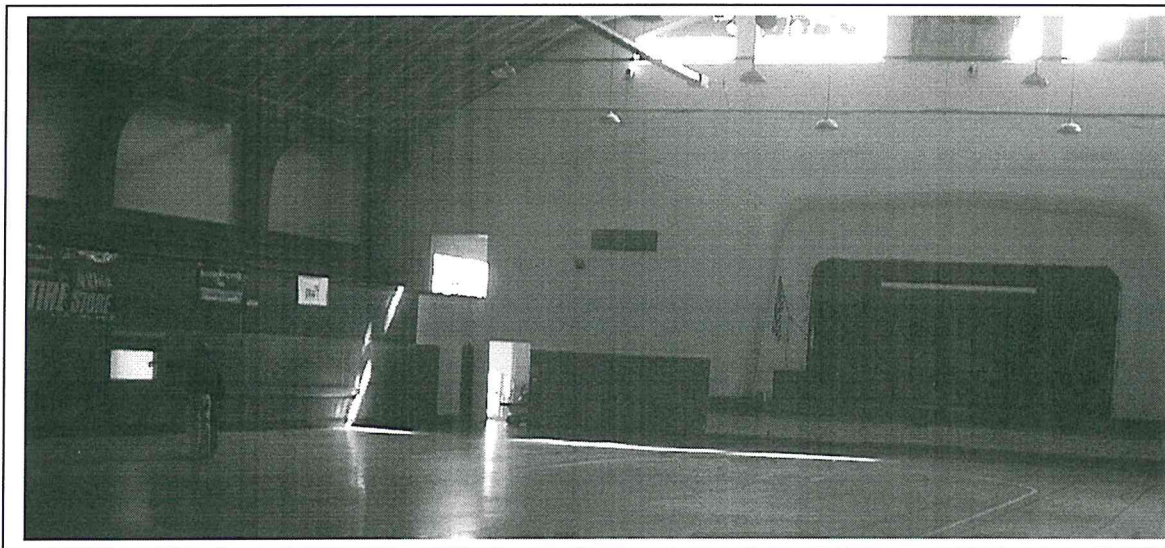
WWII and is designated historic in the Shively McClure Historic District. The building has a unique barrel-shaped, lamella wood, roof design and had a previous seating capacity of 2,000 making it the largest event center in Astoria in its day. According to the Astoria Armory website, John E. Wicks and Ebba Wicks are the architects on record who were commissioned by the Astoria National Guard.

Adjacent Neighborhood:

The neighborhood is surrounded with commercial and institutional uses, including the Heritage Center to the west, the former Lum's Auto property to the south, the Moose Lodge and CRMM property to the east, and the US Coast Guard parking lot on the north (which contains the Bowpicker). Some single-family dwellings are southeast of the Armory on 17th Street above an electrical contractor. A new commercial building ("Black Building") is under construction at the corner of 16th and Duane Streets north of the Heritage Center.

C. Proposal:

The applicant requests a permit to allow indoor family recreation in the Armory, including roller skating, public/private events, concerts, markets, entertainment and athletics, and other forms of recreation. The Friends of the Armory recently received their 501c(3) status from the IRS, and are applying for grants to repair the building and support the activities.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on August 21st, 2015. A notice of public hearing was published in the Daily Astorian on September 9, 2015. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 1.400 defines "Indoor Family Entertainment" as *"A facility which provides entertainment for persons of all ages, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, and similar facilities."*

Finding: The applicant proposes to operate a facility which meets this definition. Criteria are met.

- B. Section 2.050(1) states that *"All uses will comply with applicable access, parking, and loading standards in Article 7"*. Section 7.110 requires one space per 400 square feet for recreation centers.

Finding: The 20,000 square feet of usable space on the main level requires 50 parking spaces. The applicant has stated that the Armory can provide 20 parking spaces in the basement; but there are issues in this area with fire protection and ventilation. A few spaces are available on the east side and possibly the north side of the building for staff. The other alternative for event parking is the possibility of using parking across Exchange owned by Lum's Auto. The Armory is working to obtain a letter of agreement from the owner for long term use of the property. Other options for large events could be the use of the Aquatic Center parking or Columbia River Maritime Museum parking during the evening. If these options are not available the Armory could apply for a parking variance. The criteria are met if the applicant can show agreements with nearby parking lot owners that provide adequate spaces.

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

1. Comprehensive Plan Section CP.055(4) in the Downtown Area Policies states that *"The City encourages the reuse of existing buildings prior to the expansion of commercial zones."*

Comprehensive Plan Section CP.255(8) concerning Historic Preservation in the Gateway Overlay Area states: *"The City will encourage the preservation of significant historic structures within the Gateway Overlay Area..."*

Finding: The request will provide use of an underutilized historic building and stimulate reinvestment in the structure as well as the surrounding area. The request is in compliance with the Comprehensive Plan. Criteria are met.

- 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 use is appropriate at this location. The building was originally built as a recreation facility for the USO in 1942 for military personnel stationed in Astoria. It has been sporadically used since the end of WWII for various purposes, most recently as storage by CRMM. It is located on an arterial street, Exchange, and is one block off of Lief Erickson Drive. There are no other venues in Astoria or the area that accommodate similar type of recreation activities such as roller derby or indoor soccer. Criteria are 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 site layout was determined when the structure was built, and has changed little since that time. There is minimal parking on site, but the City has permitted uses such as Shanghaied in Astoria to obtain parking agreements with surrounding property owners that have no nighttime activity. The building has adequate parking for staff, and has loading and unloading areas, refuse collection points, sidewalks, and is located on public transportation routes. It is within easy walking distance of the central residential area and the downtown. The CSO project is currently replacing sidewalks at the corner of Exchange and 16th. This is a corner property that provides easy access for fire apparatus. The TSP has identified various improvements for pedestrians and bikes that will facilitate traffic flow as well. Staff suggests the applicant work with Recology on a disposal and recycling plan. Criteria 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. The utilities were designed for use by hundreds of users at the same time. The applicant will continue to upgrade the infrastructure as funds are available. As with all new or increased businesses and development, there will be incremental impacts to police and fire protection but it will not overburden these services. The building does not have sprinklers, but does have multiple evacuation egresses. Criteria 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: The building has experienced some settling in its 73 year life, but is not significant. It is not within 100' of a landslide. No new construction is proposed. Criteria is met.

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: There is a landscaping strip along the south and north sides of the building, which will be maintained and would provide a better front facing appearance. Criteria is met.

