



AGENDA

ASTORIA PLANNING COMMISSION

July 23, 2019

6:30 p.m.*

*(*immediately following the TSAC meeting)*

2nd Floor Council Chambers

1095 Duane Street • Astoria OR 97103

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a) June 25, 2019
4. PUBLIC HEARINGS
 - a) **Continued from the June 25, 2019 meeting:* Amendment Request (A19-01B) by Community Development Director to amend Development Code sections concerning issues relative to height and maximum gross square footage in the Bridge Vista Overlay Area (exempted sections from A19-01A), as well as continued discussions regarding potential sub-areas within the Bridge Vista Overlay Area.
5. REPORT OF OFFICERS
6. STAFF/STATUS REPORTS
 - a) Save the Dates:
 - i. Tuesday, Aug. 6, 2019 @ 6:30pm – APC Meeting (A19-05 Uniontown Reborn Master Plan)
 - ii. Tuesday, Aug. 27, 2019 @ 6:30pm – APC Meeting
7. PUBLIC COMMENT (Non-Agenda Items)
8. ADJOURNMENT

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
June 25, 2019

CALL TO ORDER:

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

ROLL CALL:

Commissioners Present: Vice President Daryl Moore, Jennifer Cameron-Lattek, Patrick Corcoran, Cindy Price, and Brookley Henri.

Commissioners Excused: President Sean Fitzpatrick and Chris Womack.

Staff Present: Contract Planner Robin Scholetsky, Contract Planner Rosemary Johnson, Contract Planner Mike Morgan, Planner Nancy Ferber, and City Attorney Blair Henningsgaard. Contract Planner Scholetsky attended via telephone for Item 4(d) beginning at 8:48 pm. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Item 3(a): May 7, 2019

Vice President Moore called for approval of the May 7, 2019 minutes.

Commissioner Price moved to approve the minutes of May 7, 2019 as presented; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

Item 3(b): May 28, 2019

Vice President Moore called for approval of the May 28, 2019 minutes.

Commissioner Price moved to approve the minutes of May 28, 2019 as presented; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

PUBLIC HEARINGS:

Vice President Moore 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):

CU19-04 *APC discussion and deliberation continued from the May 28, 2019 meeting. Conditional Use Request (CU19-04) by Stewardship Homes LLC to locate a 5-room, short term lodging facility in an existing apartment building at 641 Commercial Street (Map T8N R9W Section 8CB, Tax Lot 7300, Lot 2, Block 29, McClures) in the C-4 (Central Commercial) zone.*

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

Vice President Moore declared that earlier in the day, he received an email with comments on the conditional use. The public hearing had already been closed and no discussion occurred. He did not read the comments completely and the comments were not applicable.

City Attorney Henningsgaard confirmed that Commissioners Price and Cameron-Lattek received the same email from Andrea Mazzerella. Commissioner Price stated she read the email. Commissioner Cameron-Lattek said she glanced through the email but did not read it. City Attorney Henningsgaard explained that the email created two issues in the process. First, it constitutes ex parte contact. Second, in any land use application, the Applicant has the right to submit the final argument. The Applicant was allowed two weeks to submit their final argument. The email could be construed as a final argument, so it would be appropriate to allow the Applicant to address the email.

Matthew Gillis, 11650 SW 67th Ave. #210, Tigard, said the comments in the email were about the Applicant's, what they would do with the money, and how that would affect the City. Stewardship does a lot of long-term rentals in Astoria and plans to continue. This permit would help them fund other projects flipping vacant houses and putting them back on the housing market as rentals. They have already brought eight rentals back on to the housing market in Astoria. This property is zoned commercial and is in a walkable area that is zoned for a hotel type situation.

Vice President called for presentation of the Staff report.

Planner Morgan reviewed the written Staff report and a memorandum containing additional materials for consideration. He noted the findings in the original Staff report were for denial of the request. If the Commission approves the request, new findings would need to be written.

Vice President Moore noted the public hearing had already been closed and called for Commission discussion and deliberation.

Commissioner Price stated she continued to agree with Staff that the request does not meet all applicable review criteria.

Commissioner Corcoran said he believed the requested use on this particular property would not be beneficial to the city.

Commissioner Cameron-Lattek agreed with Staff's findings. The request would not comply with the Comprehensive Plan's housing goals and policies to maintain existing housing stock in neighborhoods.

Commissioner Henri stated she was leaning towards denying the application because she did not believe there was any benefit to the conditional use. Property use and parking could improve the property, but she could not justify that it would benefit the community.

Vice President Moore said historically this Planning Commission and Council has interpreted the parking requirements as an ability to increase parking for any conditional use. However, arguments against that aside, the housing element of the Comprehensive Plan CP218.2 clearly states "maintain and rehabilitate the community's existing housing stock." Approving this application would reduce existing housing stock. Therefore, he was against the request.

Commissioner Price moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and deny Conditional Use CU19-04 by Stewardship Homes LLC; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

Vice President Moore read the rules of appeal into the record.

ITEM 4(b):

CU19-05 Conditional Use Request (CU19-05) by Rob Webb and Mark Otten on behalf of PacificCorp to perform in water remediation work (use is considered "active restoration") to address contamination present in sediment adjacent to 2nd Street south of the pierhead line (Map T8N R9W Section 7DA, Tax Lot 100) in the A-2 Aquatic Two Development) zone.

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

Planner Ferber reviewed the written Staff report via PowerPoint. Only one public comment was received and distributed. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Price asked if the Division of State Lands (DSL) permit was contingent on the conditional use permit. Planner Ferber said yes and explained that additional notification had already been sent out. The public input period for the DSL permit was still open.

Commissioner Corcoran asked if non-aqueous phased (NAP) materials was otherwise known as goo. Planner Ferber stated she had not heard that. The materials are sediments that dissolve in water but cannot be remediated.

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

Rob Webb, 72 Holiday Lane, Leavenworth, WA, said he did not have a presentation but could answer technical questions about the engineering.

Commissioner Cameron-Lattek asked how much of the pilot project was being done now. She also wanted to know if this was a smaller disruption in preparation for a bigger disruption later.

Mr. Webb said this work would provide a final remedy. However, until it is in place, proven, and meets all the requirements, the Department of Environmental Quality (DEQ) wanted to call it a pilot project. It is a proven technology using a manufactured product of geo-tech stile with an organo-clay imbedded between it that absorbs the NAP materials from below. He confirmed that 18 inches would be deep enough. The materials on the lower beach area are stable but the steeper bank behind it is erosional. Digging too deep would destabilize the slope. Additionally, there is a long term management plan with DEQ in place requiring the site to be inspected after any significant storm.

Commissioner Henri asked if the trench would be an anchor trench.

Mr. Webb explained the trench was done during the investigation.

Commissioner Henri asked if the geo-tech stile would be secured with the clay layer.

Mr. Webb said the geo-composite is a layer of non-biodegradable fabric with an organo-clay material and another layer of fabric that is needle punched together like a quilt. Three layers of that will be installed with a small excavator by pulling back the upper 18 inches of the existing materials. This material will be put in and then the upper 18 inches will be replaced on top. The work will be done on low tide cycles.

Commissioner Henri asked if this would be a 30-year remedy.

Mr. Webb stated the lifespan is a couple hundred years, but the lease with DSL is 30 years.

Commissioner Corcoran asked if excavation activities would be done in the middle of the night?

Mr. Webb said he did not want work to occur at night. The project has been set up to complete the work during the summertime daylight low tides. The best nighttime low tides are in December and January when work is very dangerous. Permission has been granted by Fish and Wildlife and other agencies to do the work in the summertime. The last low tide window for this year is August 29th through September 2nd.

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

Commissioner Henri said the project looked sound and it was a necessary project.

Commissioner Price thanked Planners Ferber and Morgan for such a comprehensive packet. She was concerned that it had taken seven years to get this far. She agreed with the Staff report.

Commissioner Cameron-Lattek moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU19-05 by Rob Webb and Mark Otten; seconded by Commissioner Price. Motion passed unanimously.

Vice President Moore read the rules of appeal into the record.

ITEM 4(c):

A19-01B

Continued from the May 28, 2019 meeting. Amendment Request (A19-01B) by Community Development Director to amend Development Code sections concerning issues relative to height and maximum gross square footage in the Bridge Vista Overlay Area (exempted sections from A19-01A) as well as continued discussions regarding potential sub-areas within the Bridge Vista Overlay Zone.

Vice President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of

interest or ex parte contacts to declare. There were none. Vice President Moore asked Staff to present the Staff report.

Planner Johnson reviewed the written Staff report. New code language was written based on feedback provided by the Commission at the last meeting. However, since then, Staff found concerns about language regarding how the code could be applied. As currently written, the draft amendments might not work or achieve desired results. Public feedback indicates the same concerns. She confirmed that Commissioners had copies of all correspondence that was received, including a petition to which additional names would be added as part of the hearing. She recommended the Commission take more public comment and provide direction on better language.

Vice President Moore opened the public hearing and called any testimony on the application.

Olene Salivi, 509 Kensington Ave. Astoria, suggested that for everything that gets developed on a particular lot, have an equal amount left open. It is overwhelming how many people do not want to see heights and seaside type development on the waterfront. If the amendments are approved or the City goes back to 48 feet, then the Commission is not listening.

Phil Grillo, Astoria Warehouse, said he agreed that more work needs to be done. Vice President Moore's idea was to have 60 feet of view corridor and up to 90 feet or 60% of the lot. This 60/90 rule is unreasonable for the Astoria Warehouse site. According to the geographical information system (GIS) the frontage along Marine Drive is about 1,025 linear feet. Taking 60 feet of view corridor plus the 90 feet of maximum of building width, the site would only accommodate 6.8 sets of these view corridors and buildings. There would be six or seven view corridors in that linear space, which would be difficult to do on the site. He referred to Page 8 of the Staff report, which contained an unintentionally misleading drawing of the 60/90 rule. The depth of the building does not go back that far because of the railroad tracks and the pedestrian lane. This is a significant deterrent rather than an incentive to redevelop because it would be too difficult to redevelop into six or seven sets of small buildings. This also creates a significant limitation on parking and interior access. The buildings that go back to the trolley line cannot be accessed from the back by vehicles. This means parking would have to be in the view corridor spaces and curb cuts would be necessary on Highway 30. He did not believe the City would get too much sympathy with Oregon Department of Transportation (ODOT) to create six or seven curb cuts on one lot. This would also discourage working waterfront type uses and housing because those uses want to be oriented towards the river, not perpendicular to it. He suggested aligning the view corridors with the upland cross streets. Hume and 2nd are both improved streets and there is a dedicated right of way for 1st Street. There are view corridors on Bond Street that allow views through the Astoria Warehouse site. This is consistent city-wide and is appropriate for moving forward. He also suggested making that modification through the planned district for the site to meet the demands of redeveloping the site. Otherwise, the Planning Commission will create an incentive to not redevelop the site. He would gladly participate in a workshop because he believed that level of discussion would be necessary.

Elizabeth Menetrey, 3849 Grand Ave, Astoria, presented a new petition with 80 more signatures to Planner Johnson. The petition says the signers would like heights to stay at 28 feet, with variances for heights up to 35 feet. Going back up to 45 feet seems iron after what happened with the Fairfield Inn. There's been so much comment and concern from the public and City Council. The petition also says no over water development beyond bank height. However, if the use was water dependent, she did not have any problem with 45 feet over the water. She was concerned about variances for affordable housing. She wanted to know how many units would be in a building, what the income levels would be, and why there should be a time limit. The Planning Commission needs to be careful to allow for enough affordable housing. And, if the buildings are going to be 45 feet, the city has to get a good bang for their buck for affordable housing. She was concerned about the Port of Astoria's west mooring basin planned district because Hollander Hospitality has leasing on the land and he wants 45 feet. She did not believe he wanted to build affordable housing and did not want him to be able to build 45-foot-high hotels in the planned district.

Jim Knight, 42041 Eddy Point Lane, Knappa, said he was speaking as a private citizen. He encouraged the Planning Commission to recommend the creation of a special district for the central waterfront. This issue is very complicated and needs some work and more conversation to understand the needs of the community for this area of the Port. The Port is community property. Commissions and Staff come and go, but the community remains and elected officials are left to make decisions that reflect the interests of that community. It is difficult to discern the will of the people when there are a variety of solutions and interests. This is a rare opportunity to work collaboratively on a master plan with the community. The process would be an in-depth planning process

with the Port, the Port's tenants, adjoining property owners, and the community at large. The process to create a special district provides a much more robust strategy that addresses the relationships of cruise ships, tourism, existing businesses, parking needs, and Uniontown. The community can create a beautiful gathering area for residents year round, and maintain and augment the views of the river. He recommended the Commission make a recommendation to City Council to allow a planning process that includes master planning for the district.

Mike Sensenbach, 110 Kensington, Astoria, said at dinner that evening, his six-year-old son said, "What is the point of living here if you can't see the water?" He believed views of the water was one of the main draws for people wanting to come to and live in Astoria. He did not want to see the City overcomplicate the amendments because that could provide opportunities for people to point to loopholes or come up with their own interpretations of language. He believed this was how the City got stuck in the Fairfield debacle. He wanted the height limit to be 28 feet with no exceptions and without leaving anything open to interpretation. Additionally, if the original intention was 35 feet, three stories, and 30,000 square feet, the size should be shrunk proportionally to 20,000 square feet. He did not want the Commission to consider special plan districts. The BVO was not designed to have special districts, they are unnecessary, and it overly complicates the code. He wanted the code kept simple and straight forward. The less language in the code the fewer debates on the right interpretation.

Lorrie Durheim, 398 Atlantic, Astoria, said she agreed with Mr. Sensenbach. People live in Astoria because they want to see the water.

Susan Transue, 91817 Highway 202, Apt. 16, Astoria, Port of Astoria, Director of Operations, said she had been in the community for almost three years and she loved the views. However, she also worked for the Port so she saw things in a different light than most people in the community. More discussion is needed before a decision is made. The Port should be considered a separate district because it is a County-owned business and this Commission is making a decision for the City. Also, more community members should be able to speak about what they feel is needed. The Port needs the special district so it can develop businesses and bring tourism.

Chris Farrar, 3023 Harrison Ave, Astoria, said he agreed the code language should be kept simple. He was concerned that the process was taking so long. The longer it takes, the more chance there is for someone to submit an application for a project under the current codes. The codes need to be tightened in a hurry by making the height limit 28 feet across the board and keeping the mass small. He would not allow for structures above that to be excluded in the height, so air conditioning units and other equipment should be considered part of the height. He agreed that marine oriented activities that can show they require a much taller height should have a lot more flexibility. He was not in favor of the special districts, but the Port is a County property. County residents have a right to have input and probably are not represented at City meetings. The height and mass limitations should apply to the entire blue area on the map, even if there were special districts. He did not believe housing should be located right along the water in a tsunami zone. Additionally, the allowable uses should not include hotels at all in the blue area. Allow existing hotels to stay, but Astoria does need more hotels because they draw great crowds of traffic and there is already too much traffic. Other businesses operating in the area would not be operating in the dark of night. Residents and hotel guests would be asleep and if a tsunami hit a lot of people would die. This community would be irresponsible to allow that.

Ted Thomas, 398 Atlantic, Astoria, said a special district was referred to as a business. A special district is not a business, it is a government. Governments are exempt from anti-trust laws. The opportunity for real estate development and collusion is enormous when there is a special district.

Dorothy Olson, 127 Washington Street, Astoria, said she agreed that the code should be kept simple. She also wanted the height limit to be 28 feet because she lived in the area and wanted to see over the buildings that are there already. Astoria definitely needs more affordable housing. In a tsunami, housing would go right into the water pretty quick, but Astoria needs affordable housing. Keeping restaurants and businesses along the water would probably be a better idea unless it was low income subsidized Section 8 housing.

Vice President Moore closed the public testimony portion of the hearing and called for a recess at 7:38 pm. The meeting reconvened at 7:43 pm.

Vice President Moore called for comments of Staff.

Planner Johnson said even a reduced height may still block views. She clarified that plan districts and special districts were not the same. A plan district is a land use tool for development. A special district impacts taxing and legislation. These amendments are only about land use issues, so only plan districts are being considered.

Vice President Moore called for Commission discussion and deliberation.

Commissioner Henri said she believed, based on community input, that the height limit should be 28 feet in the BVO with exceptions for water dependent uses only and for affordable housing. Anything over 28 feet would be 100 percent affordable housing. There should be no time limit on that. She agreed that housing was not safe in a tsunami inundation zone. She believed much of the public is not educated on tsunami danger, evacuation protocols and emergency preparedness. It is not in the best interest of the public's health, safety, and welfare to have housing in a tsunami inundation zone. She understood that special districts were required to follow all basic zoning codes unless they obtain a master plan approved by the Community Development Department, Planning Commission, and City Council. Therefore, special districts are safe. She believed special districts were necessary for the Port and the Astoria Warehouse site. The Astoria Warehouse site presents a lot of challenges with building massing, so other creative solutions should be considered. A master plan would be required to work through the detailed problem solving. The Port is a unique site as well and worthy of a special district because it is such a large site. The entire property is water related and the master plan process allows enough public input and careful consideration of every component. She was unsure how to provide view corridors with the lots that were long and oriented east/west. Any exceptions could be requested through a conditional use or a variance.

Planner Johnson clarified that exceptions were variances, but in some sections the code states variances are not allowed. The Commission needs to determine whether variances will be allowed and if variances will be limited.

Commissioner Henri added that she did not want to overcomplicate things, but it is important to be specific. This process needs to move forward, but the City might regret it later if the process is rushed.

Commissioner Corcoran understood that two of the three areas in the zone were large enough to warrant some special planning. Therefore, it would be proper to clarify what needs to be clarified without any undue delay. The Port is a publicly owned parcel and he expected that to continue. The Astoria Warehouse site is a large parcel that could accommodate large buildings, but it could be split into smaller lots that are then sold. With regard to low income housing in tsunami inundation zones, research shows that low income people are the least prepared for hazards. Since this zone has not been adopted as a hazard zone by the Planning Commission or the City Council, the hazards cannot be used as considerations in these development decisions. He wanted to reconsider incentivizing low income housing in this zone. He asked if it was standard procedure to require 25 percent of the housing to be low income with a 25-year time limit.

Planner Johnson explained that Staff had seen other cities require 25 percent and 25 years is typical when restrictions are put on a property use.

Commissioner Corcoran stated the essential issues for him were views and relationship to the river. The public wants 28 feet but depending on the parcel size that might not get what people want. So, the City needs to think more creatively about how to make it work.

Commissioner Price confirmed with Staff that they did not have any recommendations about how to achieve the desired results of these code amendments. Planner Johnson explained that Staff was stumped about how to satisfy both the development goal and citizens' requests.

Commissioner Price said the Commission had two charges from the Council after the Fairfield debacle. One was to clean up the language in the BVO and other parts of the Code, which has been done well. The second one was to lower the height to 28 feet. Vice President Moore's 60/90 policy made sense but was complicated. She wanted to know if the Commission could do what the Council has asked by agreeing to the 28-foot height limit with variances to 35 feet for electrical equipment, elevator shafts, and water dependent uses; then, if the Council wants the Commission to go forward, allow them to say so. If Council directs the Commission to move forward, she believed a work session should be scheduled with the Council, Planning Commission, and Staff to discuss the issues. The City knows what Astorians want after hearing it for 10 years, limited development along the Riverwalk. However, the City does not know how to do this. Unless it creates other complexities, she recommended that the Commission agree on 28 feet. She believed the Commission needed to have a discussion with Council, Staff, and consultants because these amendments should be considered within the context of what is going on in Uniontown Reborn and ODOT changes to West Marine Drive. A lot of money, time, and resources are going into changing this area for decades. Doing this piecemeal will result in an okay project but the City can do better. This is an opportunity to recreate the west end of Astoria.

Commissioner Cameron-Lattek asked for Planner Johnson's opinion on 28 feet and 20,000 square feet. She wanted to know if that would get the City close to what it wants.

Planner Johnson explained that would be quite limiting and would not achieve the desired results. The full length of a 28-foot-tall building would block views. Also, a 28-foot-tall building no larger than 20,000 square feet would probably not be financially feasible. It is possible that the concept of north/south oriented buildings on the Astoria Warehouse site could work, but not on the Port site.

Commissioner Cameron-Lattek asked if 60 percent lot coverage would be any better. Planner Johnson said 60 percent lot coverage would result in buildings that were not lined up because of the way the lots are situated. There would be no view from West Marine Drive in the area between the Megler Bridge to the Port. Therefore, maybe the Commission should focus on views from the Rivertrail north and from the bridge east where lots go out to the river. At a work session, the Commission could play with concepts and ideas that right now will work in one area and not in another. She confirmed she had been comparing this with Uniontown Reborn to make sure things are cohesive and consistent.

Commissioner Cameron-Lattek appreciated Commissioner Price's suggestion for an immediate solution that allows the Commission to get direction from City Council on some of the issues. She was fine with 28 feet on land and over water, and variances to 35 feet for water dependent uses. She agreed the Commission should not incentivize affordable housing in this area but should look for other ways to support the housing goal. She supported a plan district for Astoria Warehousing, but not the Port. The Port should stay part of the BVO because it is such a large area. The only thing small business owners hear from the Port is to support tourism. As a downtown business owner, she did not believe the economic benefit of cruise ships offset the environmental disaster that cruise ships are.

Vice President Moore stated he support plan districts for Astoria Warehouse and the Port. The large parcels could pose a great opportunity for a development that is approved by the community. A plan district would need to be approved through multiple public hearings with the Planning Commission and City Council. Therefore, a plan district would not be a blank check for the Port or Astoria Warehouse to do whatever they wanted. He did not understand how the heights were a problem because when he drives by the 28-foot tall warehousing buildings he cannot see the river. Therefore, the heights have never been a concern because buildings block views of the river no matter how tall they are. The problem is long buildings that block the river. He respected that the Commission was interested in implementing a 28-foot height limit. The Commission has the option to limit uses and could recommend to Council that hotels and motels not be an allowed use in the BVO. The public seems to have been triggered by one hotel development and is focused on height because that is something material, but the real issue is being able to see the river. Long buildings block the river. The original goal for the 90/60 plan was to create corridors to see the river. The plan appears to work better in the large parcels on the east end of the BVO but falls apart in the smaller parcels. The large parcels could also be adjusted into smaller parcels at any time. The goal was to disincentivize buildings running parallel to the river, which is common for hotels. He asked if the Commission was willing to consider his ideas.

Commissioner Corcoran said he would consider a work session on use limitation. He also wanted an immediate moratorium or something to prevent the hotel going in while the Commission discusses other ways to address the issue. He did not want to approve 28 feet at this time. He believed use prohibitions would address the public's concerns while the Commissions decides on what to do. Rather than approving 28 feet, he wanted to prohibit uses.

Planner Johnson explained that the Commission it would not be legal to implement a moratorium as part of these code amendments. However, the Commission could change the code because the proposed amendments are still open to the public for discussion.

Commissioner Corcoran believed it seemed significant to discuss use prohibitions in the context of height and mass.

Commissioner Henri asked if hotels could be allowed as a conditional use. Planner Johnson said yes and reminded that as long as conditional use criteria are met, the permit must be approved. View corridors would not be a criterion.