V. CONCLUSIONS AND RECOMMENDATIONS

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

1. The applicant shall obtain parking agreements with nearby property owners for 50 parking spaces or apply for a variance.
2. The applicant shall provide off-street parking or obtain a variance.
3. The applicant shall work with Recology on a disposal and recycling plan.
4. The landscaping area shall be maintained and planted with materials consistent with Chapter 3.105. Significant changes shall include a landscape plan when structural building permits are required.
5. 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 renovation or major construction.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856
COMMUNITY DEVELOPMENT



No. CU 15-04

Fee: \$250.00

OK
8-11-15

CONDITIONAL USE APPLICATION

Property Address: 1636 Exchange St

Lot 1-4 Block 120 Subdivision Shively
Map 8DB Tax Lot 1400 Zone MARITIME HERITAGE

Applicant Name: BRUCE C. JONES

Mailing Address: 455 45th St, ASTORIA OR 97103

Phone: *(503) 741-5914 Business Phone: same Email: brucecjones2@gmail.com

Property Owner's Name: Craft3 - Walt Postlewait, Chief Lending Officer

Mailing Address: P.O. Box 826, Ilwaco, WA 98624

Business Name (if applicable): Craft3 Friends of the Astoria Armory

Signature of Applicant: [Signature] Date: 6 Aug 2015

Signature of Property Owner: [Signature] Date: 8/11/2015

Existing Use: Roller skating, public/private events, concerts, markets, entertainment and athletics, recreation

Proposed Use: same as above

to allow indoor family entertainment

Square Footage of Building/Site: 40,000 SF, 0.57 ac

Proposed Off-Street Parking Spaces: 8 outside + 20 inside (basement) depending on basement usage

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>MM, 8/11/15</u>	Permit Info Into D-Base:	<u>8-13-15</u>
Labels Prepared:	<u>8/14/15</u>	Tentative APC Meeting Date:	<u>9-22-15</u> C
120 Days:			

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

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

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

This application constitutes a return to the Armory's historic uses. Armory is Astoria's only indoor venue capable of supporting large athletic/entertainment events. Events held already demonstrated adequate accessibility.

- 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.

Events held to date (e.g., GOONIE FEST HQ) demonstrated the adequacy of the layout for the activities above. Large crowds were safely accommodated by regular bus service, personal vehicles + on foot. Emergency vehicles have access on the north, east and south sides of the Armory.

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

Adequacy in each of these areas has been demonstrated at Goonie Fest, Mayor's Ball and Roller Derby events.

- 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.

The Armory has been in place since 1942 and no adverse characteristics have been noted.

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

The majority of all activities will be contained within the Armory structure and not visible outside the building.

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

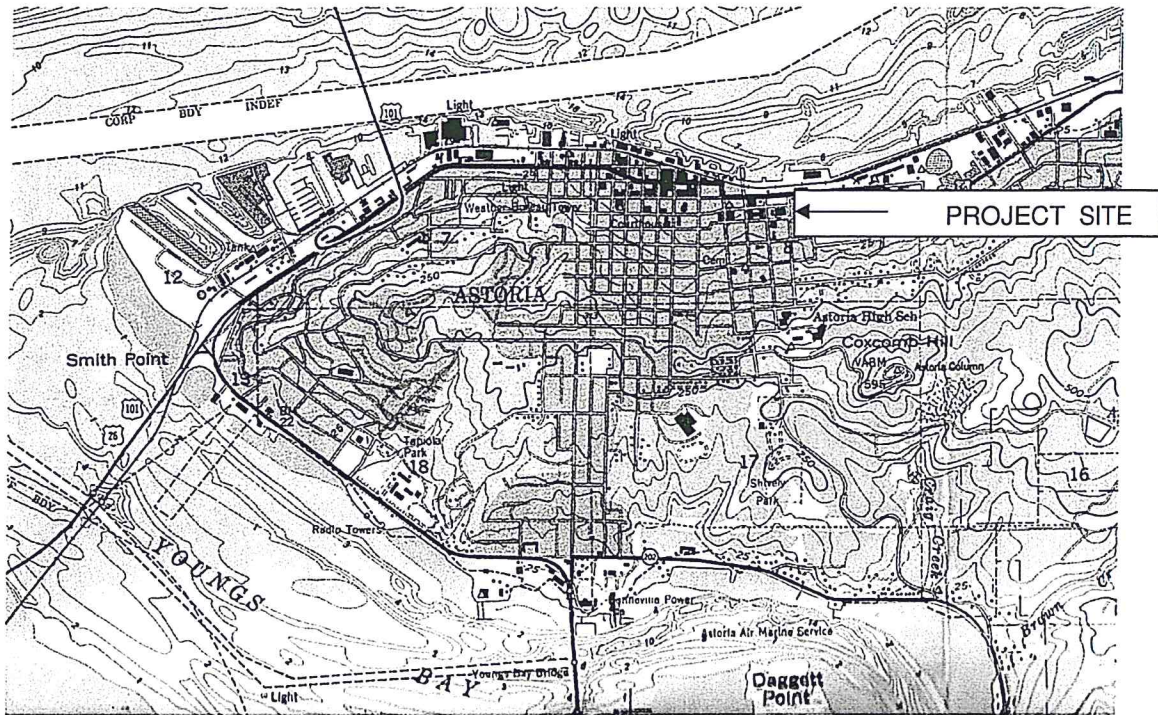


Figure 1: Site Vicinity Map

US Geological Survey Minute Topographic Map, taken from Astoria, Oregon 7.5 minute quadrangle, Approximate Scale = 1:24,00 (north is up).

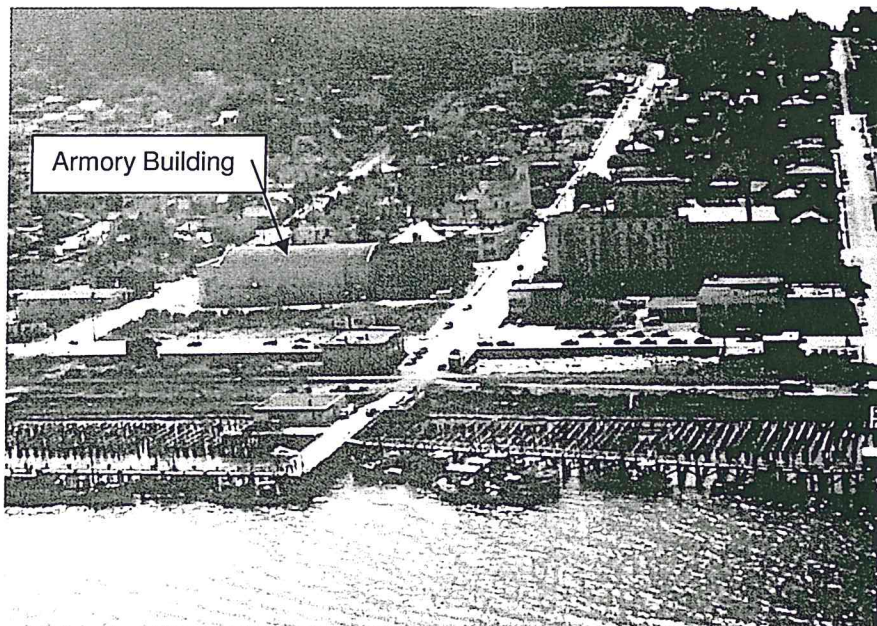


Figure 2: Aerial Photograph

An aerial photograph taken in the summer of 1945 shows the project site and project site area. The photo shows the newly constructed project site building and surrounding blocks and waterfront.

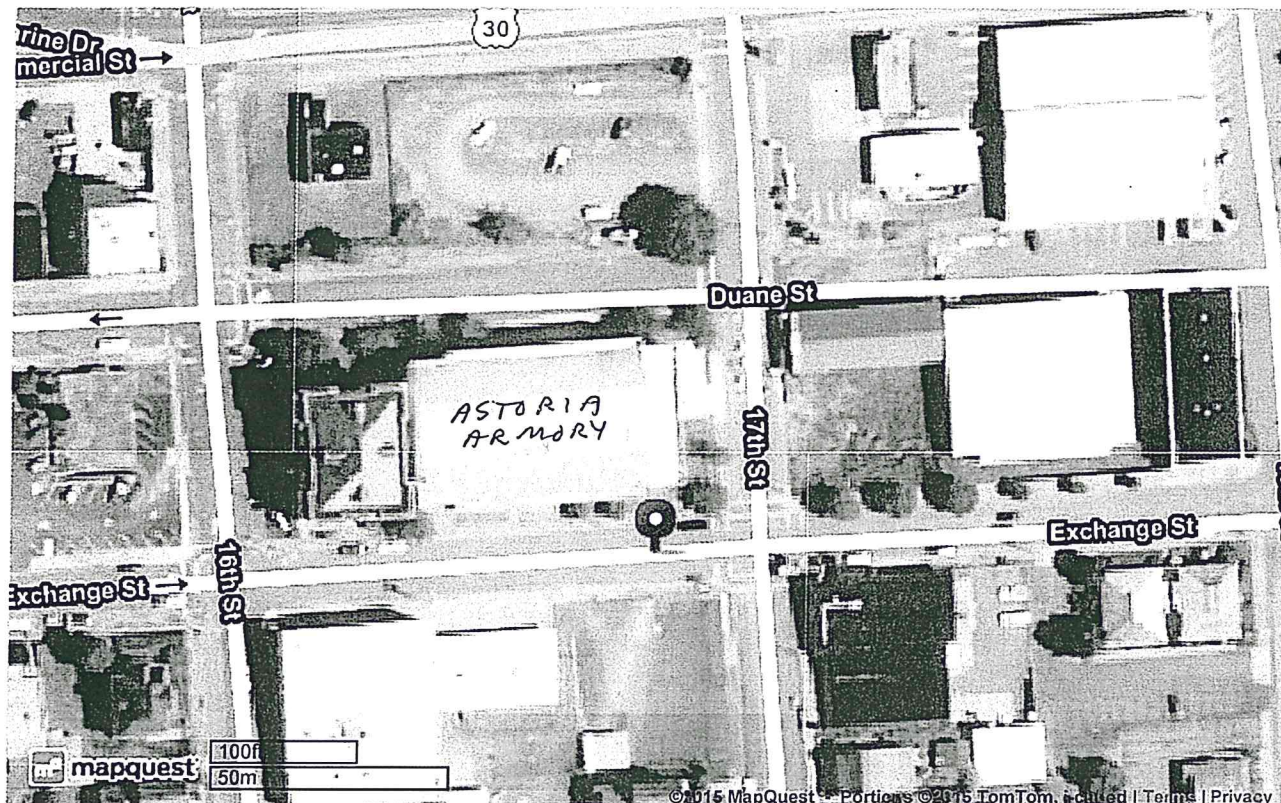
Notes



Map of:

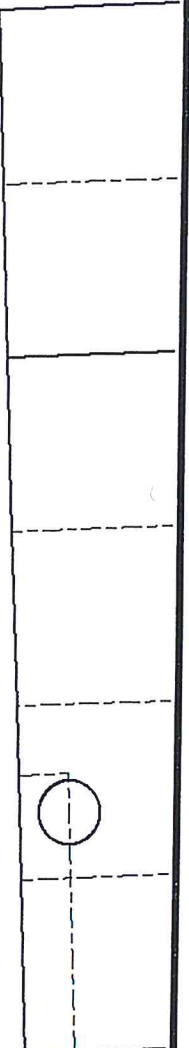
1630 Exchange St

Astoria, OR 97103-3615

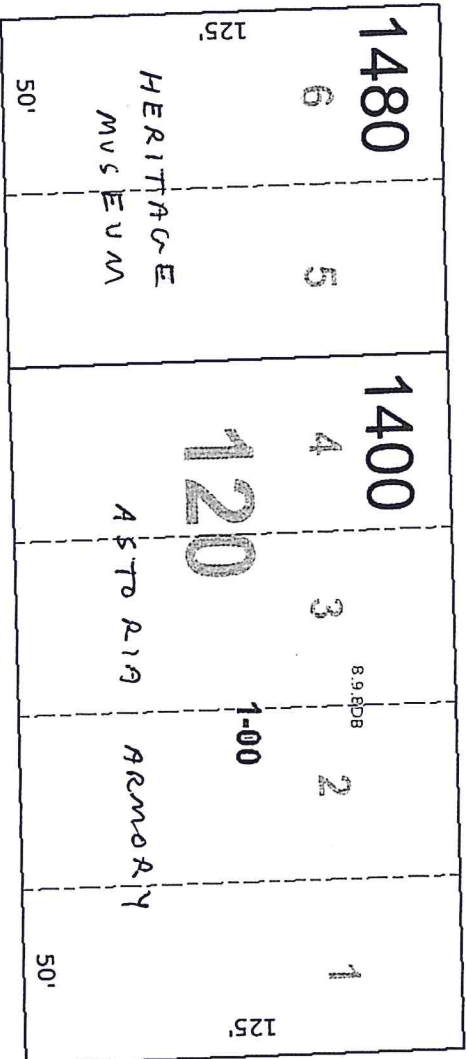


©2015 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)