Commissioner Price wanted the Commission to either prohibit hotels or approve a 28-foot height limit tonight. She saw on Facebook that the City Council would discuss the Commission's decision on this at their August meeting. She also wanted the Commission to have a work session with Council between now and the August City Council meeting.

Commissioner Cameron-Lattek said she would be happy to discuss uses, but at a later work session. She also wanted to do more research on a city that does not allow any chain company with more than eight locations could not have a location in their town. Something similar might address the concerns that Astoria has. She believed there was consensus among Commissioners about approving 28 feet and two plan districts. She asked if the 28-foot limit was in conjunction with a 90-foot wide building orientation. Planner Johnson stated she could look at drafting that as long as the Commission understood that the width would not do any good along the west side of the Megler Bridge.

Commissioner Price said she did not believe master plans were necessary for the Port and Astoria Warehouse sites. The City would end up with three overlays in some places and she believed the Commission was making assumptions. The Commission wants to create a vision for the west side of Astoria. If the Port wants a master plan based on the criteria they can do so. There are all kinds of stories about what Astoria Warehouse is or is not going to do. Creating plan districts eliminates 80 percent of the area. She believed it would be better for the Commission to settle on a vision for the area and leave it at that.

Vice President Moore reminded that special plan districts would not be excluded from the rest of the zoning requirements. Anything that the City implements would apply unless a special plan district was approved with differences.

Commissioner Henri added that the plan districts would not be able to vary from the code unless they get an approved master plan. The Astoria Warehouse site is just a wall between Marine Drive and the river, so redeveloping the property could be a big opportunity. However, it is not likely that developers would do anything on the property if redevelopment was constrained by the code. It would not be financially viable to redevelop such a large lot with small buildings.

Commissioner Price said the lot could be divided into smaller lots. Architects can do all kinds of good things within the bounds of all types of restrictions. The Commission should consider what other small water related cities around the country have done to keep development at a minimum while creating robust and beautiful towns.

Vice President Moore understood that the majority of the Commission would be interested in pursuing a 28-foot height limit. He confirmed that the entire Commission was in favor of a 28-foot base height in the BVO with variances for water dependent uses up to 35 feet on land and over water. He asked Staff for direction on how to make such a motion that would also allow the Commission to discuss the remainder of the application in a work session. Planner Johnson recommended adding Amendment Request A19-01C to discuss the plan districts and use restrictions in a work session. She asked if the Commission wanted to move forward with the recommended code amendments for building size.

Vice President Moore stated he was no longer interested in pursuing the 90/60 policy because it would be impractical.

Commissioner Price preferred to discuss plan districts in a work session, but wanted to move forward with the 90/60 plan for building massing.

Commissioner Corcoran said he wanted to discuss plan districts and massing in a work session.

Commissioner Cameron-Lattek said she preferred to make a decision on plan districts now, noting that she was in favor of plan districts.

Commissioner Henri stated she wanted to allow 28 feet on land but limit over water development to bank height. She suggested the Commission discuss over water development and the non-limitation areas. Special districts should be decided on now. She serves on the technical advisory board of the Uniontown Reborn master plan project. The planning process is lengthy and involved with a lot of public meetings. With consultants, the public, and staff weighing in, it is difficult to get an approved master plan. She felt it was very safe to put the Port and Astoria Warehouse properties in special districts because doing so will help the Commission make decisions now without having to solve weird massing and use problems now. The special districts help to simplify the code, so she was in favor of them. She believed it would be best to discuss massing and uses at a work session.

Vice President Moore said he was in favor of the plan districts as well.

Planner Johnson understood that the majority of the Commission had directed Staff to prepare a basic code amendment that limits height to 28 feet with variances to 35 feet for water dependent uses. She reminded that variances must meet certain criteria, including proof of a hardship which is difficult to prove.

All of the Commissioners confirmed that the code should allow exceptions, not variances, up to 35 feet for water dependent uses.

Planner Johnson stated she would also proceed with a basic plan district process for the Commission to review and schedule a work session to discuss massing and use limitations. She recommended the Commission make a decision on this amendment request with massing and use limitations excluded to be considered as part of Amendment Request A19-01C. She advised the Commission to leave the public hearing open, allow her to amend the draft of code amendments for review at the next Planning Commission meeting, and schedule a work session to discuss mass and use.

Commissioner Price stated the differentiation between on land and over water development was important.

Commissioner Henri wanted the Commission to discuss building heights for on land versus over water development. The parcels over water are large in the area and the percentage of non-limitation areas is small. Filling the parcels with two-story buildings would block views.

Planner Johnson reminded that currently, over water development is limited to a maximum of 150 feet if the development is 300 feet from the shore and a 40-foot view corridor.

Commissioner Price said in the very first Riverfront Vision Plan meeting, people indicated they loved the Cannery Pier Hotel. So, the idea was to get more development like the hotel.

Planner Johnson noted that the Cannery Pier Hotel was 400 feet from the shore. She suggested that the proposed height limits also apply to the non-limitation areas over water.

Commissioner Price wanted to limit over water development to bank height unless the use is water dependent. And water dependent uses over water could be up to 35 feet.

Commissioner Corcoran said the Cannery Pier Hotel would not be considered a water dependent use if it were proposed today. He agreed with Commissioner Price on the restrictions for non-limitation areas.

Commissioner Henri stated she agreed as well with the understanding that it would apply to new development. If the Cannery Pier burned down, it could be rebuilt.

Commissioner Cameron-Lattek believed the BVO was a special district because of the view out to sea. Buildings set farther out from the bank tend to block the view even more. She believed water dependent uses should be limited to 35 feet without exceptions and all other over water development should be limited to bank height.

Vice President Moore said he was not in favor. The limitation areas were part of the Bridge Vista plan, so he wanted to stick with the original Bridge Vista plan.

Planner Johnson believed she had enough direction from the Commission to move forward.

Commissioner Corcoran moved that the Astoria Planning Commission continue the hearing on Amendment Request A19-01B by Community Development Director to July 23, 2019 at 6:30 pm; seconded by Commissioner Cameron-Lattek. Motion passed unanimously.

Vice President Moore called for a recess at 8:42 pm. The meeting reconvened at 8:48 pm.

Planner Scholetzky was contacted via telephone at 8:48 pm and put on speaker phone for participation in the meeting.

ITEM 4(d):

CU17-06

Permit Extension Request for Conditional Use (CU17-06) by Astoria Warming Center to extend the permit to September 6, 2020 to operate the Astoria Warming Center at 1076 Franklin Avenue (Map T8N R9W Section 8CC, Tax Lot 2300, Lots 5 and 6, Block 45, McClures) in the R-3 (High Density Residential Development Zone).

Vice President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of

interest or ex parte contacts to declare. There were none. Vice President Moore asked Staff to present the Staff report.

Planner Scholetzky reviewed the written Staff report via PowerPoint. The City received five letters in support of this request, which were included in the agenda packet. Staff recommended approval of the request with the conditions listed in the Staff report.

Commissioner Price asked if there was any mechanism for extending the 120-day season and the 90-day limit on operating the warming center. She also wanted to know if the limit was state law, city code, Development Code, or fire marshal. Last year, it was very cold in March when the warming center had to close. Planner Scholetzky explained that the conditions of approval in the original conditional use permit approved in 2017 did not include the 90-day limit. She would need to do more research to find out where that came from. If the original conditions are changed substantially a new review would be necessary.

Vice President Moore believed the 90-day limit was required by the State Fire Marshal.

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

Annie Martin, 1024 Grand Avenue, Astoria, President of the Astoria Warming Center Board, said during their last season, the warming center provided vital services with minimal impact on the surrounding neighborhood. No changes were being proposed and the agenda packets included an alternative site analysis, which shows there are still no other affordable or feasible properties available at this time. The center continues to meet its neighborhood commitment, holding three meetings each season. The first and second meetings of the last season had less than a handful of attendees and no one attended the third meeting. Only one complaint was logged and it was addressed immediately. Last season, the warming center was open for 80 days and this season, they were open for 90 days. On 26 nights during this season the wind chill was less than 30 degrees. They served 185 unique individuals during the season, which was more than last year. The biggest increase was in the over 55 age group. Forty-six percent of the nights they were open they had more than 25 guests. For 31 nights, the center was at capacity. A total of 2,272 overnight stays and over 5,000 meals were provided. Community support has increased this season with a number of downtown businesses providing meals and donations of supplies and cash.

Vice President Moore called for any testimony in favor of the application.

Rick Bowers, 357 Commercial, Astoria, presented Staff with a copy of the Oregon Fire Marshal regulations. He said he hoped the Commission received a copy of the declaration of support with 210 signatures, which was delivered to Staff at 4:30 pm that day. About 60 of the names are people who use the warming center or are unsheltered.

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

Planner Scholetzky stated the Oregon Fire Code limits the warming center's operation to 90 days.

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

Commissioner Cameron-Lattek said she was happy to see the concerns were down and were being addressed quickly.

Commissioner Price stated she appreciated that the organization continues to professionalize.

Commissioner Cameron-Lattek moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Permit Extension for Conditional Use CU17-06 by Astoria Warming Center; seconded by Commissioner Price. Motion passed unanimously.

Vice President Moore read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

There were none.

STAFF UPDATES/STATUS REPORTS:

Meeting Schedule

- July 2, 2019 at 6:30 pm – APC Meeting (as needed)
- July 23, 2019 at 6:30 pm – APC and TSAC meeting

Vice President Moore noted that on Tuesday, August 6, 2019, the Planning Commission meeting will address some of the Uniontown Reborn issues that are time sensitive. He would not be able to attend that meeting.

PUBLIC COMMENTS:

There were none.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:08 pm.

APPROVED:

Community Development Director



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

July 9, 2019

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNING CONSULTANT

SUBJECT: AMENDMENT REQUEST (**A19-01B**) FOR BRIDGE VISTA OVERLAY

I. BACKGROUND SUMMARY

- A. Applicant: Community Development Department
City of Astoria
1095 Duane Street
Astoria OR 97103
- B. Request: Amend the Development Code concerning waterfront development in the Bridge Vista Overlay Area concerning height, mass, location of buildings; and establish a process for potential future planning districts for Astoria Warehouse and Port of Astoria West Mooring Basin.
- C. Location: Bridge Vista Overlay Area (BVO - Portway to 2nd Streets, West Marine / Marine Drive to the Columbia River Pierhead Line)

II. BACKGROUND

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Lief Erikson Drive) was divided into four Plan areas of development: Bridge Vista BVO (Portway to 2nd Street), Urban Core UCO (2nd to 16th Street), Civic Greenway CGO (16th to 41st Street), and Neighborhood Greenway NGO (41st Street to east end of Alderbrook Lagoon). On December 7, 2009, after many public meetings and holding a final public hearing, the City Council accepted the Riverfront Vision Plan. Bridge Vista Overlay Zone was adopted on June 15, 2015; Civic Greenway Overlay Zone was adopted on October 6, 2014; and Neighborhood Greenway Overlay Zone was adopted on December 7, 2015. The City is currently conducting work sessions with the APC and City Council on proposed amendments to adopt codes for the proposed Urban Core Overlay Zone.

Over the last year while working on the Urban Core proposed codes, the City Council has received numerous public comments including a petition requesting that the Council

consider reducing the height of buildings and limit development on the Riverfront. The first major project for the area to be reviewed under the new standards was Design Review Request (DR18-01) by Fairfield Hotel for a hotel to be located on the land area at the 1 2nd Street.

On July 10, 2018 the Historic Landmarks Commission (HLC) and the Design Review Committee (DRC) denied the requests (NC18-01 and DR18-01) which were subsequently appealed by the applicant. A combined public hearing on the HLC Appeal (AP18-04) and DRC Appeal (AP18-03) was held at the August 23, 2018 City Council meeting. At that Council public hearing, the applicants submitted revised proposed plans. The Council tentatively approved the HLC Appeal and reversed the HLC denial, thereby tentatively approving the New Construction Request (NC18-01) pending adoption of Findings of Fact. The Council remanded the Design Review Request (DR18-01) back to the Design Review Committee for additional consideration.

The applicants submitted revised plans (DR18-01R) for consideration on remand and the Design Review Committee held a public hearing on October 9, 2018. At that meeting, the DRC found that the revised application met all design guidelines except for two and denied the request with a split 2 to 2 vote. The two guidelines in question were *Design Guideline* ADC 14.115(B)(2)(a) which provides: "Buildings should retain significant original characteristics of scale, massing, and building material along street facades" and *Design Guideline* ADC 14.115(B)(2)(f) which provides: "Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular." The decision was appealed by Hollander Hospitality (AP18-05) on November 13, 2018. The City Council elected to hear the appeal on the record and restricted its consideration of the application of design guidelines ADC 14.115(B)(2)(a) and ADC 14.115(B)(2)(f). At the December 20, 2018 meeting, the City Council considered the appeal. This was the first major project reviewed under the newly adopted BVO codes. During the public hearing, the Council noted concerns with specific language in the BVO codes that were not clear and did not reflect the intent of the code as it was written in 2015. The appeal decision was required to be based on the code language as adopted and the appeals were approved reversing the DRC denial.

The Council expressed interest in amending the code to clarify various sections of the BVO to reduce confusion and clarify the design review process. During the development meetings with the hotel applicant, there were differences in interpretation of other sections of the BVO that staff resolved with the applicant. Staff identified minor language amendments that would make the code clearer and/or consistent with other sections of the code. At a work session on February 19, 2019 with the City Council concerning the proposed amendments, the Council recommended that the building height on both the land and over-water areas be limited to a maximum height of 28' (two stories) to keep development at a pedestrian scale. They noted that the mass of even a two-story building could be a concern, and that the 30,000 square foot maximum for buildings may still be a concern. At that time, it was unclear if a solution was feasible to consider with the City Council intent to adopt the proposed amendments in a timely manner.

At its April 23, 2019 meeting, these two issues became the focus of public input and APC discussion. Therefore, in an attempt to proceed with the majority of the amendments that were not controversial, the APC split the amendment draft into two sections. One section would be just the height and gross square footage issue (A19-01B) allowing the rest of

the amendment to proceed. A19-01B portion of the request was continued to the May 28, 2019 APC meeting for further discussion. The APC recommended that the City Council adopt the proposed amendments on the first part of the request (A19-01A).

At the May 28, 2019 meeting, the APC took public comments and discussed the issues of height, mass, and the proposed Plan Districts. The APC provided staff with direction on how to draft proposed code amendments that would address these issues. While there was not a unanimous direction, some consensus direction was provided. While the City Council had suggested a 28' maximum height, their concern with building massing was not directly addressed. The APC has suggested an alternative that would allow buildings to 35' but with a north/ south orientation, maximum width of 60% of the lot, maximum individual building width of 90', and a required 60' view corridor between buildings. The APC considered this alternative to address building mass as a 28' high building the full width of the lot would virtually block all view of the River except at the street ends. When applying this concept to actual properties, it was determined that it would not give the results intended due to the existing lot configuration and development.

At the 6-24-19 APC meeting, the APC agreed that further delay in adoption of a code to address building height could result in unwanted development. The APC directed staff to draft a code to limit height on the land to 28' with no variances, and to limit height over water to top of bank except for water-dependent uses (not including water-related uses) which would be limited to 35'. A list of Development Code and Comprehensive Plan definitions of "water-dependent" and other use classifications is attached. Any proposed use within the BVO would need to comply with the allowed outright or conditional uses, and with the prohibited uses of the BVO. In addition, the use would need to meet the requirements of the Code to be considered as "water-dependent" use for the allowed extra height. Issues concerning mass, view corridors, and additional limitations or change in allowable uses would be considered under a new amendment request after additional work sessions could be held, possibly with the City Council.

The APC agreed to proceed with the codes for the Plan Districts as they were large areas and any changes based on a Plan District would require additional public review before being adopted and applied.

III. PUBLIC REVIEW AND COMMENT

A. Astoria Planning Commission

A public notice was mailed to all property owners with the Bridge Vista Overlay Area, Neighborhood Associations, various agencies, and interested parties on March 5, 2019. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on March 19, 2019. State required Measure 56 mailing was mailed to all property owners within the Bridge Vista Overlay Area. The proposed amendment is legislative as it applies City-wide in the specific zones. As required per Article 9, on site notice was posted on March 12, 2019 in the affected overlay areas as follows: one near 2nd street at the previous appeal site (BVO); one on the corner of 30th and Marine Drive (CGO); and one near 43rd and Lief Erikson Drive (CGO).

The Astoria Planning Commission opened the public hearing at the March 26, 2019 meeting and continued the public hearing to the April 23, 2019 meeting. While additional public notice was not required, additional public notice was provided. Amendment Request (A19-01A) proceeded to City Council on June 3, 2019 and Amendment Request (A19-01B) was continued to the May 28, 2019 APC meeting and subsequently continued to the June 25, 2019 APC meeting. No additional public notice is required for the APC meetings.

B. State Agencies

Although concurrence or approval by State agencies is not required for adoption of the proposed amendments, the City has provided a copy of the draft amendments to representatives of the Oregon Departments of Transportation (ODOT) and Land Conservation and Development (DLCD) as part of the planning process.

IV. FINDINGS OF FACT

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

Finding: The proposed amendments to the Development Code is being initiated by the Community Development Director on behalf of the City Council.

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

1. *An amendment to the text of the Development Code or Comprehensive Plan."*

Finding: The proposed amendment is to amend the text of the Astoria Development Code Article 14 concerning Riverfront Overlay Zones. The amendment would amend existing and create new overlay zone standards.

The proposed amendments are applicable to a large area of the City. Processing as a legislative action is appropriate.

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

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

Finding: The City accepted the Riverfront Vision Plan in 2009 as a long-range planning framework to address the changing needs and desires of the citizens concerning Riverfront development and the need to protect the environment. Codes to implement the Vision Plan concepts were adopted

by the Council. The City Council directed staff to initiate Development Code amendments to reduce the maximum building height in the BVO and add additional standards to address the concerns with clarity of the code and the desires of the public.

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

Finding: The proposed amendments will amend the BVO codes that implemented the Riverfront Vision Plan. The amendments include changes to existing design standards for development, protection of scenic views and vistas such as with the lower maximum height of buildings.

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

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

Finding: The proposed amendments will strengthen the existing Riverfront Vision Plan area overlay zones development standards. The design concerning building height protects the historic character of the City and waterfront areas. The reduction in allowable height and development along the shoreland in this area and on parcels extending over the water will help protect the estuary environment. The proposed ordinance is intended to provide the guidance to help achieve these goals.

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

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

Finding: While the proposed amendments amend existing criteria and limit development height within the Bridge Vista Area, it does not prohibit development and continues to support development of water-related and water-dependent uses in the shoreland and aquatic zones in the Bridge Vista area. It would allow flexibility for some limited other development with the creation of a process for potential future adoption of the Astoria Warehousing Plan District and the Port of Astoria West Mooring Basin Plan District. These two areas are larger land areas and redevelopment could be restricted with the proposed development standards. Allowing for future plan district adoption with some code flexibility would allow for a process to review site specific needs in these two areas in the future. Specific standards and limitations are addressed in the proposed amendments include periodic review of the need for potential plan districts. The ability for water-dependent uses to have a height limitation of 35' supports water-dependent industries.

Structure height, width, and size would be regulated so there would not be large amounts of over water development near the Maritime Memorial / Astoria Megler Bridge and near the former cannery site near 2nd Street which is limited to uses such as moorage, and other piers and dock activities. These areas would remain as protected areas even with the proposed Plan Districts. The orientation standards and reduction in building height would allow some development in this area where some over-water and in-water activity has occurred in the past while preserving the broad vistas as viewed from the River Trail and adjacent and hillside properties.

The APC determined that only water-dependent uses should be allowed over water to a height greater than top of bank.

No change to allowable uses is proposed with this amendment. The existing uses would continue to be allowed within these zones and in other portions of the City.

The requirements for shoreland and estuary development in Development Codes Articles 4 and 5 would remain applicable to any development in this area.

5. CP.020.2 states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

Finding: The Riverfront Vision Plan recognizes the need for development but balances that with the need to protect the vistas and views of the Columbia River, the Astoria-Megler Bridge, and the surrounding landscape. By establishing four Plan areas with different focus for development, the various sections of the Riverfront could be developed in a flexible manner. Bridge Vista Area is envisioned as more of a marine related area for overwater and shoreland development while allowing flexibility of development south of the River Trail. However, the City Council has found that the BVO code as written provided for too much flexibility and was not

clear on some of the requirements such as how to review mass and scale of new buildings. The proposed amendments would still allow for some flexibility but would reduce the height and scale of buildings both on land and over water. Overall, the objectives for this area are met with the proposed allowable type and level of development on land and elsewhere along the Riverfront.

The proposed amendment would allow flexibility for some limited other development with the creation of a process for potential future adoption of the Astoria Warehousing Plan District and the Port of Astoria West Mooring Basin Plan District. These two areas are larger land areas and redevelopment could be restricted with the proposed development standards. Allowing for future plan district adoption with some code flexibility would allow for a process to review site specific needs in these two areas in the future. Specific standards and limitations are addressed in the proposed amendments.

6. CP.210(1), Economic Element, Economic Development Recommendations, states that *"In the City's waterfront areas, the City will continue to promote a combination of tourist-oriented development, industrial development associated with the City's working waterfront, and water-related and dependent industries, and distribution and sales of goods and services for Astoria residents and businesses. These efforts will be guided by and consistent with the Astoria Riverfront Vision Plan."*

Finding: The proposed amendments would not change the allowable uses in the Bridge Vista Overlay zone. It would reduce the height from potential 45' in some areas to 28' maximum on land with the possibility of up to 35' for water-dependent uses. A two-story and possible three-story water-dependent building would continue to allow some development along the waterfront while reducing the mass and scale of the buildings.

7. CP.204, Economic Development Goal 5 and Goal 5 Policies, Goal states *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."*

Finding: The proposed amendments create increased visual and physical linkages along the Columbia River with limitation on development and special siting standards for buildings and landscaping. The proposed amendments include building height limitations that are consistent and reflective of the Uniontown historic area. The proposed amendments are intended to protect the views of the River which is one of the main tourist attractions to Astoria. Major loss of these views would be a detrimental impact to Astoria's economy and livability.

8. CP.038.1, Port-Uniontown Overlay Area Policies, states that *"The City will use the vision established in the Port/Uniontown Transportation Refinement Plan (2007) to direct future development in the Port- Uniontown Overlay Area. The overall Comprehensive Plan Policies are to:*

- a. *Promote development that complements the surrounding areas of Downtown and the West End.*
- b. *Enhance existing primary uses, such as Port of Astoria facilities, the marina, visitor services, open space, trails, and small businesses and neighborhoods.*
- c. *Support redevelopment of former industrial sites and vacant and underutilized lots*
- d. *Stimulate development interest by establishing complementary surrounding land uses and quality development and design, and by improving transportation conditions through road construction and connections, circulation plans, and access management plans.*
- e. *Establish visual and physical linkages within and around the Port-Uniontown Overlay Area, with emphasis on the Columbia River waterfront.*
- f. *Create a pedestrian-friendly environment through the District by increasing connectivity throughout the Port-Uniontown Overlay Area, orienting buildings toward adjacent streets and pathways, extending the River Trail, adding and improving sidewalks, and enhancing the streetscape with landscaping, human-scale lighting, seating, and other amenities.*

Finding: The proposed amendments would retain the existing zoning which allows a range of allowed land uses in these areas. The revisions and/or clarifications of the building size and siting standards would preserve and/or create view corridors and preserve portions of the waterfront for vistas and views. The proposal balances the need for development and the need for public access to the waterfront by recognizing the visual connection to the river from the hillsides, the River, the River Trail, and from the highway by allowing the mixed uses but at a smaller, pedestrian scale.

The majority of the Port-owned property (Piers 1, 2, 3) are not within the BVO and not subject to the Riverfront Vision requirements. The east area of Port property including the existing former Astoria Riverwalk Inn and the area between the Inn and the Maritime Memorial are included in the BVO area. These areas are intended to be pedestrian-friendly and are partially within the Pedestrian-Oriented District. Even with the proposed potential for the Astoria Warehousing Plan District and Port of Astoria West Mooring Basin Plan District, it is proposed that Limitation Areas and Pedestrian-Oriented District standards would still apply and would not be subject to change with a Plan District.

9. CP.038, Port-Uniontown Overlay Area Policies, states that

- “2. *The City will implement the Port-Uniontown Overlay Area element of the Comprehensive Plan through its Design Review process and amendments to the Development Code that provide design and development standards.*
3. *The City, through the Development Code, will develop a set of design standards for the Port-Uniontown Overlay Area that address*

building massing and orientation, architecture, access and parking, streetscape, landscaping, and other elements. These standards will apply to development projects in the District as defined in the Development Code.

4. *To the extent possible, the design and development standards are intended to be clear and objective so that most proposed development can be evaluated administratively. The Design Review Committee, created and enabled by the Development Code, will review appeals of administrative decisions and proposals that vary from the standards and yet may still embody the spirit of the Port-Uniontown Overlay Area."*

Finding: The proposed amendments would revise building height based on the existing historic and waterfront development design of the Uniontown and Port area other than the former larger cannery buildings.

10. CP.068, Astoria Riverfront Vision Overlay Area Policies, states that

- "1. *Promote physical and visual access to the river. The overall Comprehensive Plan objectives are to:*
 - a. *Maintain current areas of open space and create new open space areas.*
 - b. *Provide for public access to the river within private developments.*
 - c. *Retain public ownership of key sites along the riverfront.*
 - d. *Protect view sheds along the river, including corridors and panoramas from key viewpoints.*
 - e. *Use alternative development forms (e.g., clustered development, narrower, taller profiles, setbacks, stepbacks, and gaps in building frontages) to preserve views."*

Finding: The proposed amendments would further preserve visual access to the Riverfront with the reduced height, mass, and scale. They also create siting standards to limit the size and height of buildings to reduce the mass and scale on the entire development site.

The reduction in height limits the use of alternative development forms relative to narrower/taller profiles, however, with a height exception for water-dependent uses, additional height can be designed for these needed uses.

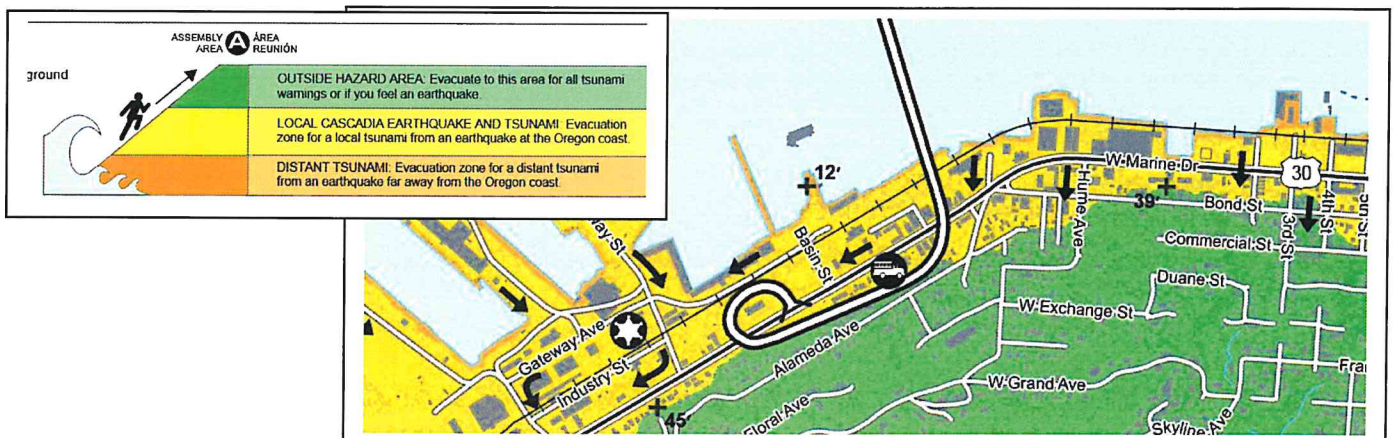
- "2. *Encourage a mix of uses that supports Astoria's "working waterfront" and the City's economy. The overall Comprehensive Plan objectives are to:*
 - a. *Maintain the authentic feel of the riverfront.*
 - b. *Prioritize siting of water-related businesses along the river.*

exception for water-dependent uses, additional height can be designed for these needed uses.

- “2. *Encourage a mix of uses that supports Astoria's "working waterfront" and the City's economy. The overall Comprehensive Plan objectives are to:*
- Maintain the authentic feel of the riverfront.*
 - Prioritize siting of water-related businesses along the river.*
 - Allow for some residential development along the riverfront, emphasizing smaller-scale work force (moderate income) housing.*
 - Allow for development that supports downtown and other commercial areas.*
 - Limit development in areas with most significant impacts on open space, view, or other resources.*
 - Promote uses that provide jobs and support the local economy.”*

Finding: The proposed amendments would not change the allowable uses but would reduce the height to help preserve views and allow for development that is more in scale with the existing riverfront. A proposed height exception to 35' for water-dependent uses would allow additional height without a variance to encourage this use.

Special exceptions for affordable housing were considered but are not included with this proposal due to the APC's concern with location of housing in a tsunami zone in this area. The entire BVO area is within the “Local Cascadia Earthquake and Tsunami” Area. This is a required evacuation zone. The City of Astoria addendum to the Clatsop County Multi-jurisdictional Natural Hazards Mitigation Plan, dated 6-17-2013, on Page 1-36 states “Astoria's location along the Oregon Coast makes it susceptible to tsunamis from both near shore (following a Cascadia Subduction Zone earthquake) and distant tsunamis. The extent of the tsunami hazard is limited to those areas adjacent to either the Columbia River or Young's Bay.” Page 1-38 states “The City's tourist-based economy and population density are significant issues related to the tsunami hazard.”



(DR18-01) by Fairfield Hotel for a hotel to be located on the land area at the 1 2nd Street. During the public hearing on an appeal of that issue as noted in the Background information in this document, the Council noted concerns with specific language in the BVO codes that were not clear and did not reflect the intent of the code as it was written in 2015. The appeal decision was required to be based on the code language as adopted and the appeals were approved reversing the DRC denial.

The Council expressed interest in amending the code to clarify various sections of the BVO to reduce confusion and clarify the design review process. There were several other issues that staff identified as needing clarification. These issues were addressed in Amendment Request (A19-01A) by the APC with the building height and mass separated out as Amendment Request (A19-01B).

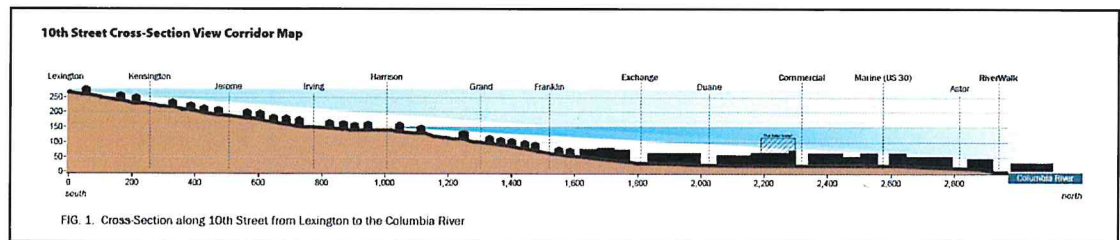
Based on public input, the City Council requested that the BVO area height be reduced to 28' from the current 35' height allowance. The current code would allow a variance up to 45' high. The APC addressed the City Council desire for a 28' height but also looked at their concern with the mass of buildings. The APC proposed amendments that would allow a 35' building with a north/south orientation for a maximum of 60% of the lot width, maximum building width of 90', and a required view corridor of 60'. The APC considered this alternative to address building mass as a 28' high building the full width of the lot would virtually block all view of the River except at the street ends. When applying this concept to actual properties, it was determined that it would not give the results intended due to the existing lot configuration and development.

An exception without the need for a variance for water-dependent uses over water or on land would be allowed up to 35'; no other variances would be allowed. The Riverfront Vision Plan for BVO on Page 37 states *"Trading building height for width (mass) may be desirable in some instances, but a maximum height should be established and enforced. That maximum height likely would be on the order of one story above the base height."* The base height is not specified in the Plan. With a "base height" of 35' and the allowance for an additional story for affordable housing project exception, the proposed amendment would be consistent with the Plan.

Comprehensive Plan Section CP.068.1.e states *"Use alternative development forms (e.g., clustered development, narrower, taller profiles, setbacks, stepbacks, and gaps in building frontages) to preserve views."* The Comprehensive Plan does not specify a height but notes that a narrower/taller profile is an alternative. The APC recommended addressing the view with the narrower building orientation while allowing the 35' height. However, in the BVO area, the orientation of the lots and the existing development prevent this concept from being successfully applied. The APC determined that a 28' height would help preserve views while additional work could be completed to address the mass of buildings. The proposed amendment does allow for the additional height exception for

water-dependent uses and therefore is consistent with the Comprehensive Plan.

The Riverfront Vision Plan (Page 21) addresses the view from the “hillside” and the impact of buildings up to 45’ high. The Plan states *“The photographs to the right and left were taken from the top of the 11th Street stairs at Jerome Avenue. These photos help illustrate that if new or existing development was built to the maximum height allowable in the downtown district (45’), the resulting development would not substantially impact the region-wide views from the hillside.”*



This section is background information for all four of the Riverfront Plan areas. During the visioning process, there was public concern not only for the height of the building as viewed at grade level but also how it would be viewed from the hillsides. This illustration was intended to address that concern and does not state that 45’ height should be permitted in all areas. The specific height for each Plan area would be determined during the code “implementation” process. When the BVO codes were adopted, the 35’ height with allowance to 45’ high was considered as appropriate for this area. However, when applied to the first new development proposed for this area, the public and City Council determined that the 45’ height did not meet the intent of the Riverfront Vision Plan for development that was compatible with the existing development of the area. The Plan (Page 37) for BVO states *“The Bridge Vista area is adjacent to the Uniontown Neighborhood and design should be consistent with the character of the Uniontown-Alameda Historic District.”* The character of this area is generally two or three stories high and 45’ is the exception. Therefore, a reduction to 28’ with allowance to 35’ only for water-dependent uses would be consistent with the Uniontown area and would be consistent with the Riverfront Vision Plan. The City has followed a land use process that identified a vision for the area, implemented code language, and then through the application of the code found that the “interpretation” of how to apply the codes was problematic and did not follow the intent of the Vision Plan. The proposed amendments are being considered through the public review process and are intended as refinement and clarification of the interpretation of the Vision Plan relative to height.

The adopted Vision Plan and Comprehensive Plan do not address specific issues such as height, setbacks, uses, etc. They give guidelines for how to implement the goals of the Vision Plan such as *Promote physical and visual access to the river; Encourage a mix of uses that supports Astoria's "working waterfront" and the City's economy; Support new development*

that respects Astoria's historic character; Protect the health of the river and adjacent natural areas; and Enhance the River Trail. These goals can conflict at times and the implementation of the Plan has been controversial in interpretation. The proposed amendments would not change the allowable uses within the Overlay Zone areas but would address the mass and scale of buildings and their compatibility with the character of Astoria. The working waterfront once had multiple buildings that were between one and three stories tall. Most of the existing buildings in Astoria are one and two stories tall with a few taller buildings along the waterfront and in other areas. There has been a lot of discussion on what a “working waterfront” should be and whether large hotels are what was envisioned. Section CP.068.2 refers to encouraging water-related business and maintaining an authentic feel of the riverfront. The proposed amendments would reduce the height of buildings keeping them in scale with most other buildings in the area and would allow for the protection of the River Trail environment.

While possibly limiting the feasibility of some new development due to the economics of construction, the proposed amendments do not prohibit development or uses beyond what the Code allows now. The amendments are in direct response to citizen concerns and the City Council desire to clarify how to interpret the existing Code based on how they interpret the Riverfront Vision Plan and the intended results of the Code as originally adopted. The proposed amendments would be consistent with the goals of this Comprehensive Plan section.

11. CP.140.C, Columbia River Estuary Aquatic and Shoreland Designations, Development Aquatic, states *“Development Aquatic areas are designated to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses. The objective of the Development Aquatic designation is to ensure optimum utilization of appropriate aquatic areas by providing for intensive development. Such areas include deepwater adjacent to or near the shoreline, navigation channels, sub-tidal areas for in-water disposal of dredged material, areas of minimal biological significance needed for uses requiring alteration of the estuary, and areas that are not in Conservation or Natural designation. These areas are in the Aquatic One Development Zone (A-1), the Aquatic Two Development Zone (A-2), the Aquatic Two-A Development Zone (A-2A).”*

CP.140.E, Columbia River Estuary Aquatic and Shoreland Designations, Development Shoreland, states *“Development Shoreland areas are designated to provide for water-related and water-dependent development along the estuary's shoreline. These areas may present opportunities to develop uses that complement uses in Downtown Astoria, consistent with the City's Riverfront Vision Plan. Development Shoreland areas include urban or developed shorelands with little or no natural resource value, and shorelands with existing water-dependent or water-related uses. Development Shoreland areas may include scenic vistas of the Columbia River that may be an important planning objective to protect, consistent with the City's Riverfront Vision Plan. These areas are in the General*

Development Shorelands Zone (S-2), or the Tourist-Oriented Shorelands Zone (S-2A). Some of these areas are in residential or commercial zones with a Shorelands Overlay Zone.”

Finding: The Aquatic and Shoreland designations are not proposed to be changed, but the height in the Bridge Vista Area is proposed to be reduced from 45' to 28' on land and top of bank over water with an exception to 35' for water-dependent uses. The height limitations would be for all uses and activities. The objective of the Riverfront Vision Plan is to protect some vistas of the Columbia River which is the intent of the proposed height reduction. The proposed amendments are consistent with the intent of this CP section.

12. CP.186.C, Cumulative Impacts, Cumulative Impact Analysis, states that

1. *Public Access.*

Activities generating cumulative impacts on public access can both enhance and reduce opportunities for public access to the waters and shorelines of the Columbia River Estuary. Public access is treated broadly here to include both physical and visual access. . .

Boat ramps and marinas have a strongly beneficial cumulative impact on public access for the boating public. Private individual moorages on the other hand can have negative cumulative impacts with respect to public access if allowed to overcrowd particular waterways. Continuous development of individual moorages along a reach of the Columbia River Estuary or a tributary can block public shoreline access and inhibit small boat navigation, having a strongly negative cumulative impact. The regional estuarine construction policies and standards encourage community docks and piers and discourage individual moorages. . .

Port development is often not fully compatible with public access; however, the cumulative impact of port development on public access is expected to be minor. Port development is limited to only a few sites in the estuary. Full development of all existing designated Development and Water Dependent Development shorelands would not significantly reduce public access opportunities in the Columbia River Estuary, but may have locally significant effects. . .

5. *Recreation/Tourism.*

Discussion of cumulative impacts on recreation and tourism includes estuary-oriented recreation undertaken by both local residents and by visitors from outside the region. Many impacts may be largely aesthetic in nature. . .

Boat ramps, marinas, and moorages have a generally positive impact on recreation and tourism, though there may also be a negative aesthetic component. The net cumulative impact is probably positive, however, because the estuary is large relative to the extent of existing recreational boat facilities. . .

Port development may generate both positive and negative impacts with respect to tourism and recreation. The passage of deep draft vessels up and down the Columbia River Estuary, together with associated tug, barge, and wharf activities, are significant elements of the Columbia River Estuary's attractiveness for visitors. Port development may also, however, generate negative impacts on recreational fishing and public access (see "Columbia River Estuary Regional Management Plan" Subsections 5.3.3. and 5.3.1.). Net cumulative impacts are believed to be positive. . .

Finding: The existing code limits some Riverfront areas to water-related and water-dependent uses consistent with the fishing industry and Port activities. It also limits some important public view areas to development at shoreland height maximum. This supports boat ramps, marinas, moorages, etc. that are considered to be a positive impact on recreation and tourism. The proposed amendments are intended to minimize the cumulative negative impacts along the Riverfront by preserving some areas for marine development and protecting some vistas and views. The proposed amendments would reduce any future over-water development to top of bank, or on-land development to 28', where allowed, with a 35' high exception for water-dependent uses. The intent is to provide more visual access to the river from the River Trail and from the River and lessen the cumulative negative impacts of larger developments.

13. CP.185(M), Regional Estuary and Shoreland Policies, Public Access Policies, states that *"Public access" is used broadly here to include direct physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas."*

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

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

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

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

Finding: One of the reasons the Riverfront Vision Plan was developed was to enhance public access to the estuary and allow for preservation of public open space and park areas along the Columbia River. Public access includes both physical and visual access. The River Trail along the Columbia River is used by locals as well as visitors and is maintained for its aesthetic values as well as for its transportation values. The Bridge Vista Area was identified as an area to allow some development while preserving visual and public access. The Urban Core Area was identified for more intense development and the Civic Greenway Area was identified for more open space. The existing on-land building and landscaping setback and stepbacks create wider view corridors from West Marine / Marine Drive. However, the design, mass, and scale of the proposed new development of the hotel at 2nd Street did not achieve the expectations of the adopted guidelines and standards. The City Council found them to be too flexible in their interpretation, and somewhat confusing as to how to apply mass and scale review to the proposal. It also found that 45' high buildings were not in character with the area. Therefore, the Council has requested a height reduction for the BVO.

The submerged lands (over-water) areas are owned by the State and leases are managed by Division of State Lands (DSL). Much of the waterfront area is not currently leased and therefore still in public use. The upland property owner has the first right of refusal for use of the submerged land area. However, anyone can lease from DSL. While there are tax lots platted out into the River, the tax lot owner does not pay taxes on the lot other than for improvements that are located on the lot. By State law, the public has rights to both physical and visual access to the water.

The proposed amendments would protect public visual and physical access to the River. The existing code limits the size and height of buildings on land, and height and orientation of development over the water to minimize the impact on public access. The original standards were based on the

visual impacts of the dimensions and site location of the existing Cannery Pier Hotel (10 Basin Street) located on the west end of the River Trail, and two other over-water structures at 100 31st Street (Big Red) and 100 39th Street (Pier 39). The proposed height reduction is based on the visual impact of the proposed 45' hotel with an east/west orientation which was approved with the existing guidelines and standards and the public concern that the size of the structure is not compatible with the desired development of the BVO area and Riverfront.

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

Finding: The proposed amendment allows for some over-water development while reducing the height. The standards maintain open areas for protection of the estuary habitat and to maintain vistas and views. The APC did not believe non-water-dependent uses needed to be constructed over the water to a height greater than top of bank.

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

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

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

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

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

Finding: The existing code includes height and building orientation standards to allow for development that is consistent with the development of the historic Uniontown area and that is compatible with the existing development within the entire area.

The River and River Trail are important tourism/economic assets for the City and would be protected from incompatible development with the proposed amendments. The proposed amendments clarify some height exemptions and reduce the height of structures in the BVO. The proposed code amendments would also protect more of the scenic views of the Columbia River waterfront with other standards for height and mass/scale of development. The area west of 2nd Street was the site of a former fish processing facility. This site contains a good example of the former pile field, a portion of the facility (a boiler), and historic ballast rock piles. The site and remaining structures/ features are designated historic. The City Council found it difficult to review a 45' tall hotel for compatibility with a non-habitable boiler and ballast rock piles. The proposed amendment would reduce the building height to protect views and historic sites.

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

Finding: The City has established a River Trail along the Columbia River as a City park. The Riverfront Vision Plan (RVP) identifies this as a public area and encourages protection of a portion of the public views and vistas in the Bridge Vista Area. The RVP for the Bridge Vista Planning Area identified Land Use Assumptions and Objectives which state that *"This area*

is an appropriate location for new overwater development, should it occur. However, specific areas should remain open to preserve broad view of the river...”

As noted above, the submerged lands (over-water) areas are owned by the State and leases are managed by Division of State Lands. Much of the waterfront area is not currently leased. By State law, the public has rights to both physical and visual access to the water.

The proposed amendments address the building size and height for development on both the water and land side of the River Trail with the reduction in height for BVO from 45' to 28' and with reduction over water to top of bank except for water-dependent uses which could be 35'. The proposed amendments would protect the waterfront park from incompatible intrusions.

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

Finding: Throughout the process of drafting the original Riverfront overlay areas ordinances, the City provided extensive public outreach. With the review of the recent HLC and DRC permits for the hotel and the subsequent appeal hearing, the public were provided many opportunities to be involved in the process. Invitations and notices were sent to interested parties, neighborhood associations, property owners, stakeholders, email lists, web site, notices in the *Daily Astorian*, etc. to advise them of the opportunity to provide suggestions and comments. The Council considered the public input but recognized that the hotel proposal at 2nd Street would need to be evaluated against the existing code, and that the code was unclear on several issues. Due to the lack of clarity and the extensive public comments, the City Council initiated the process to amend the code to better address the needs of the reviewing bodies and the desires of the general public. A work session with public input was held by the City Council at their February 19, 2019 meeting. A code amendment was processed through additional public hearings before the Planning Commission on March 26, 2019 and April 23, 2019, and before the City Council on June 3, 2019 to address these concerns. Due to the complexity of the height and mass of buildings, those two issues were separated from the original application and are being processed through separate additional public hearings before the Planning Commission on May 28, 2019, June 25, 2019, July 23, 2019, and the City Council to address these concerns.

The City was very conscious of the interest in protection of the Riverfront and the need to have an ordinance that would meet the needs of the citizens, property owners, protect the environment and historic resources,

be in compliance with State regulations, and would be a permit process that was easy for both citizens and staff.