Map



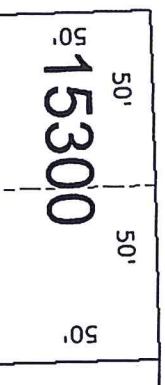
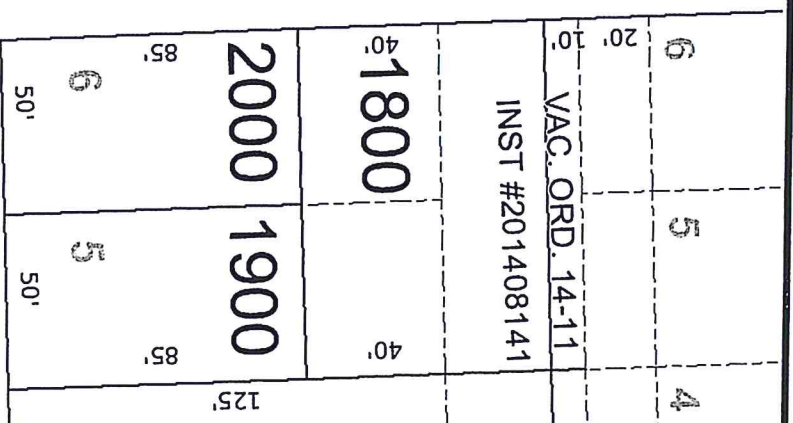
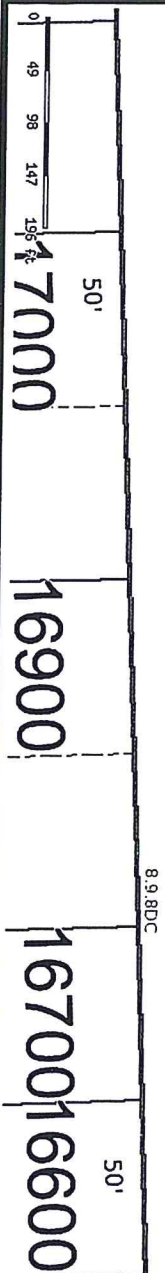
(CUSHING'S COURT)



16TH.

17TH.

(CEDAR ST.)



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.



DUNN E

13' ↓

off street
3 cars ↓

17th

off street
5 cars

108' ↓

32' ↓

Armory

← 177' →

117' ↓

property 200' ↔ by 125' ↓

Exchange



STAFF REPORT AND FINDINGS OF FACT

August 31, 2015

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, SPECIAL PROJECTS PLANNER



SUBJECT: WIRELESS COMMUNICATION FACILITY (WCF15-02) AT 3850 RESERVOIR ROAD

I. BACKGROUND SUMMARY

- A. Applicant: Verizon Wireless (VAW), LLC dba, Verizon Wireless
5430 NE 122nd Avenue
Portland OR 97230
- Lexcom Development
Sharon Gretch
31649 Sexton Road
Philomath OR 97370
- B. Owner: City of Astoria
1095 Duane Street
Astoria OR 97103
- C. Location: 3850 Reservoir Road; Map T8N R9W Section 16, Tax Lot 100;
Block 158, Mary Ann Adair's South Addition to Port of Upper Astoria
- D. Zone: LR Zone, Land Reserve
- E. Lot Size: approximately 83 acres (proposed area to be used approximately
50' x 50', 2,500 square feet)
- F. Proposal: To construct a wireless communication facility with 150' tall lattice
tower and enclosed equipment building

II. BACKGROUND INFORMATION

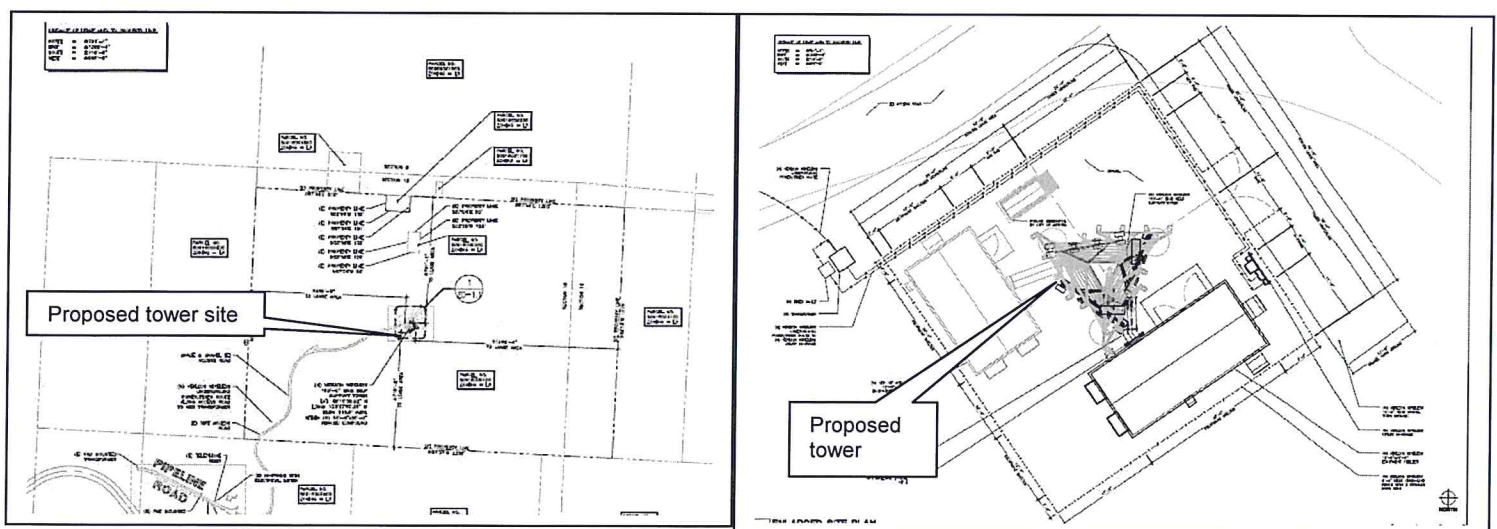
Verizon Wireless currently operates a wireless communication facility on an existing lattice tower on the north side of Coxcomb Hill Drive (Criege Circle) within the Astor Park/Astor Column area owned by the City. The City shares use of the facility for its emergency services communications. The facility includes a lattice tower, wood pole, and utility building.



The existing lattice tower cannot structurally accommodate new communication facilities necessary for Verizon Wireless to provide full service. Currently, the central portion of Astoria has “poor to non-existent” coverage by the existing Verizon facility. The applicant is proposing to increase cell coverage for Astoria with the new facility. The lattice tower at Coxcomb Hill has existed since 1991 prior to adoption of the Wireless Communications Facility Ordinance, and does not conform to the existing code standards. Therefore, it is classified as an existing, non-conforming facility. The tower was originally constructed by GTE Mobile Net which is now part of Verizon Wireless. The existing tower was evaluated to determine if it could structurally and technically accommodate the increase in wireless communication services and the needed upgrade of the City’s emergency communication service. It was determined that the existing tower would not meet structural requirements and a new tower would need to be constructed. It was therefore determined that the facility should be relocated to another site to accommodate the WCF and improve the aesthetics of the Astor Column Park. The Friends of the Column, City, and Verizon identified alternate locations that would provide emergency communications as well as cell service to replace what is provided by the tower at the Column. Staff has been working with the consultant hired by the Friends of the Column and Verizon representatives on the various aspects of this project for several years. Investigation of the viability of several other sites was completed. Due to the need for a high elevation location with limited obstructions, and the City’s desire for minimal visual impact of the tower, two sites on City-owned properties were selected. One site is located in the Land Reserve urban forest near Reservoir 3 (east of the Column) would include both private and public facilities. The site is within the City limits but outside the Urban Growth Area. The other site is within the forested area in Shively Park.

At its August 3, 2015 meeting, the City Council approved the negotiated lease for the proposed sites on City-owned property and for the City Manager to sign the land use permit applications to begin the public review process.

All references in the Findings of Fact to the proposed wireless communication “facility” includes the installation of the associated equipment building, enclosure, and buried cable without specific notation.



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 500 feet, excluding rights-of-way, pursuant to Section 15.090 on August 21, 2015. A notice of public hearing was published in the Daily Astorian on September 9, 2015 pursuant to Section 9.020. A display ad was published in the Daily Astorian on September 9, 2015 pursuant to Section 15.090.2.b.

IV. APPLICABLE REVIEW CRITERIA AND FINDINGS OF FACT

- A. Section 15.035.A.1, Permitted Locations of Wireless Communication Service Facilities, Permitted Zones, lists the permitted zones for a WCF.

Section 2.875.2, Uses Permitted Outright in the LR Zone, lists *"Public facilities, including water reservoirs and distribution lines, power lines, roads and similar uses"* as an outright use.

Finding: The proposed use is allowed within the LR Zone.

- B. Section 15.035.B.2.a, Preferred Location, Siting, and Designs in Priority Order, states that a Conditional Use Review is required for *"Location on New Antenna Support Structure"*

Finding: The proposal is to construct a new tower. The proposal shall be reviewed as a conditional use before the Planning Commission.

- C. 15.045.A, Collocation and Use of Alternative Antenna Support Structures for Wireless Communication Service Facilities, Collocation Design Required, states that *"All antenna support structures shall be designed and constructed so as to not preclude collocation."*

Finding: The structure is designed to accommodate collocation in the future and will have the public emergency services facilities on the tower.

- D. 15.045.B, Collocation Required, states that *"Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission."*

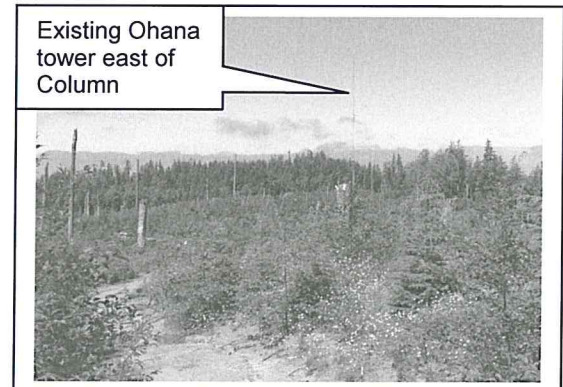
If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. *That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR*

2. *That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR*
3. *That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR*
4. *That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR*
5. *That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable."*

Finding: Verizon and the City worked together to identify potential sites for the facility. There are no tall structures at a high enough elevation within the search ring for this service area. No existing tower is available to accommodate both the Verizon equipment and the public emergency services equipment.

There is an existing commercial AM/FM radio tower owned by Ohana Media Group. It is a small lattice tower with guy wires located in the LR Zone east of the Astor Column on property owned by the City. The attached memo from Police Chief Pete Cruzon, dated April 3, 2012, explains the decision to not use the existing FM tower located east of the Astor Column.



The City had Day Wireless and Cascade Networks investigate the tower and technically, the City was told that the presence of the high power FM broadcast station at the same location as the substantially lower powered public safety equipment causes several problems. The primary problem is receiver desensitizing. Day Wireless stated *"FM noise is a major contributor to receiver de-sensing. It often occurs at sites where there are high power FM broadcast transmitter aerials close to sensitive land mobile receive aerials. The white noise created in high power linear amplifiers raises the noise floor often over a wide range of spectrum and affects sensitive narrow band FM receivers by reducing their ability to receive signals. The affected receivers may suffer a reduced sensitivity by 10 to 30dB. It is not possible to audibly hear this noise and the receiver outwardly appears to be fine (receiver "hiss" is apparent as appears normal)."*

The City has worked with Verizon on the proposed relocation as currently, the City emergency communications facilities are located on a Verizon tower at the

Astor Column. Verizon will be constructing a private tower on property leased from the City and will construct the needed facilities for the emergency communications equipment. This upgraded equipment is needed for emergency services in Clatsop County. Neither the existing tower at the Column nor the existing Ohana radio tower is sufficient to handle both Verizon's equipment and the emergency services equipment. Therefore a new tower is required.

No acceptable colocation sites were identified.

- E. Section 15.065, Standards and Review Criteria, states that *"all applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request."*

Section 15.065.A.1, Owner and Applicant Responsibilities, states that *the owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:*

- a. *The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.*
- b. *The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility."*

Finding: Shared use of the site is possible. There are no private collocation applicants at this time; however, the City emergency communication facility will be co-located on this tower. The site is owned by the City of Astoria. City Council approved signing the application as property owner on 8-3-15, and the City has entered into a lease agreement with Verizon for use of the site.

- F. Section 15.065.A.2, Environmental and Historic Resource Protection, states that *all Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:*

- a. *The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic*

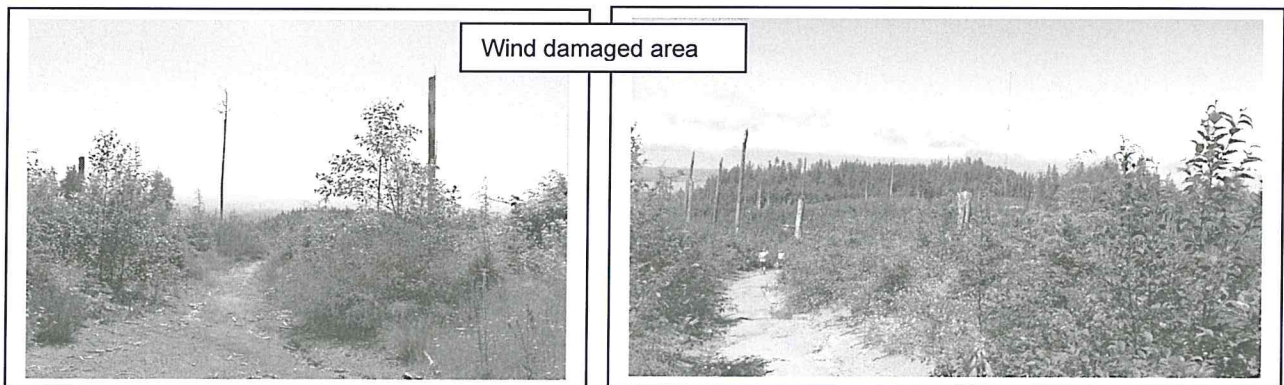
Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;”

Finding: The Astor Park and Astor Column are designated on the National Register of Historic Places. The Friends of the Column have plans to improve the park and relocation of the existing non-conforming WCF tower is a goal and will bring that site into compliance with the Historic Properties regulations. The proposed site is not designated as historic but is still subject to the requirements of Code of Federal Regulations Section 106. The applicant has submitted a letter from State Historic Preservation Office (SHPO) dated 3-13-15 with a NEPA finding of “no adverse impact.”