18. CP.185.N, Regional Estuary and Shoreland Policies, Recreation and Tourism Policies, states *"Policies in this subsection are applicable to recreational and tourist-oriented facilities in Columbia River estuary shoreland and aquatic areas.*

1. *New non-water-dependent uses in aquatic areas or in areas zoned Marine Industrial Shorelands shall not preclude or pose any significant conflicts with existing, proposed or probable future water-dependent uses on the site or in the vicinity."*

CP.185.O, Regional Estuary and Shoreland Policies; Residential, Commercial and Industrial Development Policies, states *"Policies in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas. Within the context of this subsection, residential uses include single and multifamily structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed-and-breakfast facilities are not considered residential structures for purposes of this subsection. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related or non-dependent, non-related.*

1. *New non-water-dependent uses in aquatic areas and in Marine Industrial Shorelands shall not preclude or pose any significant conflicts with existing, proposed or probable future water-dependent uses on the site or in the vicinity.*
2. *Residential, commercial or industrial development requiring new dredging or filling of aquatic areas may be permitted only if all of the following criteria are met:*
 - a. *The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic designation; and*
 - b. *A substantial public benefit is demonstrated; and*
 - c. *The proposed use does not unreasonably interfere with public trust rights; and*
 - d. *Feasible alternative upland locations do not exist; and*
 - e. *Potential adverse impacts are minimized."*

Finding: The APC expressed a desire to limit over-water development to top of bank except for water-dependent uses which could be constructed to a height of 35'. This would support water-dependent development which is

the primary purpose of the aquatic and shoreland zones. Development of non-water-dependent uses would preclude future use of these areas by the more appropriate water-dependent uses. The proposed height limitation would be consistent with this section of the Comprehensive Plan.

Finding: The request is consistent with the Comprehensive Plan.

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

Finding: The proposed amendment will satisfy land use needs in that it will allow for the development of private properties while protecting the vistas and views along the Bridge Vista Area of the River Trail. The proposed amendment further limits the allowable development height in this area thereby reducing some of the impacts associated with a more intensive development.

Change in allowable uses is not being proposed and will not change the Buildable Lands Inventory statistics. The reduction in allowable building height may reduce the financial feasibility of some forms of development in this area. However, the proposed amendment will not adversely affect the ability of the City to satisfy land and water use needs.

- E. Oregon Administrative Rules Section 660-012-0060 (Plan and Land Use Regulation Amendments) states that:

- "(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) Change standards implementing a functional classification system; or*
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

- (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan."*

Finding: No map amendment is proposed. No change in use is proposed. The proposed amendments would impact the height of buildings. The proposed amendments will not impact transportation facilities. The proposed amendments comply with the Oregon Administrative Rules Section 660-012-0060 (Plan and Land Use Regulation Amendments) requirements. At the time of adoption of either the Astoria Warehousing Plan District or the Port of Astoria West Mooring Basin Plan District, and application of any map amendment designating these areas, the OAR should be addressed.

- F. ORS 197.303 and ORS 197.307 relate to State required standards for certain housing in urban growth areas. The ORS state the following:

"ORS 197.303, Needed Housing Defined.

- (1) *As used in ORS 197.307 (Effect of need for certain housing in urban growth areas), "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:*
 - (a) *Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;*
 - (b) *Government assisted housing;*
 - (c) *Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);*
 - (d) *Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and*
 - (e) *Housing for farmworkers."*

"ORS 197.307, Effect of need for certain housing in urban growth areas
 • *approval standards for residential development*

- *placement standards for approval of manufactured dwellings*
- (1) *The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.*
 - (2) *Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.*
 - (3) *When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.*
 - (4) *Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:*
 - (a) *May include, but are not limited to, one or more provisions regulating the density or height of a development.*
 - (b) *May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*
 - (5) *The provisions of subsection (4) of this section do not apply to:*
 - (a) *An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.*
 - (b) *An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.*
 - (6) *In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:*
 - (a) *The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;*
 - (b) *The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*
 - (c) *The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.*
 - (7) *Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:*
 - (a) *Set approval standards under which a particular housing type is permitted outright;*
 - (b) *Impose special conditions upon approval of a specific development proposal; or*
 - (c) *Establish approval procedures."*

Finding: State regulations require cities and counties to zone for all types of housing. The ORS defines “needed housing” to include affordable, low income, and very low-income housing types. ORS 197.307 addresses the determination of needed housing, allowable standards, and a clear process for design review. The City of Astoria conducted a Buildable Lands Inventory which was adopted in 2011. The report noted that there was surplus land zoned for medium and high-density residential development but a deficit of low-density residential land for an overall deficit of land zoned for residential use. There have been minor zone amendments since 2011 but the overall surplus and deficit is about the same. Multi-family residential use is also allowed in some non-residential zones allowing for more high-density residential development. The proposed amendments would still allow for multi-family dwellings in the commercial zone and would not reduce the “residentially zoned” land supply.

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

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

Source: Wingard Planning & Development Services

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

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

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

Source: Cogan Owens Cogan

The APC originally considered a proposed amendment that would allow a height exception to 45' for affordable housing with specified number of units, income level, and length of time the housing must be available as affordable housing. However, the APC had concerns with locating this type of housing, or any residential development, in a Tsunami Zone. The entire BVO area is within the “Local Cascadia Earthquake and Tsunami” Area. This is a required evacuation zone. The City of Astoria addendum to the Clatsop County Multi-jurisdictional Natural Hazards Mitigation Plan, dated 6-17-2013, on Page 1-36 states “Astoria’s location along the Oregon Coast makes it susceptible to tsunamis from both near shore (following a Cascadia Subduction Zone earthquake) and distant tsunamis. The extent of the tsunami hazard is limited to those areas adjacent to either the Columbia River or Young’s Bay.” Page 1-38 states “The City’s tourist-based economy and population density are significant issues related to the tsunami hazard.” Therefore, the APC agreed that while housing was an allowable use in the area, that they would not encourage location in a tsunami zone by allowing an exception to the building height.

The proposed amendments would be in compliance with the above noted ORS requirements relative to housing.

- G. The Clatsop County Housing Strategies Report (January 2019 Draft) addresses housing issues in the County and the five jurisdictions within the County including Astoria. The Report has not yet been adopted by the communities.

1. The Draft (Page 3, Introduction and Overview) states that *“The strategies presented in this report reflect the following overarching findings that have come to light during this process. These findings apply on a county-wide basis, and apply to the individual cities to different degrees:*

1) Sufficient Supply, but Not the Right Types of Housing

- ☐ *Technically, there seems to be a sufficient supply of land and number of housing units to meet both current and future needs. However, much of this supply serves the second home and short-term rental market, leaving insufficient supply for year-round residents to both purchase or rent. In addition, some of the supply of future residential land suffers from a variety of constraints related to natural features and hazards, infrastructure challenges, or other issues.*

2) Add the Right Types of Supply

- ☐ *Strategies should focus on adding the right type of supply, meaning home-buying opportunities at affordable price points, and more multi-family rental housing.*
- ☐ *Adding “missing middle” housing types such as townhomes, cottage clusters, and medium density housing can help to meeting the needs of first-time homebuyers. This housing, if not located in the most sought- after beach locations, should be less attractive to second home buyers.*
- ☐ *Increased multi-family rental housing development should be encouraged to serve the local service, tourism, and other working-class sectors.”*

Finding: Astoria has addressed part of the first issue “Sufficient Supply, but Not the Right Types of Housing” as described in this section by regulating transient lodging that could otherwise be utilized for year-round residents. Vacation homes and other short-term rentals that are not occupied by owners at the same time as guests are prohibited in residential zones in Astoria. There is a large portion of the available “residential” property in Astoria that has constraints such as natural features and infrastructure challenges. These properties are available for development but are more challenging. The second issue of “Add the Right Types of Supply” addresses the need for affordable housing not just high-end housing and even suggests that it not be located “. . . in the most sought-after beach locations. . .” which for Astoria is the

Riverfront locations. The City has adopted standards for a Compact Residential Zone to allow for cottage clusters and more affordable housing development. These standards could be applied to any area with a zone change to implement it. The City also has a Planned Development Overlay Zone that allows for development flexibility which could accommodate more affordable housing. The Riverfront area is generally not the area that would be developed for affordable housing as it would be considered more desirable for high-end housing especially due to the higher costs to develop along the waterfront. The proposed amendments to the Bridge Vista area would reduce the height of buildings to 28' which would still allow housing above the first floor. The proposed amendments would not allow a height exception for affordable housing due to the concerns with encouraging housing in a tsunami zone.

2. The Housing Study (Page 4, Section 2, Housing Trends, Key Findings) states *"The overall findings of our technical analysis of current housing conditions (Appendix A) include: . . .*
 - *Newly-built housing supply will tend to be more expensive housing, as it is up-to-date and in better condition than older housing. However, adding new supply for higher-income households is necessary to allow the older housing supply to "filter" to those with more modest income.*
 - *Denser forms of housing, such as townhomes and condos rather than single family homes, may help create some smaller and lower-priced housing stock that can serve first-time and lower-income buyers. In addition, housing in areas less attractive to tourists (for instance, further from the beach or the town center) may be less likely to be consumed by second home seekers or investors. . ."*

Finding: Housing for first-time and lower-income buyers could be provided through the Compact Residential Zone, Planned Development Overlay Zone, and in existing medium and high-density zoned areas which are currently noted as being in surplus in the Buildable Lands Inventory. As noted above, some of these areas may be more challenging to develop. However, the proposed amendments would allow for housing to be developed along the Riverfront but as noted in the Study, these may not likely be developed as affordable housing.

3. The Housing Study, Land Supply Strategy 3 (Page 8, Refine BLI Data and Results - for Warrenton and Astoria) states *"The City of Astoria noted major constraints associated with federally owned land within the UGB. This land is shown as potentially buildable in the current BLI results but may not in fact be available for development during the planning period, based on constraints associated with federal ownership and management of this area. The City should work with other government agencies to clarify the status of this land and remove it from the BLI as appropriate. . ."*

Finding: As noted in the Report, the City has other strategies available for addressing the availability of land for residential development. The reduction in height for the small area along the Riverfront in Bridge Vista would reduce two floors of housing (45' to 28' reduction) in a more high-end development area and would not eliminate the possibility of some housing in this area.

4. The Housing Study, Policy and Development Code Strategy 4 (Page 14, Support High Density Housing in Commercial Zones) identifies the following as possible code amendment strategies:

“Allow multi-family housing outright.

Consider allowing single-family attached housing.

Allow vertical mixed-use development outright.

Adopt a minimum density standard.

Tailor development and density standards.”

Finding: The proposed code amendments would not change the allowable uses in the Bridge Vista area. Multi-family residential development in the C-3 General Commercial Zone in this area would be allowed outright. As noted above the Compact Residential Zone is a possibility for potential rezoning. The proposed amendments would continue to allow housing above commercial uses in mixed-use development projects.

Finding: While not an adopted Report, this Report was referenced by the attorney for Astoria Warehousing in a letter dated April 9, 2019 which was provided to the APC at an earlier meeting. The above Findings address some of the issues raised in this letter and other issues in the Draft Report. Overall, the proposed amendments would not be in conflict with the strategies identified in the Report as there are multiple suggested strategies and the proposed amendments would not prohibit residential development in some areas of the Bridge Vista Overlay area.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Planning Commission hold a public hearing and recommend that the City Council adopt the proposed amendments.

A19-01B - CODE AMENDMENT SYNOPSIS

Issues were split from A19-01A

7-5-19

Part B - Height and Gross Square Footage

Code Section	Code Designation	Proposed Change
14.100.C.2	Standards for Overwater Development, BVO	amend height from 35' to top of bank except for 35' allowed for water-dependent uses; change title of figure 14.100-2
14.100.D.2	Standards for Overwater Development, BVO	Amend reference to area
14.113.A	Standards for On Land Development, BVO	Amend to allow 28' height with no variance; except for 35' allowed for water-dependent uses
14.113.C	Standards for On Land Development, BVO	eliminate setback requirement
14.113.D	Building Size, On-Land	Amend to add that sqft is for all buildings in a single development; add exception for proposed Plan Districts
14.124 14.125 14.126	Port Plan District; BVO	Add section on process to adopt Port of Astoria West Mooring Basin Plan District
14.127 14.128 14.129	Astoria Warehousing Plan District; BVO	Add section on process to adopt Astoria Warehousing Plan District

DEVELOPMENT CODE UPDATES

Annotated

July 5, 2019

ARTICLE 14 - RIVERFRONT VISION PLAN PART B - HEIGHT, GROSS SQUARE FOOTAGE, PLAN DISTRICTS

Legend:

Annotated - staff notes for intent and/or explanation of amendment

Changes already sent to DLCD Notice

Changes not sent to DLCD

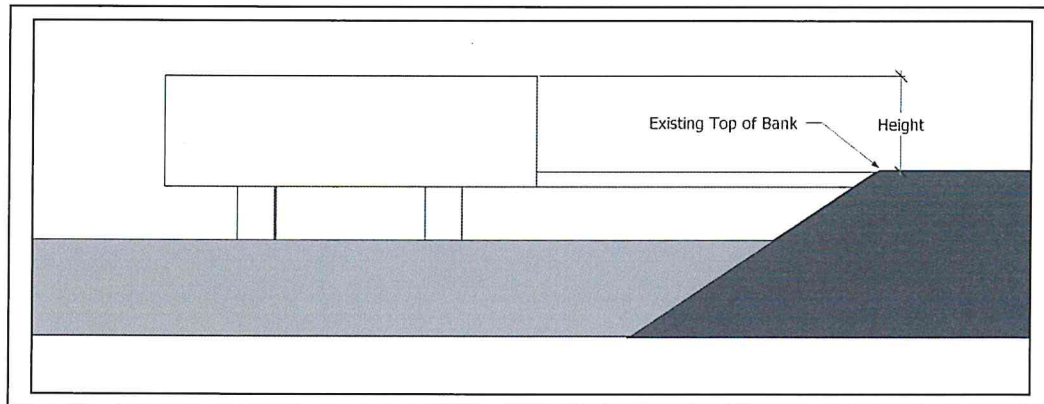
Section 14.100.C.2, Standards for Overwater Development, Distance from Shore and Height for the Bridge Vista Overlay Area, is deleted in its entirety and replaced to read as follows:

2. Structures ~~Outside~~ Within Overwater Development Non-Limitation Areas (Figure -14.090-1). The maximum height shall be ~~35 feet from the top of the existing adjacent riverbank~~. No variance may be granted for an exception to this height limitation except as follows:

- a. Water-dependent uses over water may construct water-dependent facilities up to 35' without a variance. The added feature is subject to all other design and/or location standards of the Code.

(Annotated: Reference to "non-limitation" areas is to be consistent with the Code maps identifying areas for development versus "limitation areas" where development is limited to top of bank height. The APC determined that overwater development in this area should be limited to top of bank except for water-dependent uses which would have historically been in this area. They did not want to extend this exception to water-related uses. This allows water uses to have additional height rather than other commercial development that does not require water location.)

Figure 14.100-2: Maximum Building Height ~~Outside of~~ Within Overwater Development Non-Limitation Areas



Section 14.100.D.2, Standards for Overwater Development, Building Size, for the Bridge Vista Overlay Area, is deleted in its entirety and replaced to read as follows:

2. Structures ~~outside of~~ within the overwater development Non-Limitation Areas (Figure 14.090-1). There shall be no maximum gross floor area for buildings located in these areas.

(Annotated: Buildings over water are limited by percentage of width in 14.100.E)

Section 14.113.A, Standards for On-Land Development, Height, for the Bridge Vista Overlay Area, is deleted in its entirety and replaced to read as follows:

"14.113. STANDARDS FOR ON-LAND DEVELOPMENT.

The following development standards apply to on-land development in the Bridge Vista Overlay Zone south of the River Trail. The Overwater Development standards shall apply to on-land development north of the River Trail.

A. Height.

1. Maximum building height is 35 ~~28~~ feet ~~except as noted in subsection (2) of this section. No variance may be granted for an exception to this height limitation.~~
2. ~~A variance may be granted for a~~ building height up to 45 ~~35~~ feet, is permitted when building stories above 24 ~~15~~ feet ~~or one story~~ are stepped back at least 10 feet in accordance with Section 14.113.C ~~and in accordance with Article 12 for Variances.~~

(Annotated: The APC consensus was to limit all buildings to 28' height and not allow variances and not require stepbacks. The issue of building mass will be addressed in a future amendment.)

(Annotated: The APC discussed the issue of needed affordable housing. APC determined that exceptions for affordable needed housing would not be included in this area due to the concern with encouraging housing in a tsunami zone.)

Section 14.113.C, Standards for On-Land Development, Stepbacks, for the Bridge Vista Overlay Area, is deleted in its entirety:

C. Stepbacks.

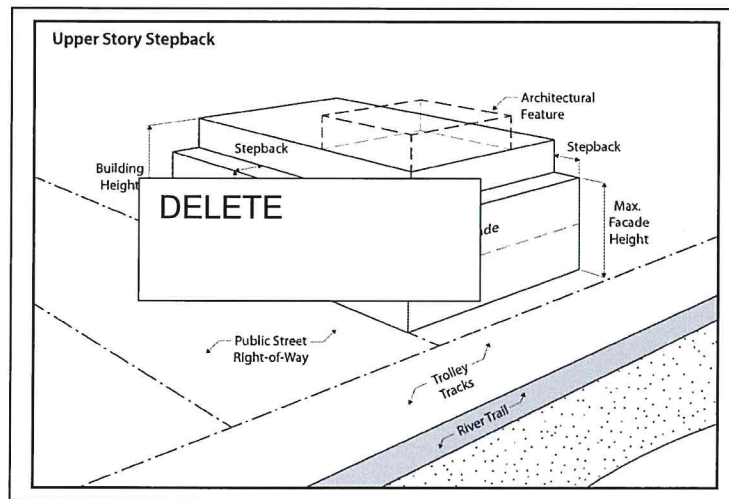
- ~~1. Purpose.~~

The purpose of a stepback is to allow for less obstructed views from above the building and to create a less imposing building scale as viewed from the street or parallel/adjacent trail. A stepback is also designed to allow more light down to the adjacent or fronting street, sidewalk, or trail.

2. Additional Building Height.

Where the height of a building or building addition is proposed to exceed 24 feet, at least that portion of the building exceeding 24 feet, shall provide a stepback of at least 10 feet from the front plane of the proposed building or building addition that faces the street or the River Trail.

Figure 14.113-1: Building Stepbacks



(Annotated: APC consensus was to limit building height to 28' with no variances and therefore stepback requirements would not be necessary.)

D. Size.

The gross floor area of on-land development commercial uses in the Bridge Vista Overlay Zone shall be a maximum of 30,000 square feet for all buildings which are part of a single development regardless of tax lot lines and/or phased construction (See definition of "Gross Floor Area") except as noted below:

1. See Astoria Warehousing Plan District Section 14.127 to 14.129.
2. See Port of Astoria West Mooring Basing Plan District Section 14.124 to 14.126.

(Annotated: The APC agreed to delay additional discussion and/or changes to the size and mass of buildings, potential limitations on uses to a future code amendment and limit the height of buildings to 28' for now while retaining the existing 30,000 sqft gross floor area limit. They also agreed to add the two plan districts for now. The proposed amendment on gross floor area would make the language consistent with the other overlay zones.)

ASTORIA WAREHOUSING PLAN DISTRICT

Annotated Draft

7-5-19

(Annotate: The following is language from the East Basin Plan District in CGO that could be applied to the area currently occupied by Astoria Warehousing and NW Natural Gas. This is a large area over five acres and proposed and existing limitation within the BVO could limit redevelopment of this area.)

14.127. ASTORIA WAREHOUSING PLAN DISTRICT.

The property situated approximately between Columbia Avenue to the west, 1st Street to the east, the top of bank to the north, and West Marine Drive to the south, shall constitute a subarea within the Bridge Vista Overlay Zone. The purpose of this subarea is to permit adoption of development standards, known as a Plan District, not applicable to other properties in the Bridge Vista Overlay Zone. If approved under the criteria of Section 14.127.A the Plan District shall be known as the Astoria Warehouse Plan District.

A. Plan District Adoption Criteria.

A Plan District may be established if all the following adoption criteria are met:

1. The area proposed for the Plan District has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the Bridge Vista Area. Economic viability of a project alone shall not be deemed as justification for the proposed modifications;

(Annotated: by adding economic viability alone as not justification, it should address the issue of "public" benefit rather than "developer" benefit.)

2. Existing base and overlay zone provisions limited to those identified in Section 14.127.D are inadequate to achieve a desired public benefit as identified by the City Council, and/or to address identified needs or problems in the area;
3. The proposed Plan District and regulations result from a Plan documenting the special characteristics or problems of the area and explain how a Plan District will best address relevant issues; and
4. The regulations of the Plan District conform with the Comprehensive Plan and do not prohibit, or limit uses or development allowed by the base zone without clear justification.

B. Review.

After adoption of Astoria Warehousing Plan District regulations, the Planning Commission shall periodically review the Astoria Warehousing Plan District and its regulations every five years to determine the impacts on development, the usefulness and usability of the regulations, and the public need for any amendments to the regulations.

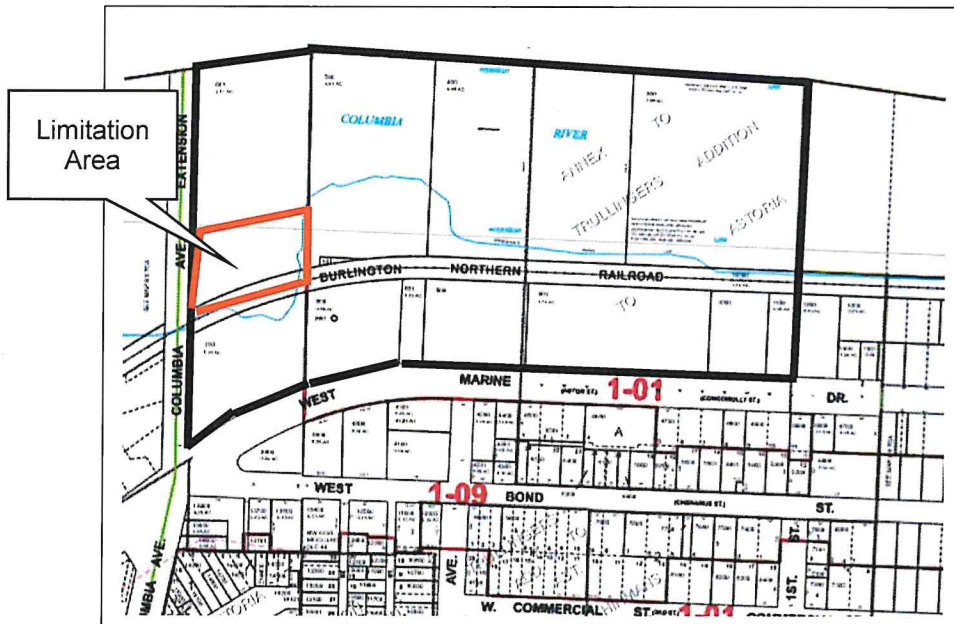
1. Sunset Clause.

Application to establish the Astoria Warehousing Plan District shall occur no later than January 1, 2025. If an application is not received by that date, the Planning Commission shall re-evaluate the appropriateness and/or need for a Plan District as noted in Sections 14.127 to 14.129. Any changes and/or the elimination of these sections shall be processed as a legislative text amendment in accordance with Development Code Articles 9 and 10.

(Annotated: APC indicated a desire for a sunset clause. The intro paragraph addresses periodic reviews once a Plan District is adopted. Section 1 would be applicable if the District is not adopted by a certain date. Five years was selected as it can take two to three years to identify a need and develop a Master Plan to be reviewed by the City.)