The site is not within the Shoreland Overlay area nor within the Sensitive Bird Habitat Overlay.

- “b. Alteration or disturbance of natural vegetation and topography shall be minimized;”*

Finding: The site was part of the blow down from the December 2007 storm. Most of the taller trees in this area were felled by the wind leaving an open area with new growth. It is within the urban forest and the trees in this area will be allowed to regrow. It is anticipated that fir trees would grow to a height of 150'. The tower will be 150' tall and will be within the existing downed forest area. There will be minimal disturbance of the site. The equipment buildings will be constructed at grade and will be fenced as part of the screening of the facility.



- G. Section 15.065.A.3, Noise, states that *“no testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.”*

Finding: Back-up power generators are indicated on the plans and will be operated in accordance with the above standards.

The backup emergency generator for the emergency services facility is shown as “future” on the plans submitted. However, the City and Verizon have since

negotiated that the generator will be installed as part of this application as noted in the City Lease Agreement, Section 11, Tower Space and Shelter Space.

H. Section 15.065.A.4, Permits Required, requires the following permits:

“a. *A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office (SHPO).*”

Finding: The applicant has completed the Section 106 Review. SHPO has issued a determination of “No Adverse Impact.” The site is not adjacent to a designated historic site and therefore is not subject to Historic Landmarks Commission review. A building permit application shall be submitted and will only be issued after all other permits have been obtained.

“b. *No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.*”

Finding: Verizon Wireless has submitted approvals from Federal Aviation Administration dated 1-15-15, and from Oregon Department of Aviation dated 3-4-15. The FCC license (FRN 0003800307, expires 6-26-2017) is attached. Construction shall not begin until all permits have been obtained (Condition 1).

I. Section 15.065.A.5, Prohibited Structures, states that *“lattice and guyed wire towers and support structures and speculation (“spec”) support structures are prohibited in all zones except as noted in Section 5.b.*

b. *Lattice towers and support structures that are required for Emergency Communications Facilities and Temporary Communications Facilities operated by public officials may be located in the LR Zone (Land Reserve). Co-location by private communication providers on a lattice tower with emergency communication facilities is allowed.*”

Finding: The applicant is proposing to construct a lattice tower which will contain both Verizon facilities and public emergency communication facilities. A lattice tower is allowed.

J. Section 15.065.A.6.a, Radio Frequency Standards, states that *“the applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service*

Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit."

Finding: The applicant has submitted a copy of the FCC license indicating compliance with FCC standards. No comments were received from City departments for this specific request. This criterion requires that the applicant "mitigate the interference to the City's satisfaction". It is the recommendation of the Astoria Police Chief for all wireless transmitters that the interference be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications (Condition 2). The applicant has submitted the Non-Ionizing electromagnetic Exposure Analysis and Engineering Certification (NIER), dated December 2014, indicating compliance.

- K. Section 15.065.A.7, Security, states that *"the applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCF, as needed, to reduce potential for trespass and injury."*

Finding: The WCF will have a 6' fence around the facility and all climbing pegs used during construction will be removed upon completion.

The Fire Department will require a Knox Lock Box be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site (Condition 6). An application for a Knox Lock box may be obtained from the Fire Department during normal business hours.

Because of the remote location, prolonged response time, lack of a water supply for firefighting, and the critical infrastructure nature of the entire compound, the Fire Department strongly suggests that both buildings be provided with monitored fire alarm systems and waterless fire suppression systems such as a FM-200 or equivalent system; however, at minimum, the emergency communications facility shall have the systems installed (Condition 7).

- L. Section 15.065.A.8, Technical Expert Support, states that *"the Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required."*

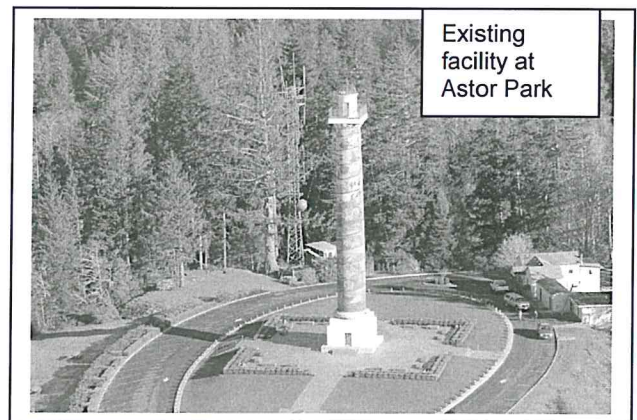
Finding: The City has determined that an independent expert is not necessary. However, it should be noted that the City did hire Converge Communications, a WCF consulting firm to assist the City in the review of potential sites, development of lease agreements, and with the technical review of documents.

- M. Section 15.065.B.1, Preferred Location, Siting, and Designs in Priority Order, states *"See Section 15.035.B of the Wireless Communication Facility Code."*

Finding: As noted above, the proposed location is a new facility and requires a conditional use permit. The site is located in the LR Zone which is a "permitted zone" for a WCF.

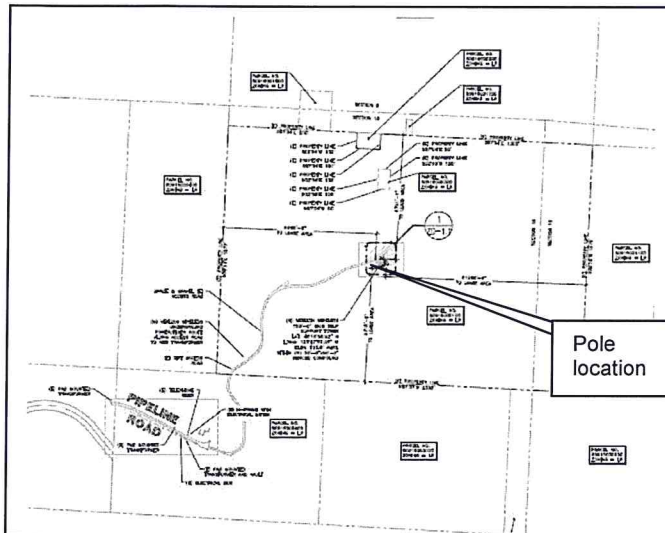
- N. Section 15.065.B.2, Adverse Impact, states that *WCF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:*
- a. *The extent to which the proposed WCF is visible from the viewpoint(s) of the impacted resource or vicinity.*
 - b. *The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.*
 - c. *The amount of vegetative screening.*
 - d. *The distance of the proposed facility from the impacted resource or vicinity.*
 - e. *The presence of reasonable alternatives that allow the facility to function consistently with its purpose.*

Finding: The existing facility is located adjacent to a historic landmark (Astor Column) and is highly visible from this historic park. The proposal to relocate the tower for better coverage and less impact to a historic structure has resulted in the selection of two new sites. The Reservoir site is not designated as historic. As part of the agreement with the City, the facility at the Column will be removed (Condition 3).