C. Mapping.

The boundaries of the Astoria Warehousing Plan District are illustrated on a map referenced below and generally are described as the land area north of West Marine Drive between Columbia Avenue and 1st Street. The over-water area within the Plan District shall not be subject to changes from the approved Bridge Vista Overlay uses, standards, and/or requirements. The boundaries may be refined as part of the Plan District adoption or amendment.



(Annotated: The District could include the Astoria Warehousing and NW Natural Gas properties as both of these are large adjacent sites that could be developed as a larger project.)

Figure 14.090-1: Limitation Area



D. Standards.

The standards for the on-land area within the Astoria Warehousing Plan District may expressly change and vary from those applicable under the Bridge Vista Overlay Zone and those of the base zone. The over-water area within the Plan District shall not be subject to changes from the approved Bridge Vista Overlay uses, standards, and/or requirements. Such on-land changes may include:

1. Adding uses;
2. Changes to building height limits up to a maximum of 35' high;
3. ~~Setback or view corridor modifications.~~ No reduction in view corridors shall be allowed;

(Annotated: eliminated the view corridor modification to maintain the views of the River as intended by the BVO. Building size and footprint in Section 4 would allow a wider building. The requirement for on-land view corridors as proposed in an earlier draft has been eliminated, but the prohibition to reduce any required view corridors would include the right-of-way corridors and any others proposed in the future.)

4. Building size and permissible footprint.
5. "Limitation Areas" shall remain as "Limitation Areas" with the existing standards.

(Annotated: Excluded the "limitation" water area to continue with the intent of the BVO to protect some views in this area and prevent possible intensive over-water development contrary to Riverfront Vision Plan.)

E. Application Procedure.

1. An application to establish the Astoria Warehousing Plan District shall be processed through the following procedures:

- a. The City or property owner/owners within the Plan District may apply to establish development regulations that affect one or more properties within the Astoria Warehousing Plan District.
- b. An application to establish regulations that would govern development within the Astoria Warehousing Plan District is a legislative text amendment processed in accordance with the procedures established in Section 14.127 and in Development Code Articles 9 and 10.
- c. An application to establish the boundaries of the Astoria Warehousing Plan District Overlay area is a legislative map amendment processed in accordance with the procedures established in Section 14.127 and in Development Code Articles 9 and 10 and may be processed concurrently with applications under subsection E.1.a.
- d. The application shall include a master plan for the site along with written justification for the need to establish the Plan District and the specific proposed code modifications. Economic viability of a project alone shall not be deemed as justification for the proposed modifications.

(Annotated: added to clarify that the application must be based on a master plan for the area and include written justification, not just a desire to have the exceptions.)

- 2. An application to apply the Astoria Warehousing Plan District regulations to a specific project shall be processed through the following procedures:
 - a. The property owner shall be the applicant or co-applicant on all applications.
 - b. An application shall be processed as a quasi-judicial permit in accordance with the procedures established with the Plan District adoption and in accordance with the Development Code as applicable.

14.128 to 14.129. ASTORIA WAREHOUSING PLAN DISTRICT REGULATIONS.

(Reserved for codifying future Plan District regulations.)

PORT OF ASTORIA WEST MOORING BASIN PLAN DISTRICT
Annotated Draft
7-5-19

Section 14.125, Parking” is Renumbered as 14.122.

(Annotate: The following is language from the East Basin Plan District in CGO that could be applied to the area currently occupied by Port of Astoria. This is a large area over five acres and proposed and existing limitation within the BVO could limit redevelopment of this area.)

14.124. PORT OF ASTORIA WEST MOORING BASIN PLAN DISTRICT.

The property situated approximately between Portway Avenue to the west, Bay Street to the east, the top of bank to the north, and West Marine Drive to the south, shall constitute a subarea within the Bridge Vista Overlay Zone. The purpose of this subarea is to permit adoption of development standards, known as a Plan District, not applicable to other properties in the Bridge Vista Overlay Zone. If approved under the criteria of Section 14.124.A the Plan District shall be known as the Port of Astoria West Mooring Basin Plan District.

A. Plan District Adoption Criteria.

A Plan District may be established if all the following adoption criteria are met:

1. The area proposed for the Plan District has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the Bridge Vista Area. Economic viability of a project alone shall not be deemed as justification for the proposed modifications;

(Annotated: by adding economic viability alone as not justification, it should address the issue of “public” benefit rather than “developer” benefit.)

2. Existing base and overlay zone provisions limited to those identified in Section 14.124.D are inadequate to achieve a desired public benefit as identified by the City Council, and/or to address identified needs or problems in the area;
3. The proposed Plan District and regulations result from a Plan documenting the special characteristics or problems of the area and explain how a Plan District will best address relevant issues; and
4. The regulations of the Plan District conform with the Comprehensive Plan and do not prohibit, or limit uses or development allowed by the base zone without clear justification.

B. Review.

After adoption of Port of Astoria West Mooring Basin Plan District regulations, the Planning Commission shall periodically review the Port of Astoria West Mooring Basin Plan District and its regulations every five years to determine the impacts on development, the usefulness and usability of the regulations, and the public need for any amendments to the regulations.

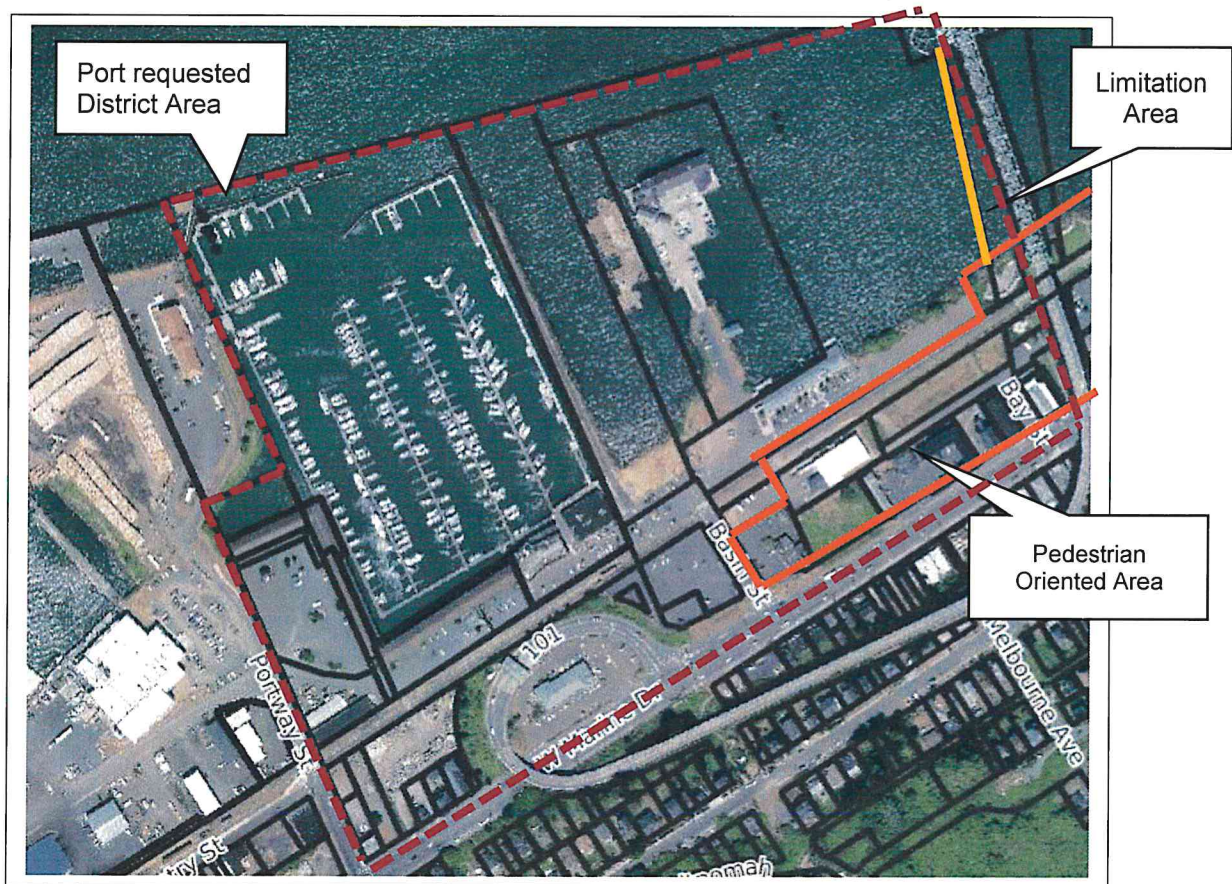
1. Sunset Clause.

Application to establish the Astoria Warehousing Plan District shall occur no later than January 1, 2025. If an application is not received by that date, the Planning Commission shall re-evaluate the appropriateness and/or need for a Plan District as noted in Sections 14.124 to 14.126. Any changes and/or the elimination of these sections shall be processed as a legislative text amendment in accordance with Development Code Articles 9 and 10.

(Annotated: APC indicated a desire for a sunset clause. The intro paragraph addresses periodic reviews once a Plan District is adopted. Section 1 would be applicable if the District is not adopted by a certain date. Five years was selected as it can take two to three years to identify a need and develop a Master Plan to be reviewed by the City.)

C. Mapping.

The boundaries of the Port of Astoria West Mooring Basin Plan District are illustrated on a map referenced below and generally are described as the land area north of West Marine Drive between Portway Avenue and Bay Street. The over-water area within the Plan District shall not be subject to changes from the approved Bridge Vista Overlay uses, standards, and/or requirements. The boundaries may be refined as part of the Plan District adoption or amendment.



(Annotated: The District could include the Port of Astoria area near the Maritime Memorial and Riverwalk Inn as well as the ODOT and Ocean Beauty properties these are large adjacent sites that could be developed as a larger project. The project boundary was reduced from what the Port requested as the parcel on the NW corner at Pier 1 is not within the BVO and governed by the base zoning and therefore does not need exceptions to the BVO standards for development.)

Figure 14.090-2, Pedestrian-Oriented District

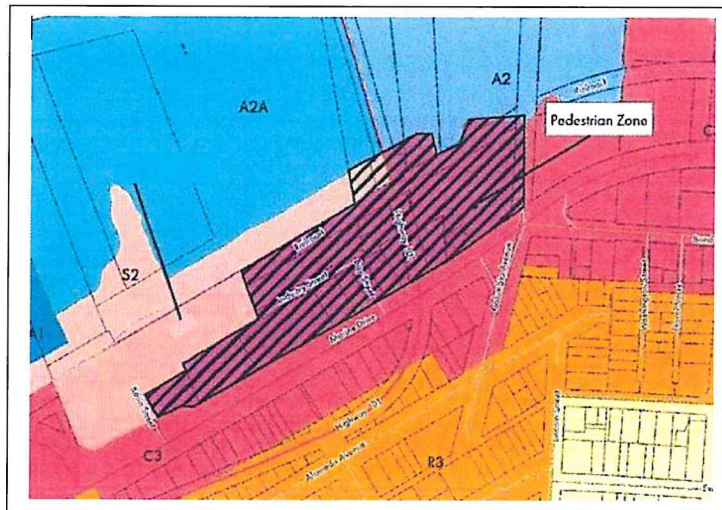


Figure 14.090-1: Limitation Area



D. Standards.

The standards for the on-land area within the Port of Astoria West Mooring Basin Plan District may expressly change and vary from those applicable under the Bridge Vista Overlay Zone and those of the base zone. The over-water area within the Plan District shall not be subject to changes from the approved Bridge Vista Overlay uses, standards, and/or requirements. Such on-land changes may include:

1. Adding uses; (BVO already has added uses beyond the base zone)
2. Changes to building height limits up to a maximum of 35' high;

3. ~~Setback or view corridor modifications.~~ No reduction in view corridors shall be allowed;

(Annotated: eliminated the view corridor modification to maintain the views of the River as intended by the BVO. Building size and footprint in Section 4 would allow a wider building. The requirement for on-land view corridors as proposed in an earlier draft has been eliminated, but the prohibition to reduce any required view corridors would include the right-of-way corridors and any others proposed in the future.)

4. Building size and permissible footprint.
5. "Limitation Areas" shall remain as "Limitation Areas" with the existing standards.
6. "Pedestrian Oriented Area" shall remain as "Pedestrian Oriented Area" with the existing standards.

(Annotated: Excluded the "Limitation Area" water area to continue with the intent of the BVO to protect some views in this area and prevent possible intensive over-water development contrary to Riverfront Vision Plan. Keep the "Pedestrian Oriented Area" designation to keep some limitations based on the original BVO.)

E. Application Procedure.

1. An application to establish the Port of Astoria West Mooring Basin Plan District shall be processed through the following procedures:
 - a. The City or Port of Astoria may apply to establish development regulations that affect one or more properties within the Port of Astoria West Mooring Basin Plan District.
 - b. An application to establish regulations that would govern development within the Port of Astoria West Mooring Basin Plan District is a legislative text amendment processed in accordance with the procedures established in Section 14.124 and in Development Code Articles 9 and 10.
 - c. An application to establish the boundaries of the Port of Astoria West Mooring Basin Plan District Overlay area is a legislative map amendment processed in accordance with the procedures established in Section 14.124 and in Development Code Articles 9 and 10 and may be processed concurrently with applications under subsection E.1.a.
 - d. The application shall include a master plan for the site along with written justification for the need to establish the Plan District and the specific proposed code modifications. Economic viability of a project alone shall not be deemed as justification for the proposed modifications.

(Annotated: added to clarify that the application must be based on a master plan for the area and include written justification, not just a desire to have the exceptions.)

2. An application to apply the Port of Astoria West Mooring Basin Plan District regulations to a specific project shall be processed through the following procedures:
 - a. The Port of Astoria shall be the applicant or co-applicant on all applications.
 - b. An application shall be processed as a quasi-judicial permit in accordance with the procedures established with the Plan District adoption and in accordance with the Development Code as applicable.

14.125 to 14.126. PORT OF ASTORIA WEST MOORING BASIN PLAN DISTRICT REGULATIONS.

(Reserved for codifying future Plan District regulations.)



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM • COMMUNITY DEVELOPMENT

DATE: July 10, 2019

TO: Interested Parties

FROM: Tiffany Taylor

SUBJECT: PUBLIC COMMENTS FOR THE ASTORIA PLANNING COMMISSION

Please find attached Public Comments our office has received for proposed amendment A19-01B, up for review at the next APC meeting, scheduled for July 23, 2019.

The public hearing remains open, and any additional comments will be made available for your review.

Tiffany Taylor

From: Lori May <lorimay97103@gmail.com>
Sent: Sunday, June 30, 2019 10:07 PM
To: Tiffany Taylor
Subject: Thank you!

*****EXTERNAL SENDER*****

Hi Tiffany,

Please let the planning commission know how happy I am that they supported their community's desire for the new height restrictions. I'm sure they're receiving some push back on this but I'm confident they've made the right decision.

Thank you all for the work you do.

Lori May
Tony Estrada

Tiffany Taylor

From: George Hague <gbhague@gmail.com>
Sent: Sunday, July 7, 2019 3:28 PM
To: Tiffany Taylor
Cc: Brett Estes
Subject: Thank youWater-dependent uses defined??

*****EXTERNAL SENDER*****

Good morning Planning Commissioner,

I appreciate very much you holding to a 28 foot height limit on buildings within the Bridge Vista Plan. It shows you are truly representing the average Astorian as well as the well being of Astoria's future.

I hope there is a vigorous discussion of what is meant by water-dependent uses and all loopholes are closed that could permit uses to which the public would seriously object.

I began thinking of possible problems when I remembered the computer chip industry is dependent on a great deal of water and also discharges some very toxic water as mentioned in the following link: <https://www.sustainalytics.com/esg-blog/world-water-day-water-use-semiconductor-industry/>

Water-dependent simply means ... waterfront location is necessary for its physical function – such as handling goods and services for transportation on water. If not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Water-dependent are “developments which, if not located adjacent to the Columbia River resources, would result in a loss of quality in the goods or water services provided.

The two examples of possible definitions found above need to be firmed up. I for one do not want energy production permitted or the computer chip industry or restaurants/hotels using our City's definition to allow them to build within the Bridge Vista or other areas along the Columbia River and be given a height exemption. It is the word “services” that may allow uses that many would consider unacceptable.

I think most Astorians would think that water-dependent refers to fishing and/or boating activity.

Please do not permit exemptions for “water-enhanced” uses.....which are not “dependent” on being adjacent/over the Columbia River.

Thank you again,

George (Mick) Hague

**Astoria Development Code and Comprehensive Plan
Definitions and Criteria for “Water-Dependent” Use
7-7-19**

The Astoria Planning Commission has suggested an exemption for building height up to 35' for “water-dependent” uses. It specifically stated that it would not be applied to “water-related” uses, just “water-dependent”. The following is how the Development Code defines these use classifications and the criteria for determining them.

Development Code Section 1.400, Definitions:

WATER-DEPENDENT: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

WATER-DEPENDENT COMMERCIAL ACTIVITY, LOW INTENSITY: Commercial activities are actions taken in conjunction with a use or to make a use possible. Commercial activities generally do not in and of themselves result in a specific use, but rather in conjunction with a variety of uses for business and trade purposes. Water-dependent commercial activities are those which can be accomplished only on, in, or adjacent to water areas and are activities requiring water access for transportation, recreation, energy production, or as a source of process water. Low-intensity, water-dependent commercial activities are those occurring as part of a business and not simply for private use, which do not require or result in major alteration of the estuary. The level of impact on estuarine aquatic resources and recreational benefits is low as it relates to the consistency of the activity with the resource capabilities of the area and the purpose of the management unit.

WATER-ORIENTED: A use whose attraction to the public is enhanced by a view of or access to coastal waters.

WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Development Code Section 4.220, Columbia River Estuary and Shoreland Regional Standards:

4.220. **WATER-DEPENDENT AND WATER-RELATED USE CRITERIA.**

The following criteria are applicable when determining whether a use is water-dependent, water-related, or non-dependent, non-related.

A. **Water-Dependent Use.**

A use is water-dependent when it can only be accomplished on, in, or adjacent to water. The location or access is required for one of the following:

1. Water-borne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other material receiving and shipping); or
2. Recreation (active recreation such as swimming, boating and fishing, or passive recreation such as viewing and walking); or
3. A source of water (such as energy production, cooling or industrial equipment or wastewater, other industrial processes, aquaculture operations; or
4. Marine research or education (such as observation, sampling, recording information, conducting field experiments and teaching).

B. Water-Related Use.

1. Provides goods and/or services that are directly associated with water-dependent uses, supplying materials to, or using products of, water-dependent commercial and industrial uses; or offering services directly tied to the functions of water-dependent uses; and
2. If not located adjacent to water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve subjective consideration of economic, social, and environmental values).

Comprehensive Plan Section CP.135, Definitions

Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

Water-Oriented: A use whose attraction to the public is enhanced by a view of or access to coastal water.

Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Tiffany Taylor

From: Juanita B. Price <juanprice953@gmail.com>
Sent: Sunday, July 7, 2019 2:29 PM
To: Brett Estes; Brett Estes; Tiffany Taylor
Subject: Message to Planning Commission

*****EXTERNAL SENDER*****

July 7, 2019

To City of Astoria Planning Commission:

Sean Fitzpatrick, President
Daryl Moore, VP
Jennifer Cameron-Latteck
Brookley Henri
Patrick Corcoran
Cindy Price
Chris Womack

Columbia Riverfront

The main navigational channel of the Columbia River sweeps past Astoria's downtown riverfront, closer to the shoreline than in any other part of the river. Every walker or bike rider or jogger along Astoria's Riverwalk enjoys the open sky, magnificent views and maritime activity on the Columbia River.

And the River, in turn, offers views of the shore.

At least since 1986, the city had considered revitalizing its Columbia Riverfront. When Jim Flint was city manager his first project was the Sixth Street River Park, a viewing platform. My story and photo of the 6th street platform appeared in OREGON COAST magazine.

Lack of safety down on the riverbank, prompted Mayor Edith Hennigsgaard to invite Murase Associates of Portland for advice. **Murase's Astoria Waterfront Planning Statement**, June 1990, was the initial articulation of a "vision." Citizen advisors, technical advisors, and affected property owners contributed to the statement. They found "no distinct circulation system along the shoreline. Individuals who attempt walking through the area generally use the railroad right of way."

In effect, **Murase** advised the Mayor, "Tell your city council to clean up the waterfront."

So, City of Astoria sponsored Saturday morning work parties. Volunteer townspeople by the dozens with lopers and spades in hand, each cleared up a section of the river's edge of old tires and car parts, cans and bottles, bedsprings, old metal, tide debris, old clothing, just plain junk. Willis Van Dusen was there among others with pickup trucks to haul stuff to the dump. Rosemary Johnson was there to give out packets of wild flower seeds to scatter.

Each Saturday the Lions club was there to offer lunch.

Key to implementing the "vision" was Burlington Northern Railroad's abandonment of the track from Smith Point to Tongue Point. The city immediately filed a notice of Interim Trail Use under the National Trails Act which allowed the city to become Steward of the Corridor.

And the city has been a good steward.

For the next 20 years the city Community Development dept. Directed by Brett Estes proceeded -- increment grant by increment grant --to revitalize the Waterfront Riverwalk. It became a SIGNATURE feature of Astoria, promoted by the Chamber of Commerce, the cruise ships and media outlets. In more recent years, nighttime lighting posts added to the pleasure of the four-mile Riverwalk.

The **Murase Plan** had also advised the city "to establish a special design district ordinance, complete with appropriate guidelines to manage the function and design of specific blocks within the downtown waterfront area to ensure this vision becomes a reality." The ordinance became the Riverfront Vision Plan.

By 2007, however, several large projects were underway north of the 16th to 41st street riverfront. Which prompted the city to hold community open houses that winter at the Red Building, the Maritime Museum and the Astoria Middle School. All were well attended, with much documentation of intended uses voiced by townspeople, with comments reinforced by a community survey. Subsequently, a four-phase Riverfront Vision Plan was adopted by the Astoria City Council in 2009.

In more recent years both west and east reaches of the riverfront have been developed privately near the west mooring basin and beyond the east mooring basin at 39th St.

Concurrently, three segments of the Riverfront Vision Plan thrive along three stretches of the of the Columbia waterfront with land-use guidelines in place.

The final section, the Urban Core between Second and 16th streets has become the longtime task of the City Planning Commission.

As of today, the Planning Commission is considering height and width of buildings in the Bridge Vista area of the waterfront, consistent with current city building codes. And the need to address rights of private property owners in its waterfront area.

A **public hearing** held Monday, June 17, at 7 p.m. by the Astoria City Council in the council chambers at City Hall to considered a requested amendment to the City Development Code. The amendment addressed code requirements in the Civic Greenway and the Neighborhood Greenway as well as the Bridge Vista area. And expanded responsibilities of the Design Review committee and how various private sections would be affected by the code.

Today, from Millpond village looking west the eye may travel the curve of the shore to the Sixth st. Viewing platform, under the bridge all the way to the mouth of the river. And north to the Washington peninsula. This is the remaining panoramic view of the Columbia River from the Riverwalk. Why would any city official -- elected or appointed or hired -- destroy this view?

We've recognized our local history with a riverscape that defines our community. Let's not trivialize our history already made in exchange for a history we may not be proud of.

Juanita Price

Clatsop Retirement Village

947 Olney ave, Apt 309

Astoria, OR 97103

Tiffany Taylor

From: George Hague <gbhague@gmail.com>
Sent: Tuesday, July 9, 2019 2:26 PM
To: Tiffany Taylor
Cc: Brett Estes
Subject: Additional information on water-dependent uses for the Planning Commission
Attachments: water-dependent definitions.docx



*****EXTERNAL SENDER*****

Good afternoon Planning Commissioner,

The Bridge Vista Plan may allow exemptions to the 28 foot height limit for businesses that are water-dependent. It therefore becomes very important to have a definition for water-dependent that permits what most Astorians believe it should include and **excludes those businesses that would cause public uproar.**

The sentences found below in **red** come from "Astoria Development Code and Comprehensive Plan Definitions and Criteria for 'Water-Dependent' Use" (7-7-19) which is attached. The number "3" could allow so many unacceptable uses. As you can read below my name, the Portland area Silicon Forest requires an unbelievable amount of water. Do we want to begin allowing such in our City similar to what I believe the county recently heard a proposal for use of the Lewis and Clark River? What if they say they must have direct access to the river? Are we going to challenge their experts on their business needs?

While I do not think Astoria would ever be considered a prime location for Osmotic Power (<https://www.altenergymag.com/article/2013/11/what-is-osmotic-power/1328/>) when it becomes more commercially viable, it points out the need to think of the future in order to have our definition of water-dependent and the uses it will permit to be as tight as possible.

While I believe I know what is meant by the word "adjacent" in the definition found below, **my dictionary would seem to allow a developer some wiggle room.** The definition also would allow for "energy production" and "source of water". If some unbelievable amount of water is needed for a business, does the City have any right to refuse its approval?

Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

3. A source of water (such as energy production, cooling or industrial equipment or wastewater, other industrial processes, aquaculture operations);

Please think of what the average resident believes are water-dependent uses in their special City and also consider the plight of future Astoria decision makers who will have to implement your definition when voting on a project.

Thank you for taking the time to read this,

George (Mick) Hague

"Do you have any idea how much virtual water is embodied in your computer? A lot! Your morning shower might use about 17 gallons, but manufacturing a computer requires more than 400 times that amount — as much as 7300 gallons. Computer manufacturing is an incredibly thirsty business — all of those silicon wafers that make up the core of your computer are rinsed over and over again during the assembly process. And ordinary water won't do — computer manufacturing requires "ultra-pure water" ("UPW") that won't leave behind any residue or contaminants of any kind. In fact, UPW is so clean that it would be dangerous to drink much of it because the pure water would leach minerals out of your body.

In Oregon's Silicon Forest, high water demand — with its attached expensive price tag — is spurring some water conservation efforts. Intel is working on a water recycling project that could save a billion gallons of water every year. The incentive for Intel and other chip manufacturers to re-use water is considerable. Intel is Hillsboro's largest water consumer, using an average of two billion gallons annually in recent years. That amounts to almost a third of Hillsboro's total water consumption and cost Intel about \$6.7 million dollars last year. For Intel, saving water will mean saving money. So next time you see the "Intel Inside" sticker on a new computer, you can imagine a little less water hiding behind the logo."

<https://tonkon.com/ear-to-the-ground-blog/2017-08-25/water-in-the-silicon-forest.html>

**Astoria Development Code and Comprehensive Plan
Definitions and Criteria for “Water-Dependent” Use
7-7-19**

The Astoria Planning Commission has suggested an exemption for building height up to 35' for “water-dependent” uses. It specifically stated that it would not be applied to “water-related” uses, just “water-dependent”. The following is how the Development Code defines these use classifications and the criteria for determining them.

Development Code Section 1.400, Definitions:

WATER-DEPENDENT: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

WATER-DEPENDENT COMMERCIAL ACTIVITY, LOW INTENSITY: Commercial activities are actions taken in conjunction with a use or to make a use possible. Commercial activities generally do not in and of themselves result in a specific use, but rather in conjunction with a variety of uses for business and trade purposes. Water-dependent commercial activities are those which can be accomplished only on, in, or adjacent to water areas and are activities requiring water access for transportation, recreation, energy production, or as a source of process water. Low-intensity, water-dependent commercial activities are those occurring as part of a business and not simply for private use, which do not require or result in major alteration of the estuary. The level of impact on estuarine aquatic resources and recreational benefits is low as it relates to the consistency of the activity with the resource capabilities of the area and the purpose of the management unit.

WATER-ORIENTED: A use whose attraction to the public is enhanced by a view of or access to coastal waters.

WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Development Code Section 4.220, Columbia River Estuary and Shoreland Regional Standards:

4.220. **WATER-DEPENDENT AND WATER-RELATED USE CRITERIA.**

The following criteria are applicable when determining whether a use is water-dependent, water-related, or non-dependent, non-related.

A. **Water-Dependent Use.**

A use is water-dependent when it can only be accomplished on, in, or adjacent to water. The location or access is required for one of the following:

1. Water-borne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other material receiving and shipping); or
2. Recreation (active recreation such as swimming, boating and fishing, or passive recreation such as viewing and walking); or
3. A source of water (such as energy production, cooling or industrial equipment or wastewater, other industrial processes, aquaculture operations; or
4. Marine research or education (such as observation, sampling, recording information, conducting field experiments and teaching).

B. Water-Related Use.

1. Provides goods and/or services that are directly associated with water-dependent uses, supplying materials to, or using products of, water-dependent commercial and industrial uses; or offering services directly tied to the functions of water-dependent uses; and
2. If not located adjacent to water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve subjective consideration of economic, social, and environmental values).

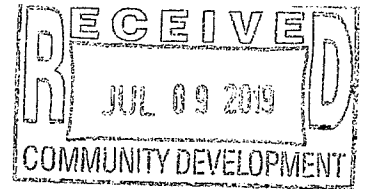
Comprehensive Plan Section CP.135, Definitions

Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

Water-Oriented: A use whose attraction to the public is enhanced by a view of or access to coastal water.

Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

From: STUART EMMONS
To: Tiffany Taylor; Jennifer Benoit
Subject: Astoria Planning: Building Heights. Comparables: Kalama, Pt. Townsend
Date: Tuesday, July 9, 2019 11:45:22 AM
Attachments: [Astoria Building Height Options V1.pdf](#)
[Kalama Waterfront Overview V1b.pdf](#)
[Port Townsend Overview V1b.pdf](#)



Good day Planning Commissioners.

I've been curious about what 28, 35, and 45 feet entailed, so decided to make sections to see implications on my own (independent of any other parties).

I want to present this as neutrally as possible, but I have some thoughts and concerns that were confirmed by this work.

A couple of them:

- Flat roofs may be inadvertently encouraged - as better interior space heights can be achieved with a flat roof complying with height restrictions.
- 28' (especially) may result in most projects not being economically viable, and result in no improvements/keeping existing structures. Also depends on land cost and other factors.
- Parking in structures brings on economic challenges.
- and a question re: 35' for 'waterfront dependent uses' - what are the water dependent uses that have a good probability of occurring on our waterfront?.

I could look at building footprints, building widths as well - they equally work into economics and access to the waterfront.

Happy to discuss more.

COMPARABLES:

Kalama:

I went to Kalama on Thursday and started to check out their waterfront, I will plan another trip and research further.

Note: height, layout of McMenamins - I really like that the general public has access to the first floor and porch area - that's missing in most Astoria waterfront projects.

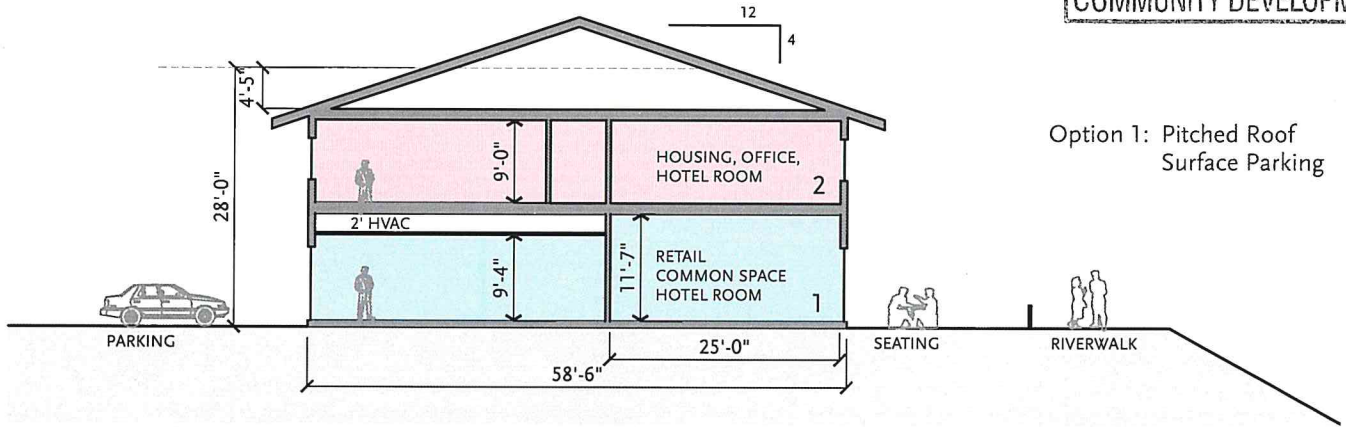
Pt Townsend

also including my Pt Townsend overview from a few months ago.

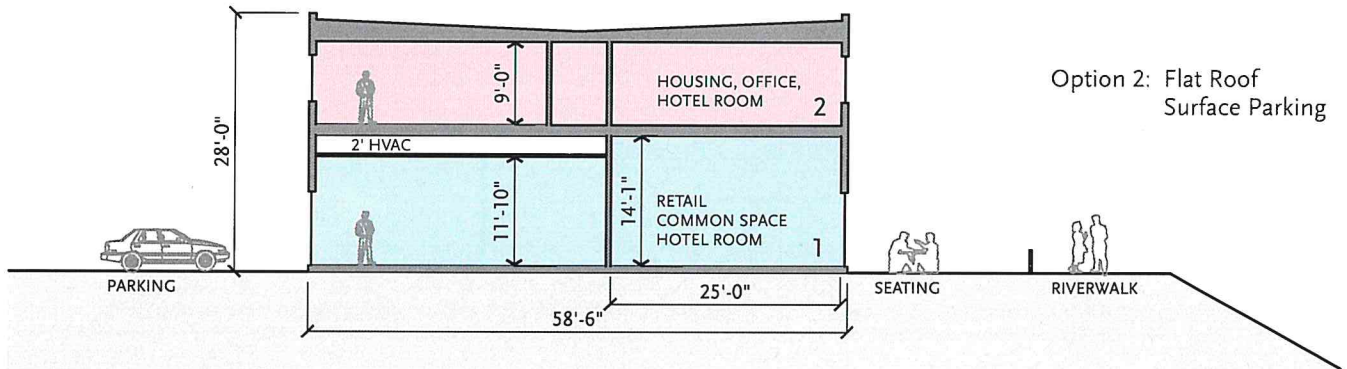
Thanks,
Stuart

Stuart Emmons
Emmons Design
503-705-3050

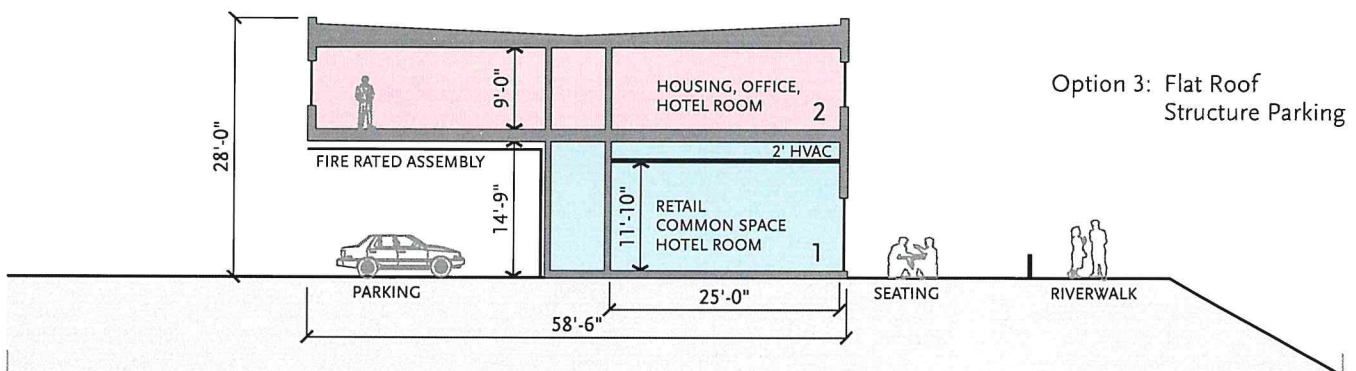




Option 1: Pitched Roof
Surface Parking



Option 2: Flat Roof
Surface Parking

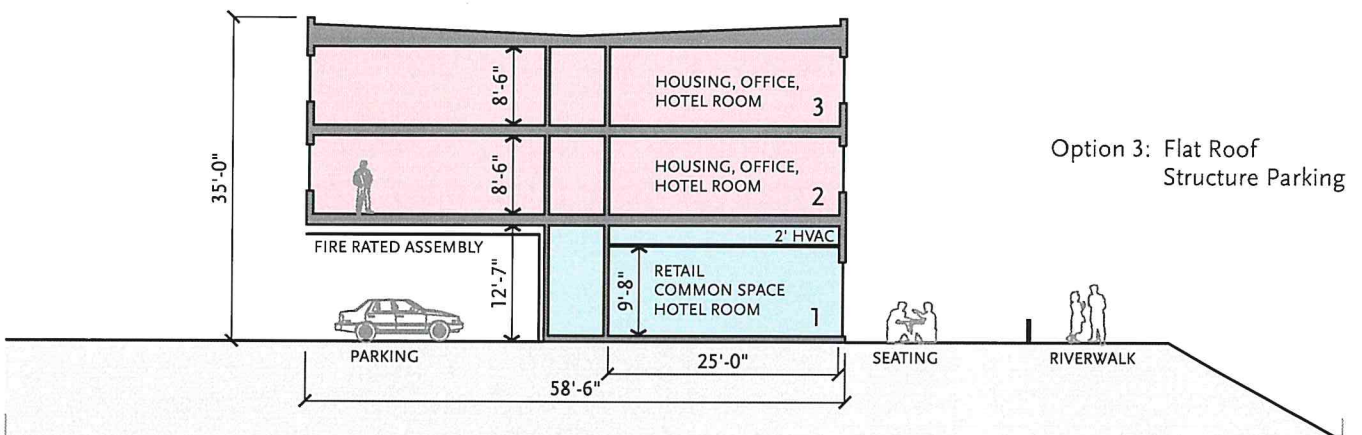
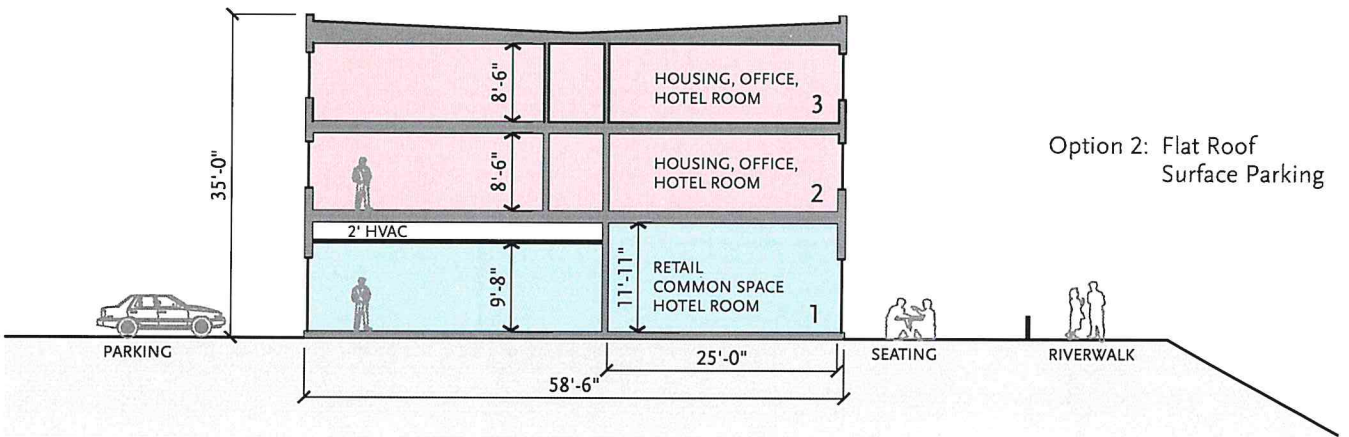
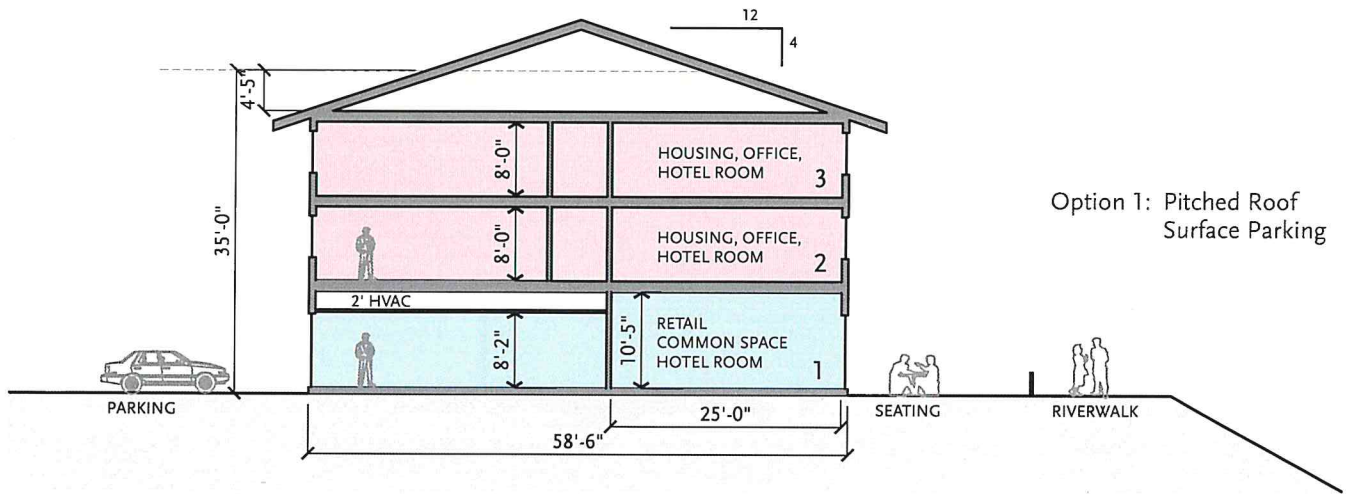


Option 3: Flat Roof
Structure Parking

Impact to river views _____
 Economic feasibility of redevelopment _____
 Access to Waterfront _____
 Benefit to Astoria economy _____
 Encourages flat roofs? _____

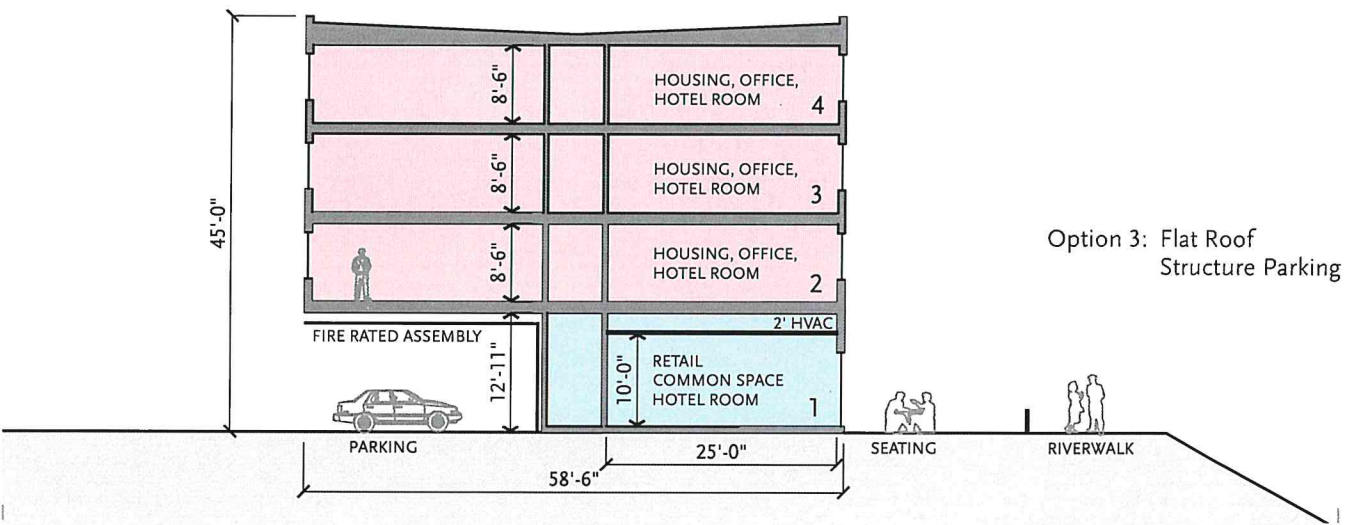
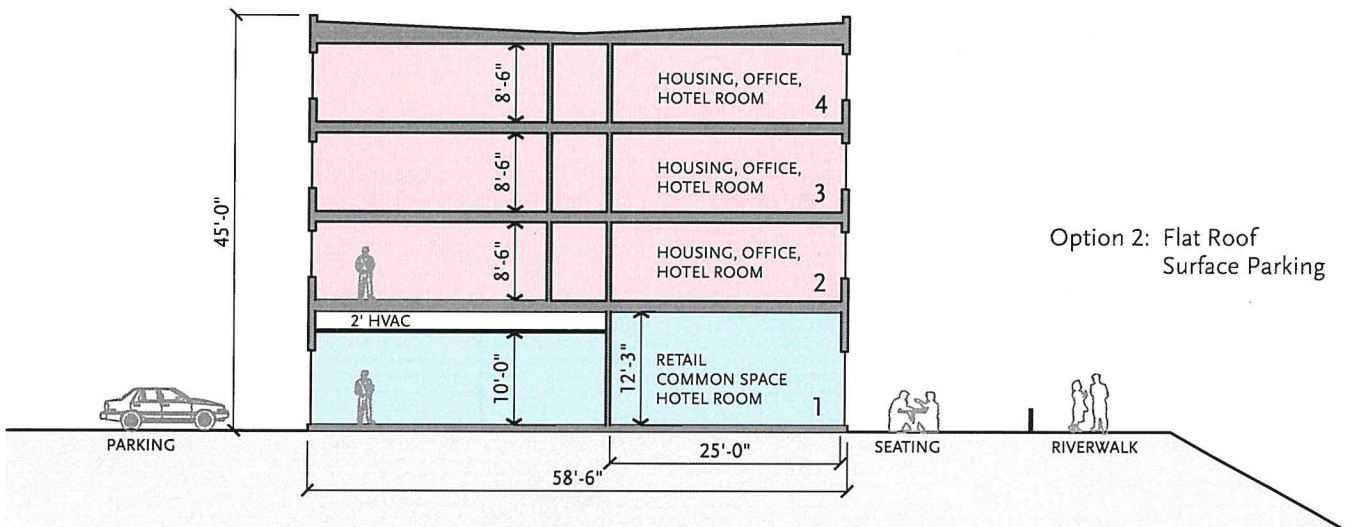
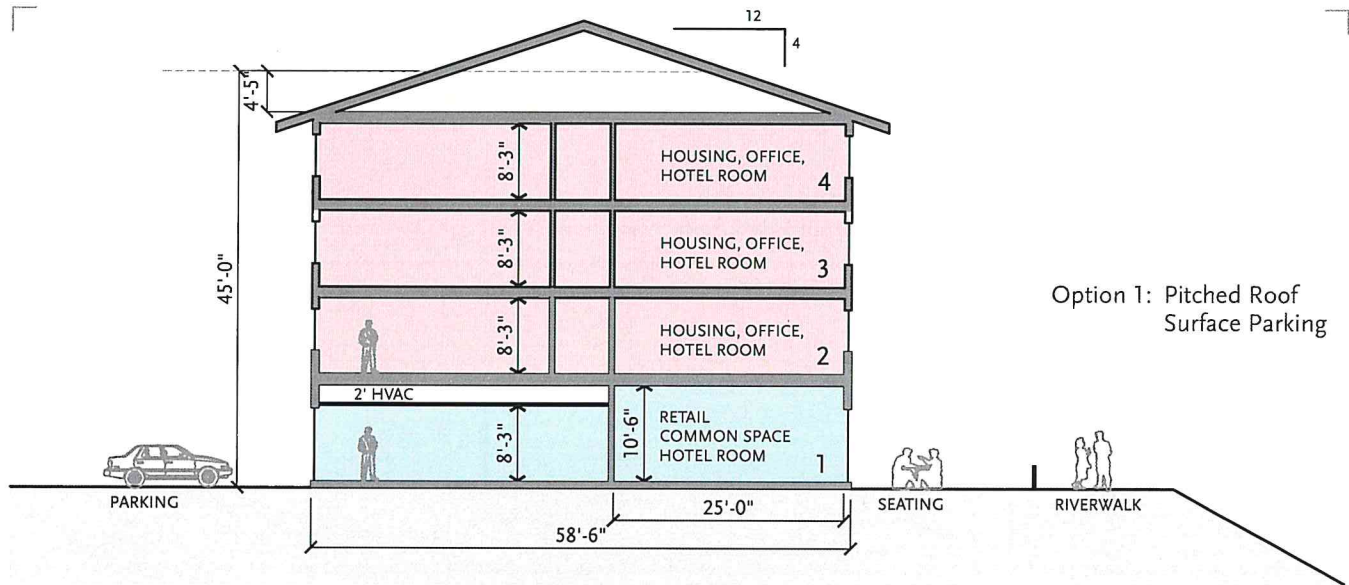
28'