Much of Astoria contains scenic views. The site is located along the crest of the urban forest hill. This area was damaged with blown down trees during the December 2007 storm. The facility will not be screened from view until the adjacent trees regrow to their anticipated height of 150'. However, this site reduces the visual impact due to the distance to any historic site and/or park

area. It is located in an area not generally accessible to the public. Photo simulations have been submitted and are attached.



View from
East Mooring
Basin looking
SE

CURRENT VIEW #1 LOOKING SOUTH FROM THE 36TH ST. BREAKWATER



PROPOSED

TIM BRADLEY PHOTOGRAPH



CURRENT

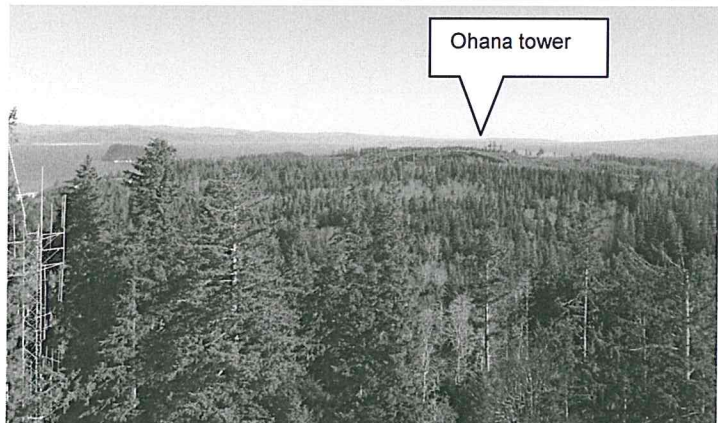
VIEW #2 LOOKING NORTHEAST FROM 35431 US-101 BRIDGE

View from Youngs Bay Bridge looking NE



PROPOSED

TIM BRADLEY PHOTOGRAPH



Ohana tower

View from the top of Astor Column looking east on an unusually clear day. Existing Ohana tower barely visible to the naked eye. Proposed tower would be located further to the east at a greater distance.

- O. Section 15.065.B.3, Use of Concealment Technology, states that *“all Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.”*

Finding: The method of concealment in this case is the use of the existing and future forest which would reduce the view of the facility. The large distance to any park and/or major view corridor also reduces the visual impact as noted above. Additional landscaping will not be installed due to the remote location. There will be a chain link fence around the facility. The pole is proposed to be painted grey to blend into the background sky.

- P. Section 15.065.B.4, Access Driveways and Parking, states that *“all access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.*
- a. *Existing driveways shall be used for access whenever possible.*
 - b. *New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.”*

Finding: No additional roads or parking areas are proposed. This standard does not apply.

- Q. Section 15.065.B.5, Color and Material states:

- a. *All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.*
- b. *The color selected shall be one that will minimize visibility of the WCF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.*
- c. *The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.*
- d. *Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.”*

Finding: The facility is proposed to be non-reflective, earth tone color behind a 6' tall chain link fence. It is proposed to be powder coated in a grey tone to blend with the sky.

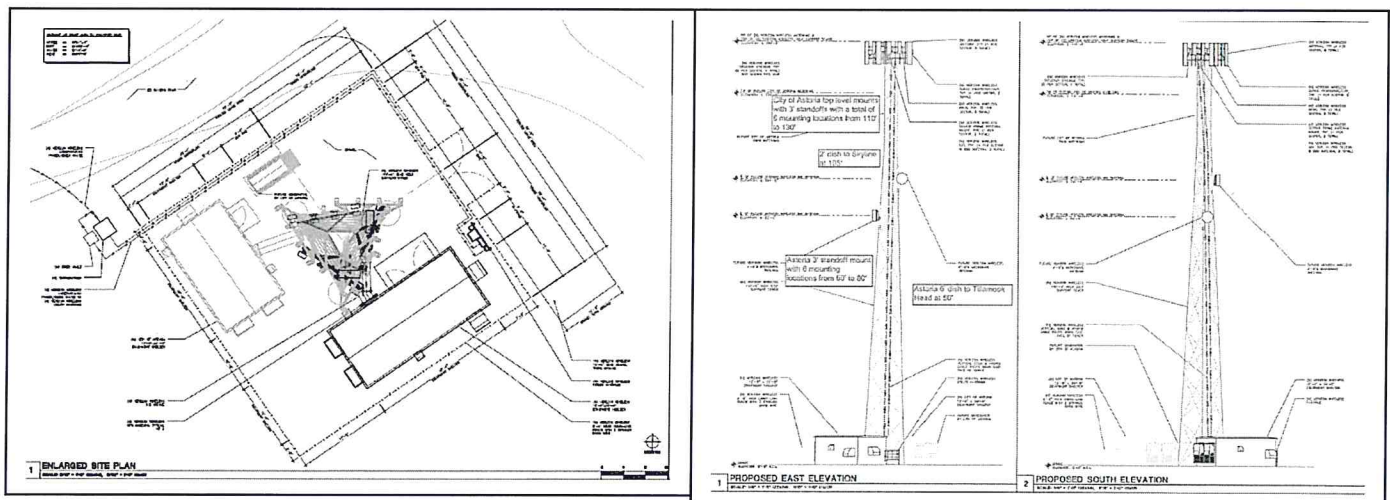
- R. Section 15.065.B.6, Height, states that *"in addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:*
- a. *WCF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
 - b. *If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.*
 - c. *In reviewing Variance requests to the above described height limits, the following shall be considered:*
 - 1) *The proposed structure and facility uses concealment technology; and*
 - 2) *It is demonstrated that a greater height is required to provide the necessary service.*
 - d. *Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.*
 - e. *WCF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes."*

Finding: The facility is proposed to be 150' to meet the coverage needs of Verizon and the emergency communications for the entire area. A Variance is required (Condition 4). The proposal has been reviewed and approved by FAA and OR Department of Aviation. The applicant has submitted a Variance application for the additional height which will be considered by the APC at the same meeting as the WCF review.

- S. Section 15.065.B.7, Landscape and Screening, states that *"all Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:*
- a. *A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.*
 - b. *Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.*
 - c. *Planted vegetation shall be of the evergreen variety.*

- d. The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.
- e. The fence shall be a maximum of six (6) feet in height.
- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.
- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCF and the equipment shelter.
- h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- i. Chain link fences shall be painted or coated with a non-reflective color.
- j. Electric, barbed wire, and concertina wire fences are prohibited."

Finding: The proposed location is within the remote area of the urban forest above the City's water reservoir. It is not easily accessible to the public. A chain link fence will enclose the facility and will be a non-reflective earth tone color.