Impact to river views _____
 Economic feasibility of redevelopment _____
 Access to Waterfront _____
 Benefit to Astoria economy _____
 Encourages flat roofs? _____

35'



Impact to river views _____
 Economic feasibility of redevelopment _____
 Access to Waterfront _____
 Benefit to Astoria economy _____
 Encourages flat roofs? _____

45'

Economic feasibility of redevelopment

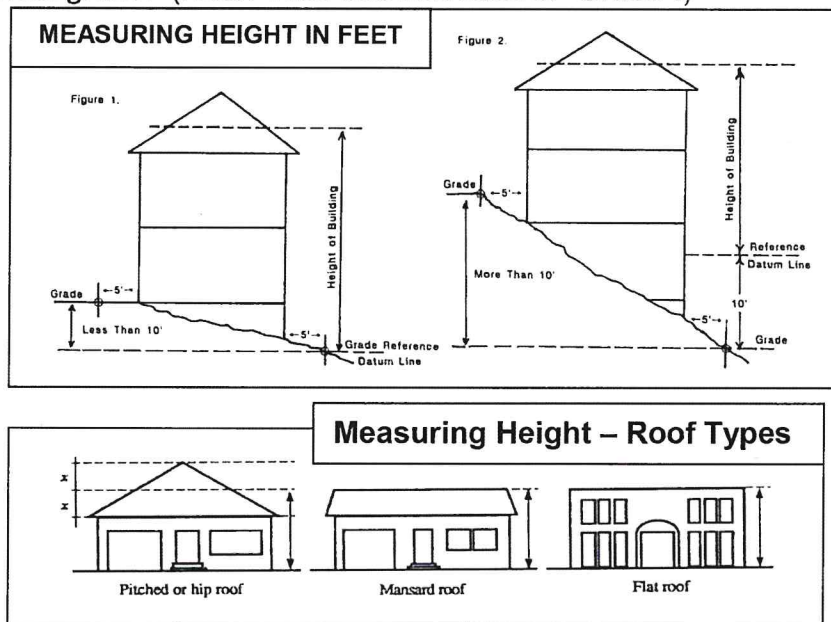
	\$/SF	Total \$
Land Cost	\$____/SF	\$_____
Hard Costs		
Demolition, Site Prep	\$____/SF	\$_____
Building Construction Cost		
Site Costs		
Off-Site Costs		
Contingencies		
Soft Costs (25 - 30% Hard Costs)	\$____/SF	\$_____
including:		
Architectural/Engineering fees		
Developer fee		
Government permit costs		
Legal, Accounting		
Survey, Geotech		
Environmental		
Furniture, Fixture, Equipment		
Reimbursables		
Contingencies		
<hr/>		
Total Development Cost	\$____/SF	\$_____

Project Income
Project Value vs. Comparables
ROI - Return on Investment

Economic Feasibility

HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)





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Waterfront Art	05
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To be included in future versions
 Commercial/Industrial: Water Dependent uses, Industrial
 Recreation: Marina





McMenamins Hotel



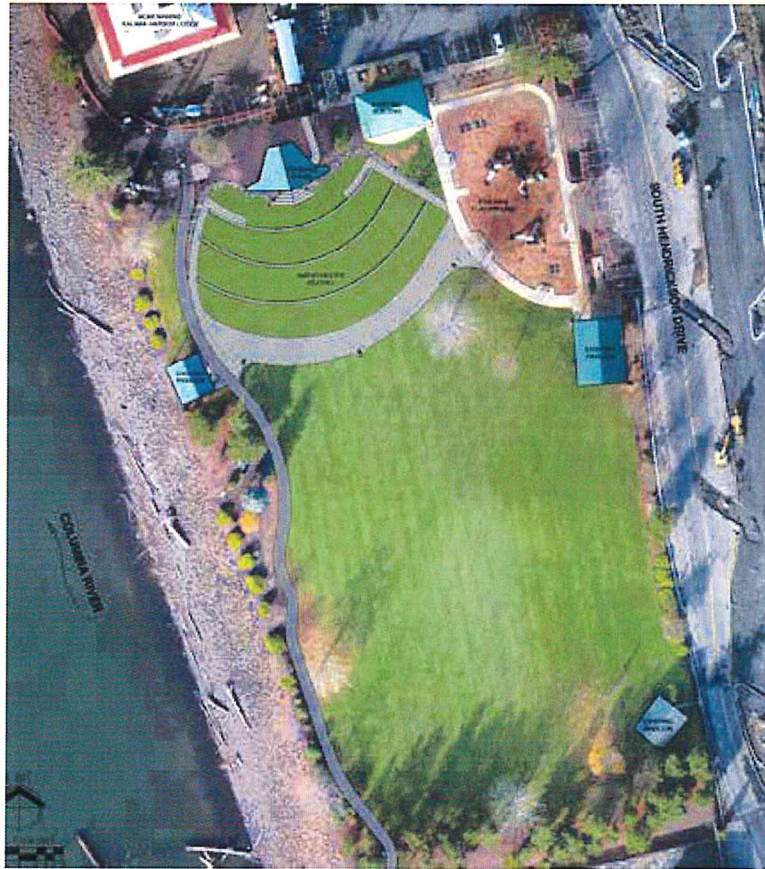
Other Waterfront Structures



Waterfront Recreation



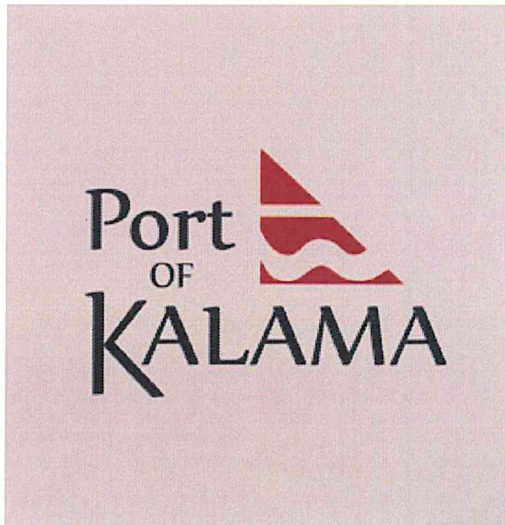
Waterfront Art



Future Plans

Comprehensive Plan and Scheme of Harbor Improvements

July 1, 2015



Prepared for

Port of Kalama

by

BST Associates
Market Research & Strategic Planning

Mission Statement

The Port of Kalama's mission is "to induce capital investment in an environmentally responsible manner to create jobs and to enhance public recreational opportunities."

Comprehensive Plan Overview

Figure 30 – Overview Map of Port of Kalama

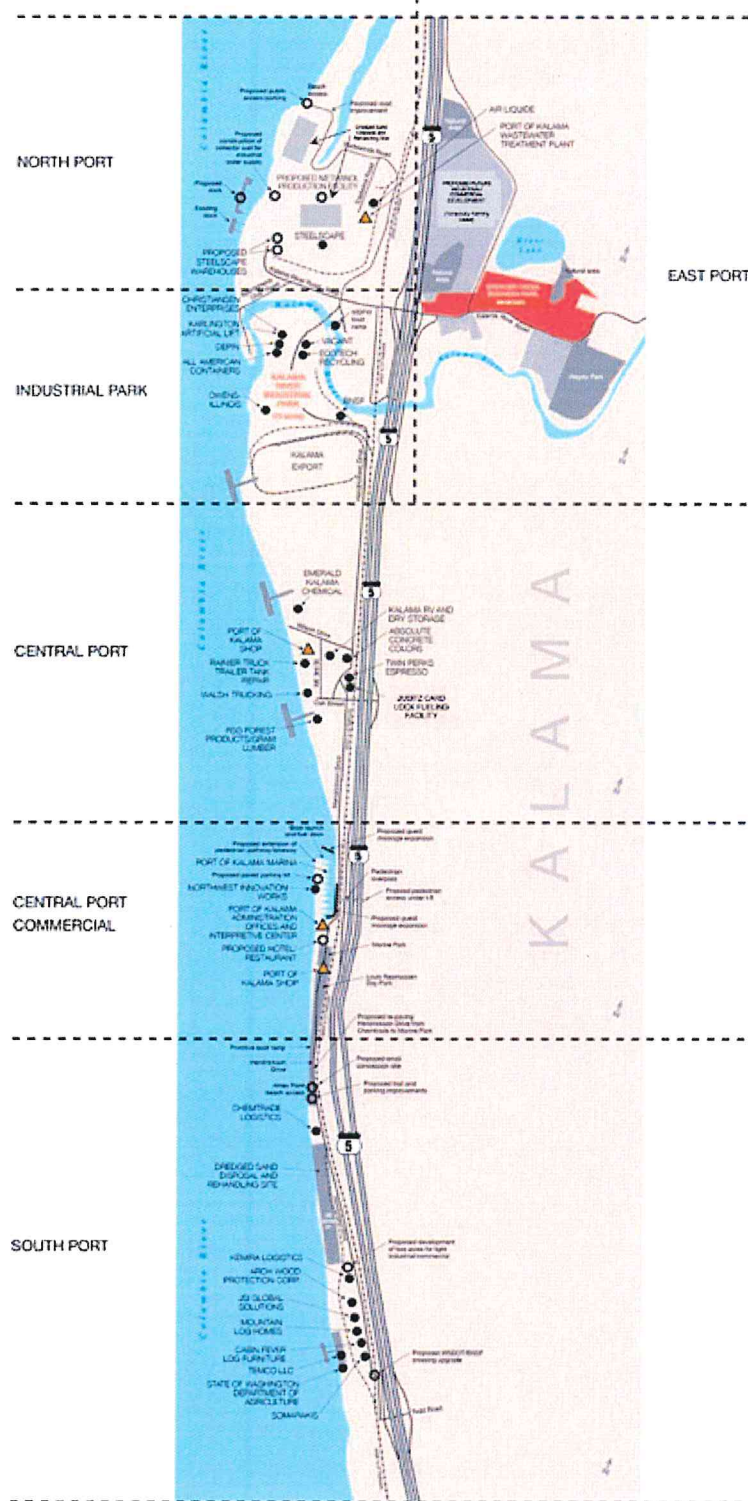
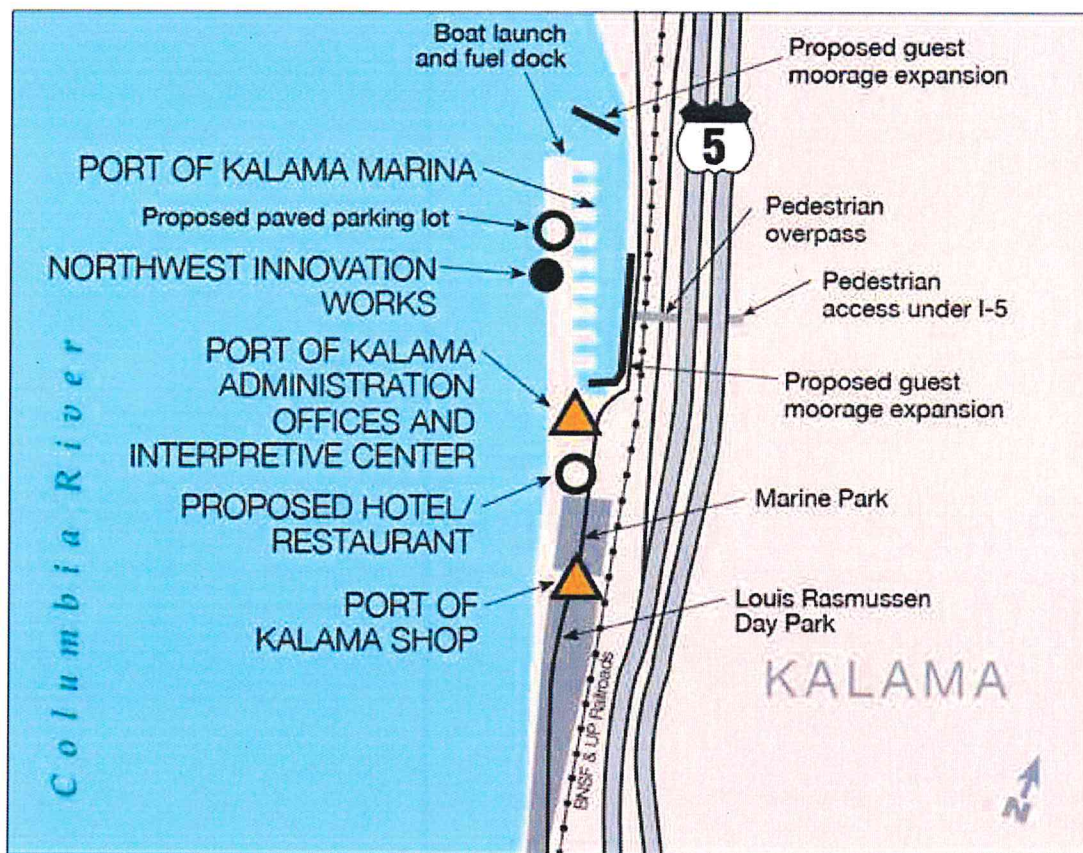


Figure 35 – Map of Central Port –Commercial/Industrial





Port of Kalama officials laud completion of waterfront park expansion

By Leila Summers

Jun 12, 2008

KALAMA — Create a place to play, and people will have more places to work.

That's the working idea behind the Port of Kalama's newly christened park along the Columbia River, a \$700,000 project that helps fill a waterfront recreation deficit in Cowlitz County.

"It's giving back to the citizens of Kalama — they have a great park here," Port of Kalama spokeswoman Mindi Linquist said Wednesday. "And, it's a great way to recruit businesses. If Kalama is a great place to live, businesses will want to locate here."

The park, located south of the port's marina, is partly on the footprint of a former RV park. Port commissioners decided last year to convert the space into a day use park and expand the recreation area, known as Louis Rasmussen Day Use Park, to 5.5 acres.

The expansion improves Kalama and is worth the investment because the area has always been well-used, said port Commissioner Jim Lucas.

"It just shows that it's well worth the time and money to do those things," Lucas said.

For Larry and Sondra Morrow, the park is a place to meet and greet friends.

"If you walk down here every day, you see the same people," said Sondra, a Kalama resident who typically walks six days each week. "We've made several sets of friends walking down here."

"You see one group of people at 8 o'clock ... another group of people in the afternoon," added Larry, who enjoys watching large ships on the Columbia.

The newly expanded park offers picturesque views from its extended walking/biking trail and three new picnic shelters. It now includes three horseshoe pits, a sandy play area, a new tennis court, two half-court basketball courts, two sand volleyball courts, three new staircases to the river, one refurbished restroom and 55 additional parking spaces.

More than 200 people enjoyed on Sunday, when the port held a dedication with an afternoon barbecue and live music.

The port paid for the park improvements from business revenues — such as lease fees — not tax dollars, Linquist said.

The contractors were WCH Enterprises of Vancouver, which was paid \$150,000 to build the picnic shelters, and Colf Construction, also of Vancouver, which was paid \$550,000. (Colf Construction is owned by a member of the Colf family from Woodland that owns Martin Island, which lower river ports are negotiating with to acquire for its Columbia River dredging project.)

Michelle Boston, who owns a coffee and sandwich stand near the port's entrance, said she's optimistic the new park will bring new visitors and customers to Kalama. Business has dropped since salmon fishing restrictions were enacted, she said.

Kelso residents John Ellis and Sharon Hoepfl said the park is one of their favorites in the county. They enjoy walking the path, picnicking in the summer and watching Thor, Hoepfl's dog, run in the water "biting the waves."

"It's nice because you don't have to drive very far and you can enjoy the river," Hoepfl said at the park Wednesday. "It's peaceful."

Media



Port Townsend Overview May 21, 2019

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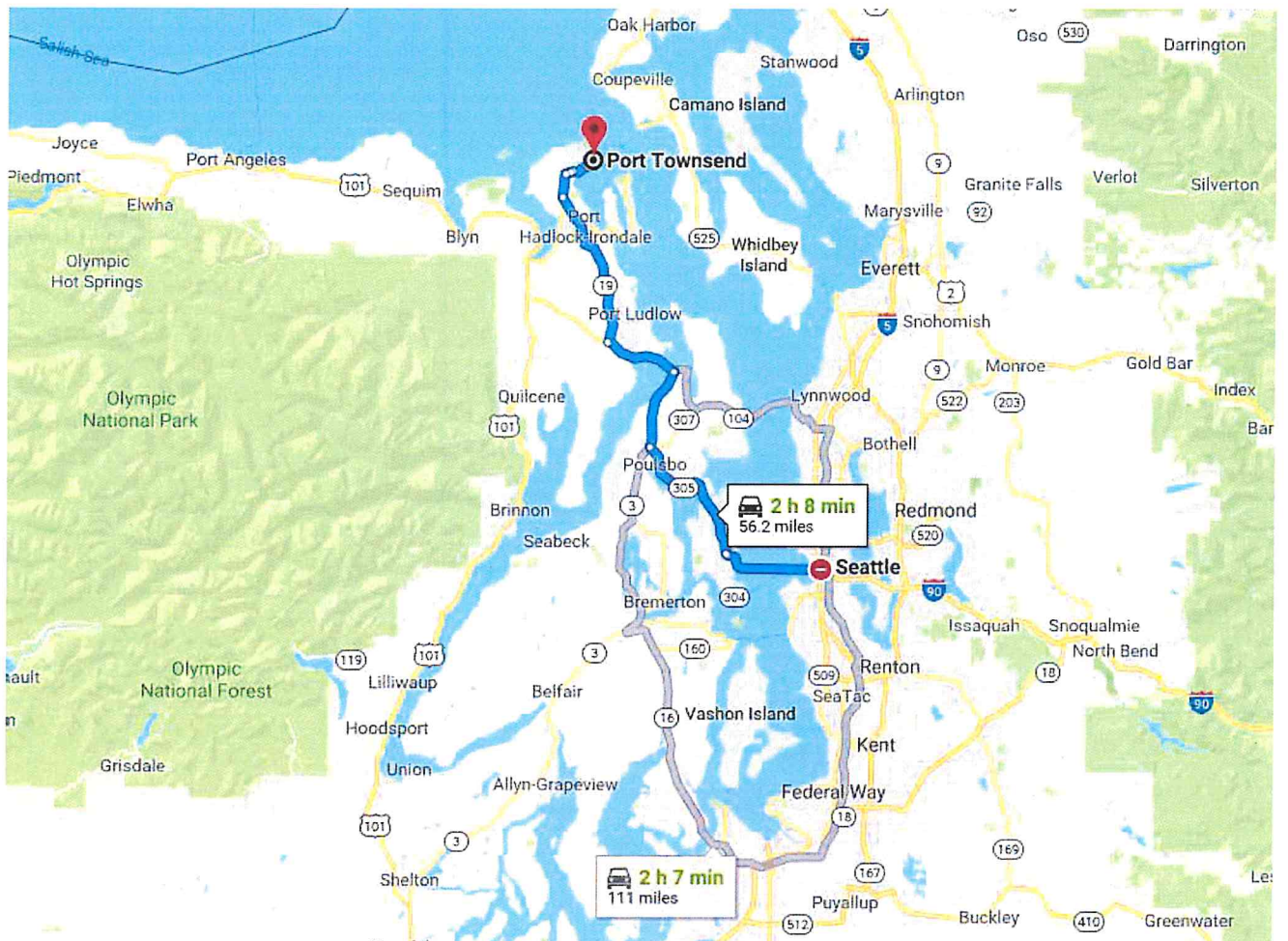
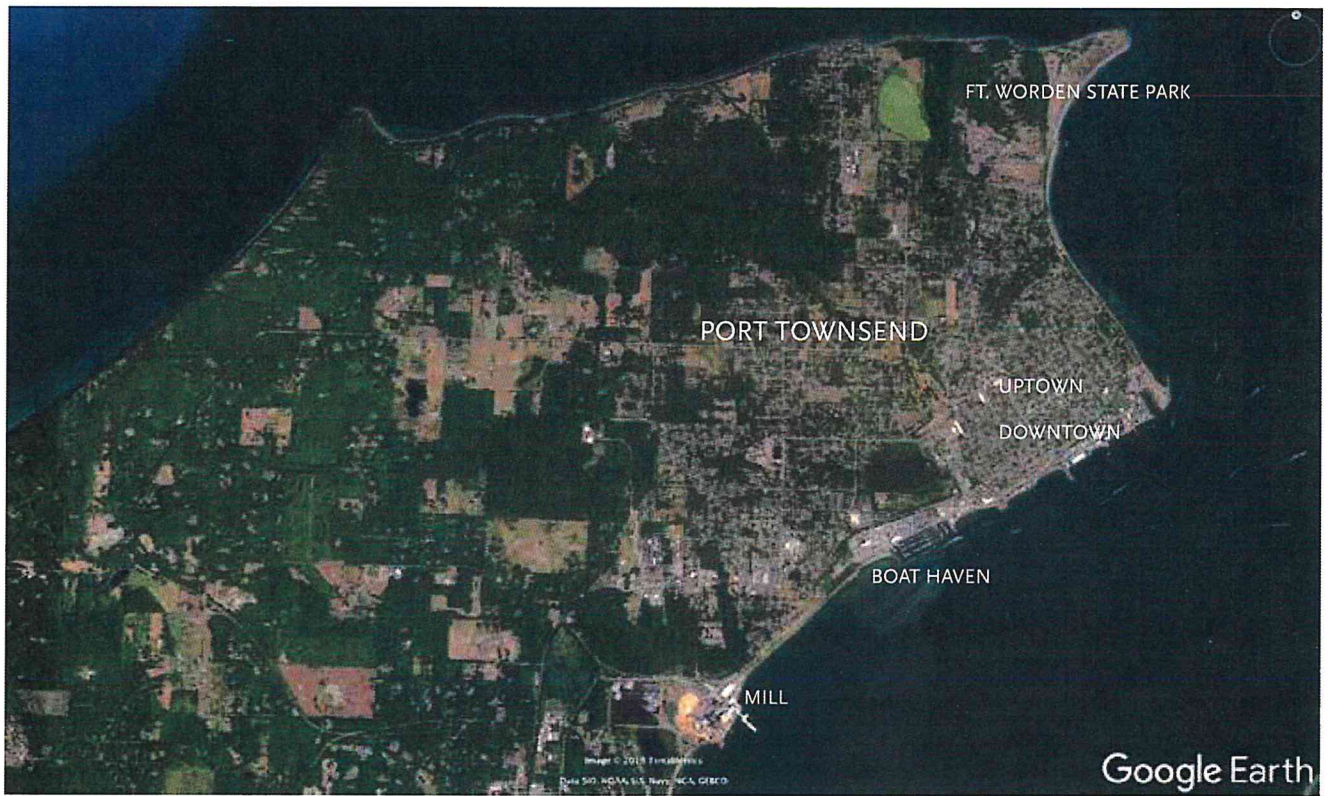


Data Comparison

V1 - May 20, 2019

	2016	2016	2016	2016	2016	2016	2016
	Astoria	Warrenton	Newport	Pt. Townsend	Clatsop County	Oregon	Portland
Population	9,595	5,260	10,139	9,315	37,660		639,635
Median Age	44.2	34.5	44.3	55	43.7		36.7
Employees	4,427	2,444	4,439	3,957	16,840		352,809
% Population Employees	46%	46%	44%	42%	45%		55%
Median Income	\$43,919	\$51,056	\$38,531	\$50,330	\$47,492	\$53,270	\$62,127
Poverty Rate	17.8%	12.7%	19.6%	13.4%	14.0%		14.7%
Median Property Value	\$233,600	\$208,600	\$219,100	\$298,700	\$245,400		\$395,100

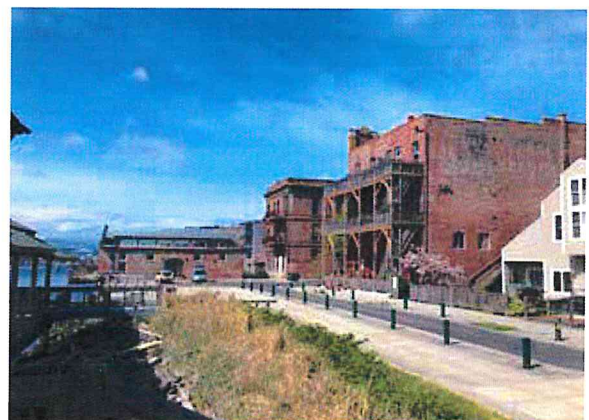
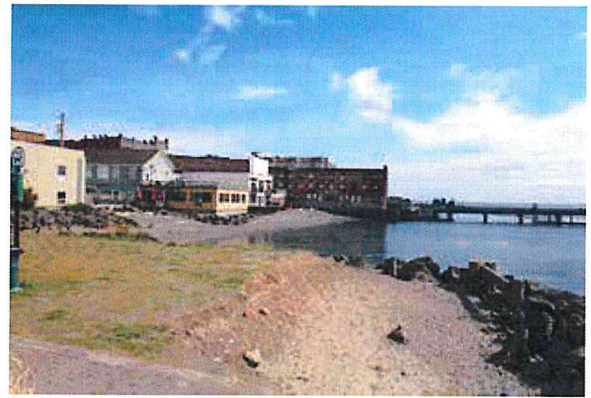
*datausa.io



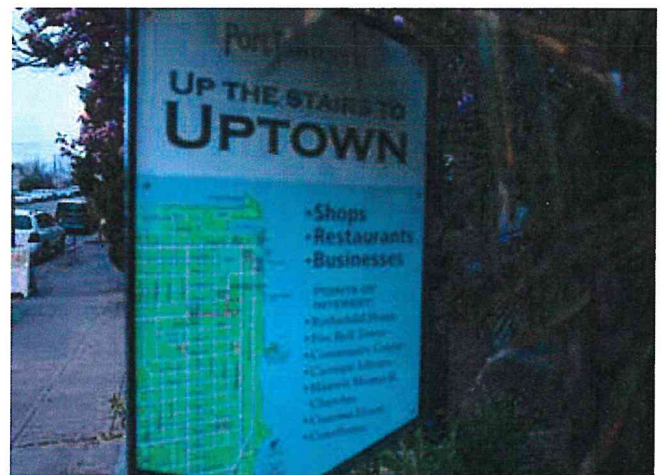
Maps, Aerials



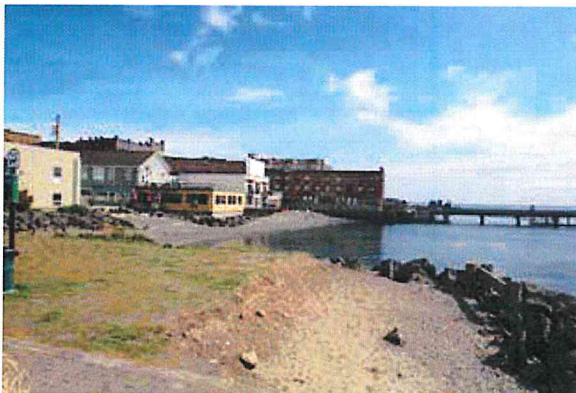
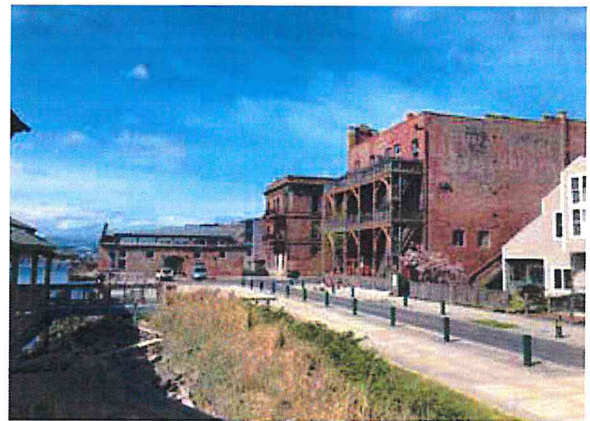


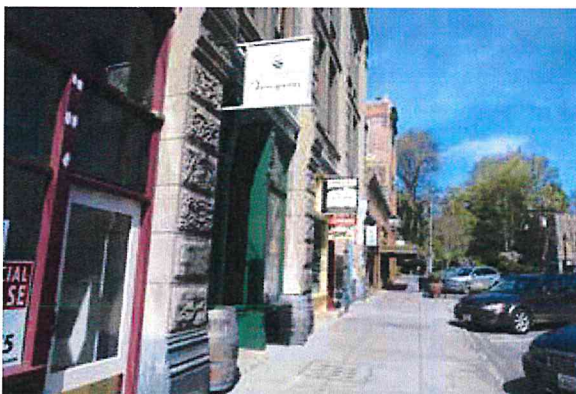
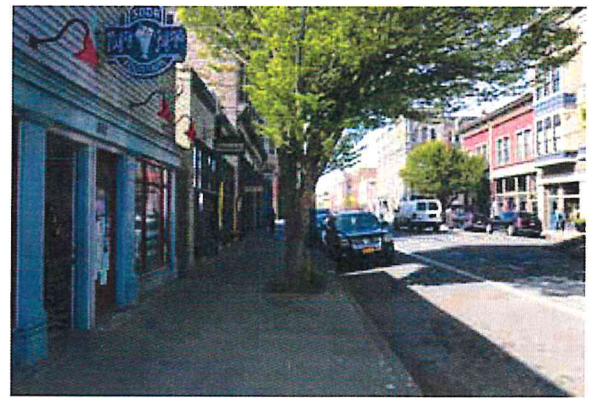


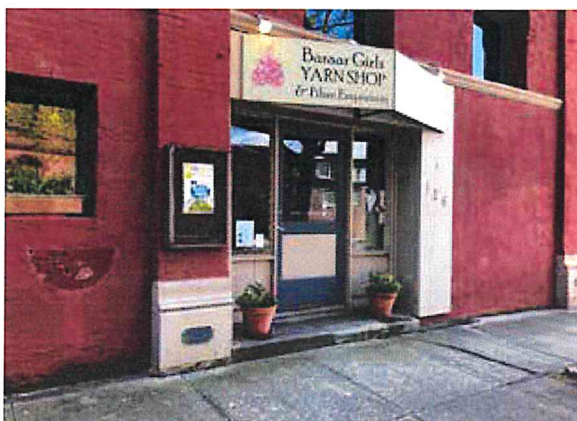
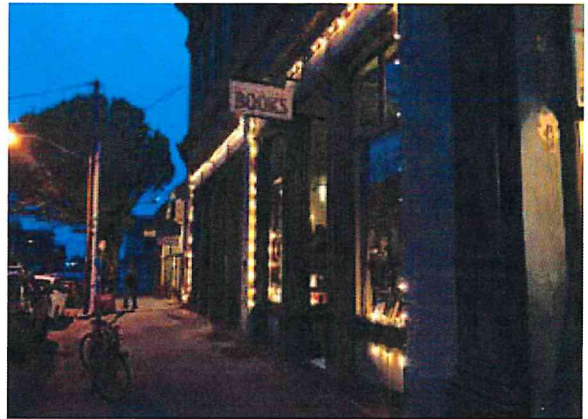
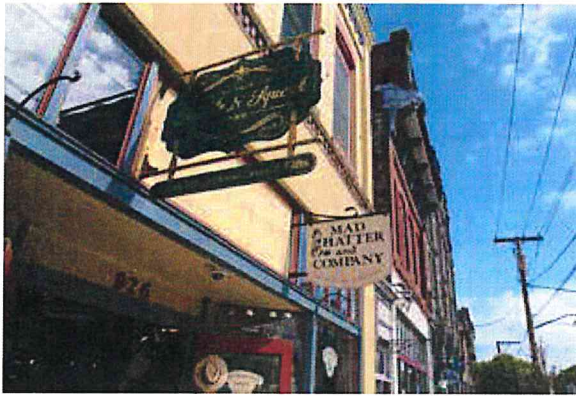
Waterfront



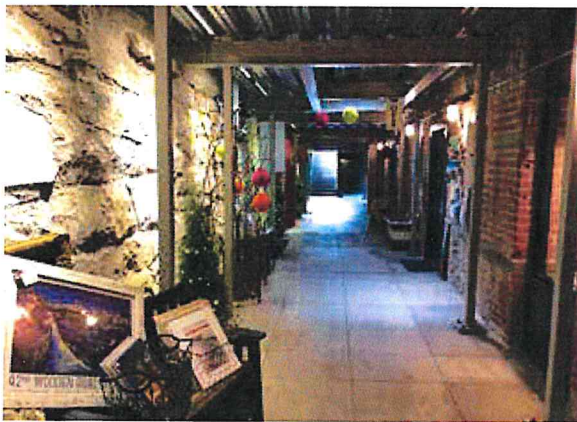
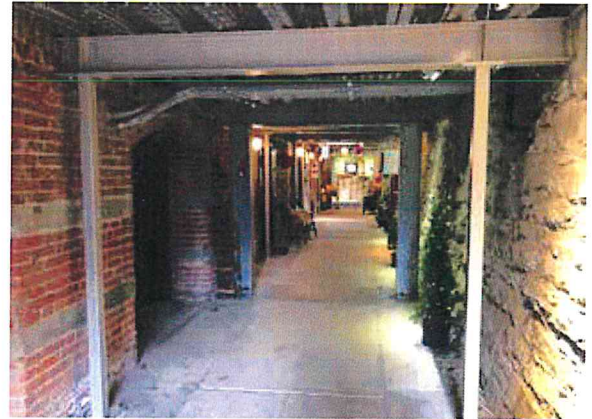
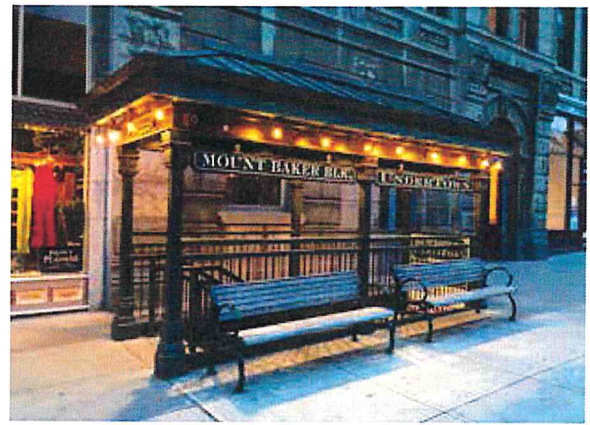
Retail



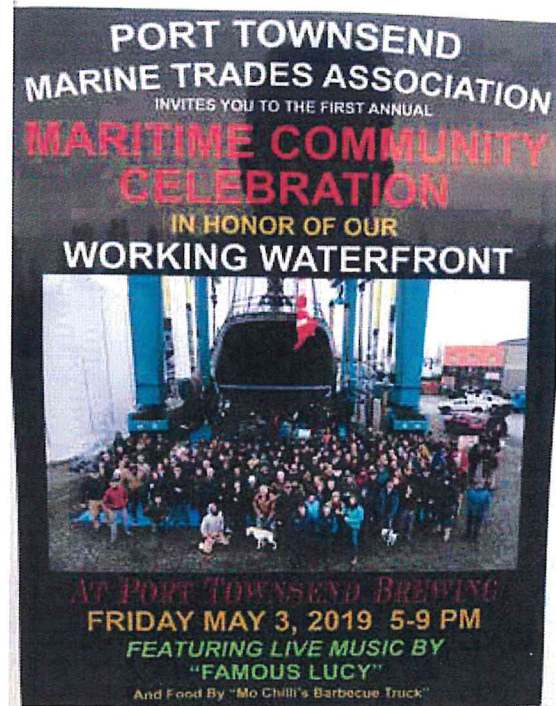
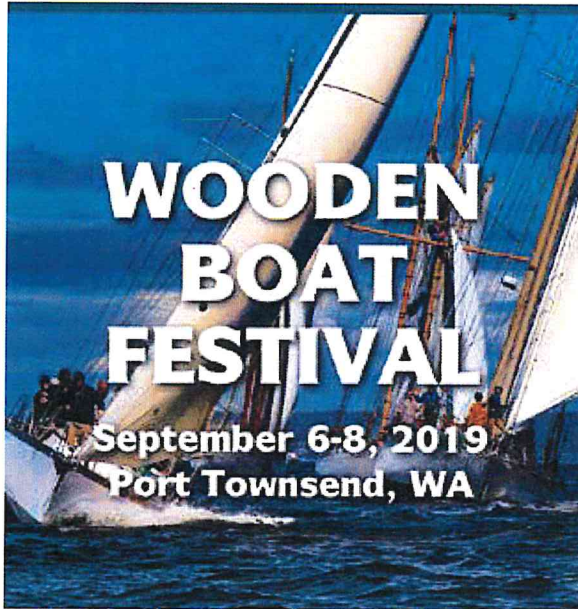














Hospitality











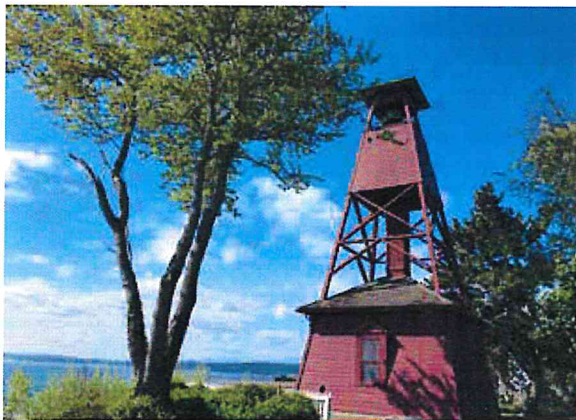








Marinas



FIRE BELL TOWER

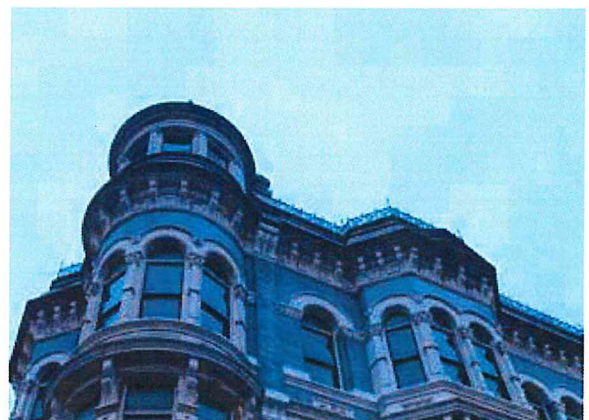
This is the last remaining wooden fire bell tower in the United States.

Port Townsend's Fire Bell Tower is a 75-foot wooden structure built in 1890 to hold a 1,500 pound brass bell and the city's new \$900 fire engine.

The ringing bell rallied the community to fight fires, providing a coded signal as to the location and severity of the blaze.

In October of 1989, the American Telegraph Company...





Steps up to Uptown from Downtown



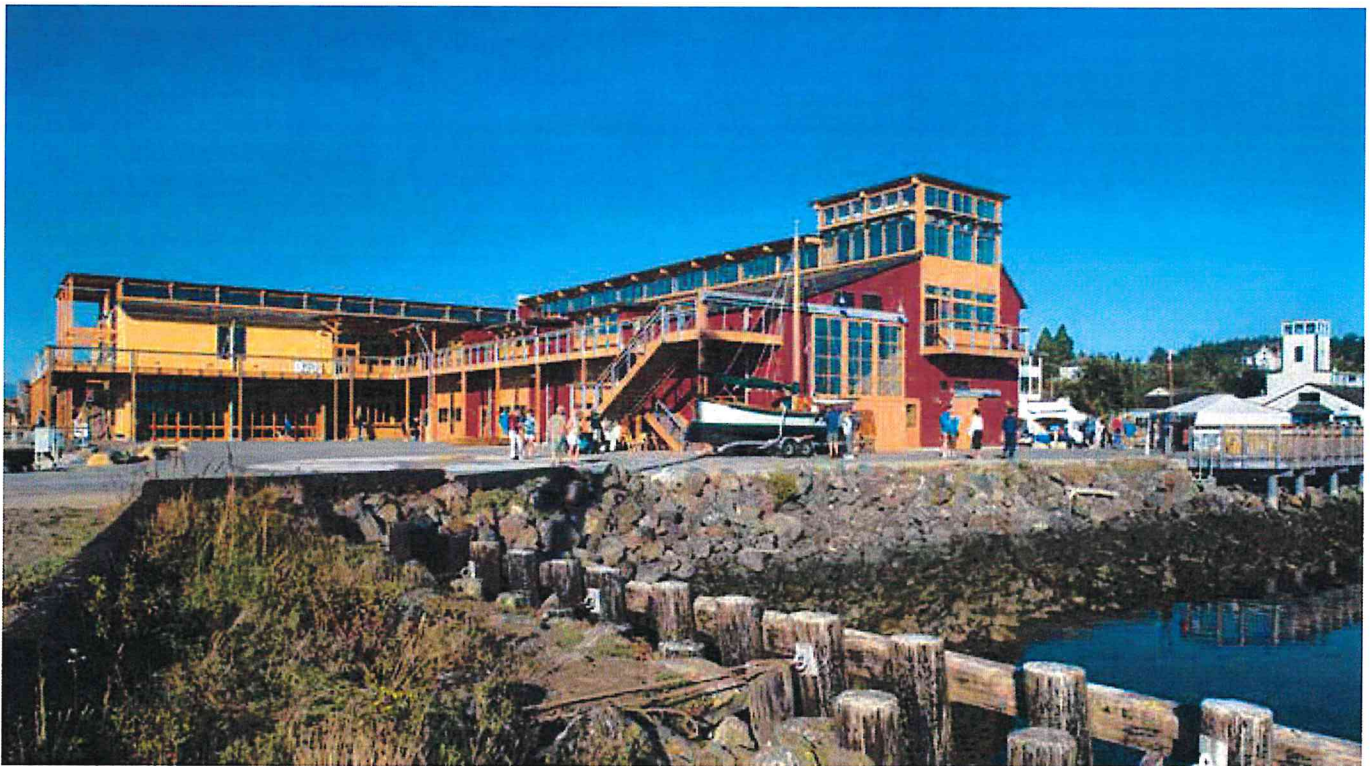
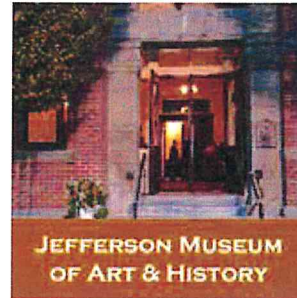
New Public Space in former parking area



Public Spaces



- [Centrum](#) – Weeklong workshops for all ages at Fort Worden State Park in the visual, literary, and performing arts.
- [Port Townsend School of Woodworking](#) – National destination for beginning and advanced woodworkers – also at Fort Worden State Park.
- [Peninsula College](#) – A Washington State Community College located at Fort Worden State Park offering college level courses, student services, public lectures and events, basic education for adults and a variety of non-credit community and business education classes.
- [Goddard College](#) – Innovative college located at Fort Worden State Park offering low residency [MFA in Creative Writing](#) and [MFA in Interdisciplinary Arts](#).
- [Port Townsend Marine Science Center](#) – Workshops in marine ecosystems and biology at Fort Worden State Park.
- [Port Townsend School of the Arts](#) – Enjoy a day, evening or weekend art class in beautiful Fort Worden State Park. Led by local and very talented artists in a variety of mediums and styles.
- [Northwest Maritime Center](#) – Workshops and events in a broad range of maritime skills and trades; located in downtown Port Townsend.
- [Northwest School of Wooden Boatbuilding](#) – Center for the art and history of wooden boatbuilding.



Cultural