T. Section 15.065.B.8, Lighting, states:

- "a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
- b. Exterior lighting shall not glare onto adjacent properties.
- c. Strobe lights are prohibited.

Finding: FAA and ODA have determined that the tower is of "No Hazard" and therefore, lighting will not be required. Should lighting be required to be installed in the future, the applicant shall keep tower lighting to the minimum required. No strobe lights are proposed and shall not be installed. The equipment building will have downcast maintenance lighting on a timer. Light

shall not glare into other properties and shall be kept to a minimum (Condition 5).

U. Section 15.065.B.9, Setback, states:

- "a. Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" Guidebook, dated June 2, 2000.*
- b. All WCF equipment enclosures shall be set back from property lines according to the requirements of the Zone.*
- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:*
 - 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts."*

Finding: The pole is not located adjacent to a right-of-way. The roadways within the urban forest do not follow platted rights-of-way. The location is a 2,500 square foot area within a larger 83 acre City-owned parcel. The facility would be at least 700' from any property line.

V. Section 15.065.B.10, Signs, states that *"the use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure."*

Finding: No new signs are proposed.

W. Section 15.065.B.11, Storage, states:

- "a. WCF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where*

- feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.*
- b. WCF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.*
 - c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCF.”*

Finding: No material or equipment is proposed to be stored on the site.

- X. Section 11.030.A, Basic Conditional Use Standards, states that *“Before a conditional use is approved, findings will be made that the use (except for housing development) will comply with the following standards:*

- “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.”*

Finding: WCF locations require specific criteria to accommodate the technology. The site must be high enough to give the needed coverage to a large area and cannot have high, sight obscuring structures to interrupt the coverage line of sight. The applicant wants to increase the service to Astoria. In addition, the facility will house the public emergency communications equipment which needs to serve the greater Astoria area emergency services. Due to the technical aspect of WCF industry, the City hired Converge Communications to assist with all negotiations and review of materials submitted by Verizon to help protect the City’s best interest. The City worked with Converge Communications and Verizon to locate a suitable site to relocate the existing Coxcomb Hill facility. Several locations on Niagara Avenue hilltop were considered. However, after much analysis of the sites, it was determined that the Reservoir location provided the best coverage with the least visual impact to the community. Other possible locations would have resulted in taller towers and/or multiple towers. Location in the urban forest far from other development makes this site desirable. The location is appropriate.

- “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.”*

Finding: The site is secluded and accessible from Pipeline Road and Reservoir Road which is a gated roadway within the urban forest. The WCF will be unmanned with possibly one or two trips per month for maintenance purposes. With limited site visits, and the passive nature of the facility, the site does not pose any safety concerns and is suitable for the propose WCF.

- “3. *The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.*”

Finding: The facility will only need electricity and no other utility services. The Fire Chief has indicated that based on a visit to the site; remoteness and access to the site; the slope and aspect on the slope; and the fuels, both standing snags and lower ground cover; and the critical infrastructure nature of the proposed facility, there would be concerns with adequate fire protection. Therefore, he recommends a 100' clearance of wildfire fuels should be provided and maintained around the perimeter of the fenced area. The applicant shall work with the Fire Chief concerning this condition (Condition 8). With this condition, the WCF will not overburden the services.

- “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.*”

Finding: The applicant has conducted engineering tests and core drillings on the site to verify that the site is capable of handling the facility. The site is not within 100' of a known geologic hazard area.

- “5. *The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.*”

Finding: The existing and future trees will serve as a natural buffering of the facility. The property completely surrounding the site is forested. No additional landscaping is required. Due to the distance from emergency response teams, a fire buffer around the facility shall be cleared and maintained during the life of the facility. The applicant shall work with the Fire Chief to determine the needed clearance distance (Condition 8).

V. FINDINGS OF FACT AND CONCLUSION

Based on the findings of fact above and those submitted with the application, the request meets the applicable review criteria. Staff recommends that the Planning Commission approve the permit with the following conditions:

1. The applicant shall obtain all necessary City and building permits prior to construction.
2. Any interference to emergency communications shall be mitigated within 24 hours of notification of an agency to Verizon Wireless that there is interference to emergency communications.
3. The WCF at Astor Column shall be removed by the applicant in accordance with the requirements listed in the lease agreement with the City.
4. The applicant shall obtain Variance approval for the height of the facility.
5. All lighting shall be kept to a minimum and shall be downcast and not glare into other properties.
6. A Knox Lock Box shall be secured to the fence with an access key provided in the event a fire or other type of emergency requires immediate access to Fire Department personnel. The final location of the secured Knox Box shall be determined by the Fire Chief upon a site visit and shall be installed prior to operation of the site.
7. Both equipment buildings shall be provided with monitored fire alarm systems and waterless fire suppression systems such as a FM-200 or equivalent system. The proposed system shall be reviewed and approved by the Fire Chief.
8. A fire buffer of a 100' clearance of wildfire fuels shall be provided and maintained by the applicant around the perimeter of the fenced area during the life of the facility under the applicant's lease. The applicant shall work with the Fire Chief concerning this condition.
9. Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT



No. WCF 15-02

Deposit: \$3,000.00 *pd by*

WIRELESS COMMUNICATION FACILITY APPLICATION

Lexcom

Property Location: Address: 3850 Reservoir Rd.
Parcel North of 3350 Pipeline Road, Astoria, OR 97103

Lot —

Block 158

Subdivision Adams South Astoria

Map 16

Tax Lot 80916000100

Add to Port of Upper Astoria
Zone Land Reserve (LR)

Applicant Name: Verizon Wireless (VAW), LLC dba, Verizon Wireless

Mailing Address: 5430 NE 122nd Avenue, Portland, OR 97317

Phone: _____ Business Phone: _____ Email: _____

Property Owner's Name: City of Astoria

Mailing Address: 1095 Duane Street, Astoria, OR 97103

Representative: Sharon Gretch, Lexcom, 31649 Sexton Road, Philomath, OR 97370

Business Name (if applicable): Ph: 541-515-8263; Email: sharon.gretch@lexcomcorp.com

Signature of Applicant: *Sharon Gretch*

Date: 2/13/15

Signature of Property Owner: _____

Date: 8/14/15

OK per 8/3/15 City Council.

Existing Use: Vacant land

Proposed Use: Unmanned Wireless Communication Facility

to construct a 150' high wireless communication facility

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.

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 Associate Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended. *The Community Development Director shall determine the classification and appropriate process for any application. Applicant shall submit three (3) copies of a complete application and plans; the fee; and other required information in accordance with Article 15.*

For office use only:			
Application Complete:	<u>8/4/15</u>	Permit Info Into D-Base:	<u>8/13/15</u>
Labels Prepared:	<u>8/13/15</u>	Tentative APC Meeting Date:	<u>9/22/15</u>
120 Days:			